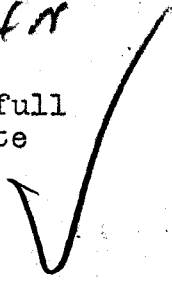


*Vol Am 7844.41*

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INTERSTATE COMMERCE COMMISSION

Finance Docket No. 13839

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted September 22, 1942. Decided October 29, 1942.

Public convenience and necessity not shown to permit abandonment by the Boston & Maine Railroad of a branch line of railroad in Middlesex County, Mass. Application denied.

W. A. Cole for applicant.  
Frank B. Wallis for protestants.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIE, AND MILLER

BY DIVISION 4:

The Boston and Maine Railroad on July 17, 1942, applied for permission to abandon the portion of its so-called Reformatory branch extending from Bedford to Concord (T), approximately 3.85 miles, in Middlesex County, Mass. A protest was filed and a hearing has been held. No representations have been made by any State authority.

The Reformatory branch was opened for operation to Concord in 1873 and to Reformatory in 1879. Originally built by the Middlesex Central Railroad Company, it was merged with the Boston & Lowell Railroad Corporation in 1883 and acquired by the applicant in 1919. By our report and certificate of February 5, 1927, we authorized the applicant to abandon the portion of the Reformatory branch extending from Concord to Reformatory. Abandonment by B. & M. R. R., 117 I.C.C. 679.

Bedford is served by the applicant's Lexington branch and Concord by its Fitchburg division. Concord also is served by the New Haven's Framingham-Lowell line. The territory tributary to the segment of the line sought to be abandoned is residential and to some extent devoted to truck farming. Concord (T) is approximately a mile from the applicant's principal station in Concord and is within the area of good town streets. There has been no passenger service on the line since 1926. Freight service is provided by a local train operating on the Boston-North Billerica line, which goes to Concord (T) when required for carload traffic. During 1940, 113 trips were made and

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during 1941, 129 trips. No less-than-carload traffic is handled, and there are no outbound shipments. Coal and feed are the principal items of traffic received. There were 3,776 tons of traffic received at Concord (T) in 1940, 4,443 tons in 1941, and 3,347 tons in the first eight months of 1942. In 1924 the number of cars received at Concord (T) was slightly under 600, as compared with 116 in 1941.

Railway operating revenue from all traffic terminated on the line amounted to \$7,526 in 1940, \$9,713 in 1941, and \$4,446 in the first five months of 1942. Of the total revenue received, the applicant allocates to the line on a mileage prorate \$173 for 1940, \$222 for 1941, and \$100 for the first five months of 1942. The applicant contends that abandonment of the line should result in no loss in system freight revenue, since all of the traffic handled is long-haul traffic. The out-of-pocket expense of operating the line was \$2,300 in 1940, \$4,591 in 1941, and \$1,955 in the first five months of 1942. The estimated cost of moving the traffic beyond the line on other system lines for the period mentioned was \$3,948, \$5,253, and \$2,395, resulting in system earnings, except where otherwise stated, of \$1,278, \$131 (loss), and \$96. The cost was determined on the basis of the system freight operating ratios applied to the system revenues from the line traffic, less the revenues credited to the line. If the cost is computed on a 50-percent basis, which is ordinarily used in cases of this character, operation for the period stated results in net system earnings of \$1,549, \$376, and \$318. The applicant estimates that the normal annual ~~expense~~ of operating the line in the future would be \$3,045.

There are two plants located at Concord (T): One, a former electric light plant, is now operated as a substation. Formerly a considerable amount of coal was delivered to this plant, but only an occasional car of poles is now delivered to it. A witness for the protestants testified, however, that the unloading facilities for coal could be readily put to use in the event it became necessary for the town to generate its own electricity.

The second plant located at Concord (T) is that of the Whitney Coal & Grain Company. Its facilities are situated on land leased from the applicant and consist of a storage plant with an elevator for coal, a storage plant for farm machinery, seed potatoes, fertilizer, and other products, and another building for the same purpose and offices. This company receives about 85 percent of the total traffic at Concord (T), consisting mainly of anthracite and feed. Its 1941 coal traffic exceeded the 1940, 1939, and 1938 tonnage by 500, 700, and 800 tons, respectively, and particularly because of the limited use of motor transportation the company's president anticipates substantial increase in rail traffic in the immediate future. It also receives annually at its plant at Concord (T) about 1,000 tons of bituminous coal, 500 or 600 tons of fertilizer, and about 500 tons of coke. These last-named products are now handled by truck.

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The Whitney Coal & Grain Company has another plant on the applicant's Fitchburg division at West Concord, about 3 miles distant. The applicant points out that it has land adjacent to this latter plant which would be available in the event the company desired to expand its plant. The company contends, however, that, aside from the financial loss that would be incurred by abandoning its plant at Concord (T) and expanding its plant at West Concord, a round-trip truck haul of about 8 miles would be necessitated since the customers which it serves from its plant at Concord (T) reside or are located in territory in the opposite direction of its plant at West Concord. This company also contends that the coal pocket, side-track facilities, and coal trestle, at the applicant's principal station in Concord, which have not been used for several years, would have to be almost entirely rebuilt before they could be used.

In addition to the two plants mentioned above, there is located on the line sought to be abandoned an oil-storage plant of the Standard Oil Company. Although at one time a substantial amount of oil was received by this plant over the applicant's line, it has not been used for several years.

The principal objection of the other protestants is that the abandonment of the line in question will necessitate an increased truck haul of the coal and feed which are now received at Concord (T), and they fear that the territory served from that station will become increasingly dependent upon rail transportation.

The branch has not been operating at a loss, and the record indicates that traffic will increase in the future. Under the circumstances, abandonment of the branch is not warranted at this time.

We find that the present and future public convenience and necessity are not shown to permit abandonment by the Boston and Maine Railroad of the branch line of railroad in Middlesex County, Mass., described herein. The application must, therefore, be denied. An appropriate order will be entered.

ORDER

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 4, held at its office in Washington, D. C., on the 29th day of October, A. D. 1942.

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Finance Docket No. 13839

BOSTON & MAINE RAILROAD ABANDONMENT

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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 ordered, That the application of the Boston and Maine Railroad for permission to abandon the branch line of railroad in Middlesex County, Mass., described in the report aforesaid, be, and it is hereby, denied.

By the Commission, division 4.

W. P. BARTEL

(SEAL.)

Secretary.

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