

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

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APPLICATION OF THE PETERBOROUGH AND  
HILLSBOROUGH RAILROAD AND BOSTON AND  
MAINE RAILROAD FOR CERTIFICATE AUTHORIZING  
ABANDONMENT AND ABANDONMENT OF OPERATION  
OF A LINE OF RAILROAD IN HILLSBOROUGH  
COUNTY, NEW HAMPSHIRE.

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W. A. Cole  
General Counsel

July 14, 1942

BOSTON & MAINE RAILROAD  
HISTORICAL SOCIETY  
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Respectfully represent the applicants as follows:

- a. Their full corporate names are The Peterborough and Hillsborough Railroad and Boston and Maine Railroad.
- b. They are common carriers by railroad subject to the Interstate Commerce Act.
- c. They herewith seek authority respectively to abandon and abandon operation of a railroad line approximately 7.5 miles in length between Peterborough station in the Town of Peterborough and Elmwood station in the town of Hancock, all in the County of Hillsborough and State of New Hampshire. The line is a portion of the property of The Peterborough and Hillsborough Railroad, which has been operated by the Boston and Maine Railroad under contract since 1888.
- d. The owning company seeks authority to abandon the line, and the Boston and Maine Railroad authority to abandon its operation.
- e. No traffic has been moved over the line since 1936 and there is no occasion for service on it. The only stations are Peterborough and Elmwood at either end and they will continue to receive rail service over other lines. Its abandonment will make the rail and other track materials available for other uses.

f. Correspondence in regard to this application may be addressed to W. A. Cole, General Counsel, 150 Causeway Street, Boston, Massachusetts.

g. The Peterborough and Hillsborough Railroad is organized under the laws of New Hampshire; Boston and Maine Railroad is organized under the laws of Maine, New Hampshire, Massachusetts and New York, and is authorized to do business in Vermont.

h. The making and filing of this application were authorized by votes of the Boards of Directors of The Peterborough and Hillsborough Railroad and Boston and Maine Railroad passed on July 10 and June 2, 1942, respectively, certified copies of which are attached hereto.

i. Attached hereto is a copy of a situation map showing the line in question and nearby rail lines. Except as otherwise indicated, all of said lines are operated as part of the system of the Boston and Maine Railroad.

THE PETERBOROUGH AND HILLSBOROUGH RAILROAD

By E. S. French  
President

BOSTON AND MAINE RAILROAD

By E. S. French  
President

VERIFICATION

Commonwealth of Massachusetts.

Suffolk, ss.

E. S. French makes oath and says that he is President of The Peterborough and Hillsborough Railroad and the Boston and Maine Railroad, applicants herein; that he has been authorized by proper corporation action on the part of said applicants to verify and file with the Interstate Commerce Commission the foregoing application; that he has carefully examined all the statements therein and that all such statements are true and correct to the best of his knowledge, information and belief.

E. S. French

Subscribed and sworn to  
before me, a Notary Public  
in and for the Commonwealth  
and County above named,  
this 14th day of July, 1942.

Arthur B. Nichols  
Notary Public

My commission expires March 27, 1947

(Notarial Seal)

At a meeting of the Executive Committee of the Board of Directors of BOSTON AND MAINE RAILROAD, duly notified and held at Boston, Massachusetts, on June 2, 1942, a quorum being present, the following action was unanimously taken:

"VOTED: that the corporation abandon operation of the line of railroad approximately 7.5 miles in length between stations known as Peterboro and Elmwood in the towns of Peterboro and Hancock, respectively, in Hillsborough County and State of New Hampshire, and that the President, E. S. French, be and he hereby is authorized on behalf of the corporation to sign, verify and file an appropriate application to the Interstate Commerce Commission and a return to any Questionnaire submitted by said Commission, and generally to perform all acts necessary, convenient or desirable toward accomplishing the foregoing."

Attest:

Arthur B. Nichols  
Clerk

(Corporate Seal)

At a meeting of the Board of Directors of THE PETERBOROUGH AND HILLSBOROUGH RAILROAD, duly notified and held at Concord, New Hampshire, on July 10, 1942, a quorum being present, the following action was taken:

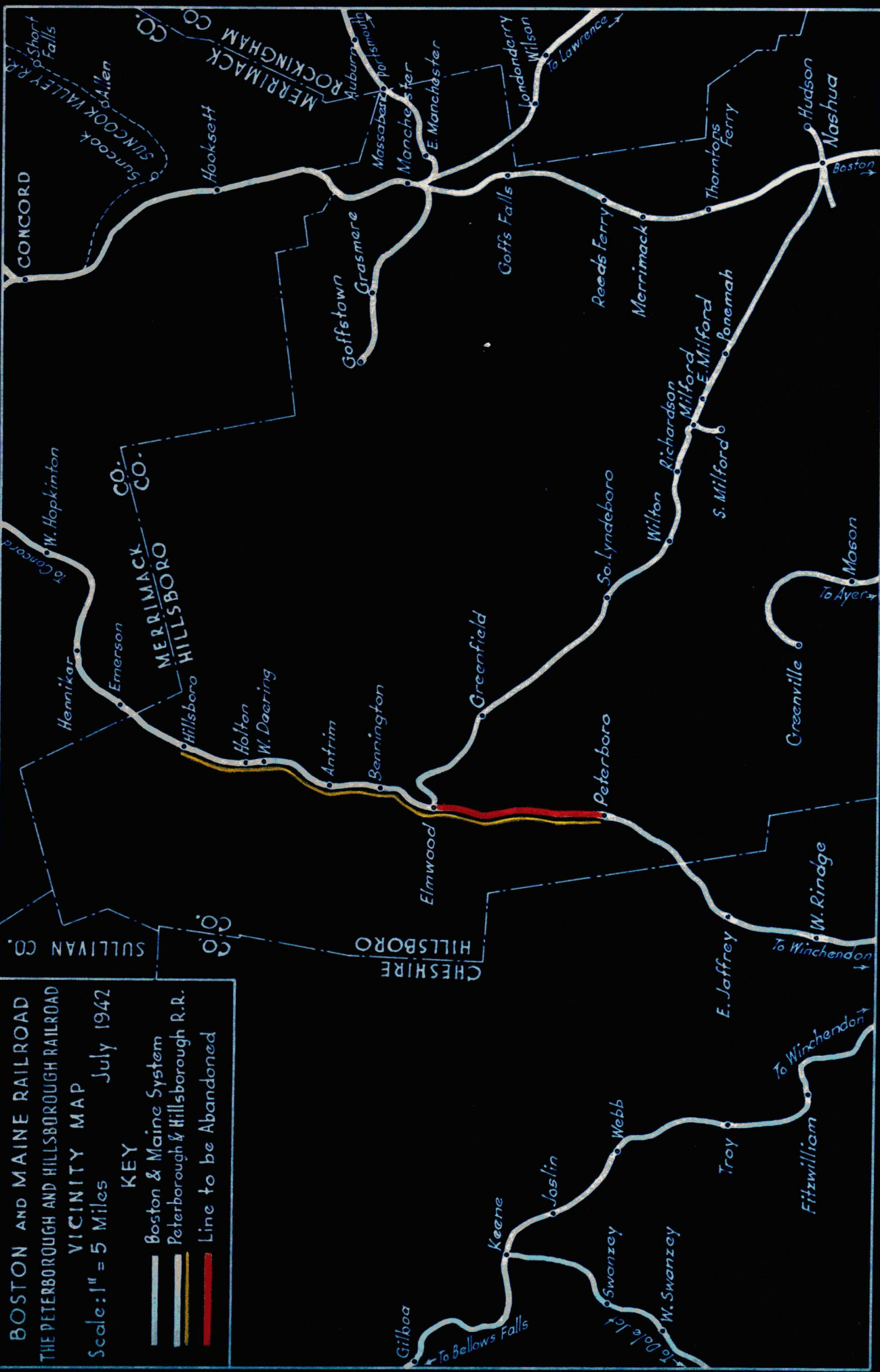
"VOTED: that the corporation abandon the portion of its line of railroad consisting of approximately 7.5 miles of line between Peterborough station in the town of Peterborough and Elmwood station in the town of Hancock, all in Hillsborough County and State of New Hampshire, and that the President, E. S. French, be and he hereby is authorized on behalf of the corporation to sign, verify and file an appropriate application to the Interstate Commerce Commission and a return to any Questionnaire submitted by said Commission, and generally to perform all acts necessary, convenient or desirable toward accomplishing the foregoing."

Attest:

Louise G. Howland

Clerk

(Corporate Seal)



**BOSTON AND MAINE RAILROAD  
THE PETERBOROUGH AND HILLSBOROUGH RAILROAD  
VICINITY MAP**  
Scale: 1" = 5 Miles July 1942

**KEY**

- Boston & Maine System
- Peterborough & Hillsborough R.R.
- Line to be Abandoned

COPY

This report will not be printed in full  
in the permanent series of Interstate  
Commerce Commission Reports.

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 13840

PETERBOROUGH & HILLSBOROUGH RAILROAD ET AL. ABANDONMENT

Submitted September 18, 1942.

Decided October 10, 1942.

Certificate issued permitting abandonment by the Peterborough  
& Hillsborough Railroad, and abandonment of operation by  
the Boston & Maine Railroad, lessee, of a line of rail-  
road in Hillsborough County, N. H.

W. A. Cole for applicants.

Ernest R. D'Amours and Laurence I. Duncan for protestants.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

The Peterborough and Hillsborough Railroad and the  
Boston and Maine Railroad, lessee, on July 17, 1942, applied  
for permission to the former to abandon, and to the latter  
to abandon operation of, the line of railroad extending from  
Peterborough to Elmwood station, in the town of Hancock, a  
distance of approximately 6.52 miles, all in Hillsborough  
County, N. H. Protests were filed, and a hearing was held  
at which the State of New Hampshire opposed the application.

The line proposed to be abandoned was opened for opera-  
tion in 1878 and has been operated, under lease, by the  
Boston & Maine since 1888. For the most part the line is  
laid with 79-pound rail. The ruling grade eastbound is 3.04  
percent, and that westbound is 1.75 percent. There are, on  
the average, two curves to the mile, and most of them are  
quite sharp. The applicants state that the net salvage value  
of the recoverable material is \$11,696.

The tributary territory is sparsely settled. There are  
no stations between the termini of the line. Peterborough  
and Elmwood will continue to receive rail transportation  
from other lines of the applicants. Passenger service was  
discontinued in March 1936, and there has been no regular  
freight service over the line since about 1930. The line  
was damaged by a flood and hurricane in 1938, but it was  
later repaired and made serviceable for emergency freight  
operation at a speed of 10 miles an hour. A report and



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The line proposed to be abandoned was opened for operation in 1878 and has been operated, under lease, by the Boston & Maine since 1888. For the most part the line is laid with 79-pound rail. The ruling grade eastbound is 3.04 percent, and that westbound is 1.75 percent. There are, on the average, two curves to the mile, and most of them are quite sharp. The applicants state that the net salvage value of the recoverable material is \$11,696.

The tributary territory is sparsely settled. There are no stations between the termini of the line. Peterborough and Elmwood will continue to receive rail transportation from other lines of the applicants. Passenger service was discontinued in March 1936, and there has been no regular freight service over the line since about 1930. The line was damaged by a flood and hurricane in 1938, but it was later repaired and made serviceable for emergency freight operation at a speed of 10 miles an hour. A report and order of the New Hampshire Public Service Commission dated July 10, 1940, ordering rehabilitation of the line for freight service, estimated that it would cost approximately \$1,710 to resume service over the line. A witness for the applicants testified that because of the substantial amount of deferred maintenance of the line it would cost about \$4,200 a year to operate freight service on a long-term basis. The line, when used in the past, was operated essentially for overhead traffic and was not used to any extent by the people living along it.

**Finance Docket No. 13840 - Sheet 3.**

The protestants contend that the increased distances resulting from abandonment of the line would, in effect, increase the freight rates to and from Peterborough and Elmwood, and that under existing conditions the line should be retained for the duration of the present emergency as an alternate rail route for the transportation of war materials and evacuees in case of an air raid or invasion. We have held heretofore that the question of rates is not of controlling interest in abandonment cases. Chicago, B. & Q. R. Co. Abandonment, 193 I.C.C. 233. The second contention of the protestants is too conjectural to require the applicants to maintain and operate a line of railroad which has not been used for any purpose for more than six years.

It is apparent from the record that there is no public need for the line in question and that its operation would impose an undue and unnecessary burden upon the applicants and upon interstate commerce.

We find that the present and future public convenience and necessity permit abandonment by The Peterborough and Hillsborough Railroad, and abandonment of operation by the Boston and Maine Railroad, lessee, of the line of railroad in Hillsborough County, N. H., described herein. An appropriate certificate will be issued, effective from and after 30 days from its date, in which suitable provision will be made for the cancelation of tariffs.

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**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 4, held at its office in Washington, D. C., on the 10th day of October, A. D. 1943.

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Finance Docket No.13840

PETERBOROUGH & HILLSBOROUGH RAILROAD ET AL. ABANDONMENT

---

Investigation of the matters and things involved in this proceeding having been made, a hearing having been held, and said division having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof:

It is hereby certified, That the present and future public convenience and necessity permit abandonment by The Peterborough and Hillsborough Railroad, and abandonment of operation by the Boston and Maine Railroad, lessee, of the line of railroad in Hillsborough County, N.H., described in the report aforesaid.

It is ordered, That this certificate shall take effect and be in force from and after 30 days from its date. Tariffs may

violating interests in abandonment of  
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report containing its findings of fact and conclusions thereon,  
which report is hereby referred to and made a part hereof:

It is hereby certified, That the present and future public  
convenience and necessity permit abandonment by The Peterborough  
and Hillsborough Railroad, and abandonment of operation by the  
Boston and Maine Railroad, lessee, of the line of railroad in  
Hillsborough County, N.H., described in the report aforesaid.

It is ordered, That this certificate shall take effect and  
be in force from and after 30 days from its date. Tariffs may  
be canceled upon notice to this Commission and to the general  
public by not less than 10 days' filing and posting in the man-  
ner prescribed in section 6 of the Interstate Commerce Act.

It is further ordered, That the Boston and Maine Railroad,  
when filing schedules canceling tariffs applicable on said line,  
shall in such schedules refer to this certificate by title, date,  
and docket number.

And it is further ordered, That the Boston and Maine Rail-  
road shall report to this Commission as required by valuation  
order No. 24, effective May 15, 1928.

By the Commission, division 4.

(SEAL.)

W. P. BARTEL,  
Secretary.

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

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Finance Docket No. 13840

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PETERBOROUGH & HILLSBOROUGH RAILROAD, ET AL.  
ABANDONMENT

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ANSWER OF APPLICANTS TO PETITION OF  
STATE OF NEW HAMPSHIRE FOR RE-HEARING

---

W. A. Cole  
Counsel for Applicants  
Peterborough and Hillsborough Railroad  
Boston and Maine Railroad

November 10, 1942

BEFORE THE  
INTERSTATE COMMERCE COMMISSION

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Finance Docket No. 13840

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PETERBOROUGH & HILLSBOROUGH RAILROAD, ET AL.  
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ANSWER OF APPLICANTS TO PETITION OF  
STATE OF NEW HAMPSHIRE FOR RE-HEARING

Now come the applicants and herewith make answer to the petition by the State of New Hampshire for re-hearing of this matter, as follows:

I. This application was filed on July 17, 1942, notice of the application was published and posted as required, and it is assumed that the Commission gave timely notice to the State of New Hampshire. Hearing was held on September 18 at Concord, New Hampshire, before Examiner Sullivan, at the conclusion of which counsel for the State of New Hampshire stated that he did not care to file a brief.

II. Testimony in opposition to the application was given by seven witnesses, including a detailed description of the line and its value, if any, by the Transportation Director of the New Hampshire Public Service Commission.

III. The effect of the abandonment of a line upon freight rates is a subject which the Commission has many

times held is not of controlling importance. However, if the petitioner desired to present any evidence as to the amount of traffic which might be affected by an increase in rates, there was adequate time to prepare and submit such data between the time when the application was filed and time of the hearing.

IV. The reference to the effect of the "abandonment of this rail line within the industrial limits of the city of Nashua" is not understood, as the line is some thirty miles from Nashua.

V. There has been no service over the line since 1938 and it should no longer be maintained and the rail and other materials kept from essential uses merely because its removal might have some effect on freight rates.

VI. The petition for re-hearing was dated November 9, 1942 and the Commission's order is effective on the same day. Arrangements have already been made for salvaging the material in the track as the approach of winter makes it imperative that its demolition be undertaken promptly.

WHEREFORE applicants ask that said motion be denied.

Respectfully submitted,

W. A. Cole

Counsel for applicants  
Peterborough and Hillsborough  
Railroad  
Boston and Maine Railroad

November 10, 1942

CERTIFICATE OF SERVICE

I hereby certify that I have this day duly served the foregoing document upon all parties of record in these proceedings by mailing by first-class mail a copy thereof properly addressed to each other party.

Dated at Boston, Massachusetts, this tenth day of November, 1942

W. A. Cole.