

BEFORE THE
INTERSTATE COMMERCE COMMISSION

APPLICATION OF BOSTON AND MAINE RAILROAD
FOR A CERTIFICATE AUTHORIZING IT TO ABANDON
A PORTION OF ITS LINES IN YORK AND CUMBER-
LAND COUNTIES, MAINE

Respectfully represents the applicant, Boston and
Maine Railroad, as follows:

- a. Its full corporate name is BOSTON AND MAINE RAILROAD.
- b. It is a common carrier by railroad subject to the Interstate Commerce Act.
- c. It herewith seeks authority to abandon the portion of its line 9.72 miles in length between a point just east of sidetrack switch in the town of Saco, York County to Tower No. 1 at Rigby in the town of Scarborough, Cumberland County, all in the State of Maine.
- d. Abandonment of the line is sought.
- e. Between Biddeford and Rigby applicant has two lines of railroad, the single track east route and the double track west route. These lines are parallel and not far apart, and the west route can easily handle all of the traffic moving between the points in question. The proposed abandonment of part of these duplicate facilities will make the rail and other materials available for other and essential uses and will result in a saving of the cost of maintaining the line in

question. The operation of the east route from Biddeford to Saco will be continued.

f. Correspondence in regard to this application may be addressed to R. J. Fletcher, Commerce Counsel, 150 Causeway Street, Boston, Massachusetts.

g. Applicant 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 a vote of its Board of Directors passed November 23, 1943, a certified copy of which is 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.

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 Boston and Maine Railroad, applicant herein; that he has been authorized by proper corporate action on the part of said applicant 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 seventh day of December, 1943.

Arthur B. Nichols
Notary Public

My commission expires March 27, 1947

(Notarial seal)

At a special meeting of the Board of Directors of BOSTON AND MAINE RAILROAD, duly notified and held on November 23, 1943, a quorum being present, the following action was taken:

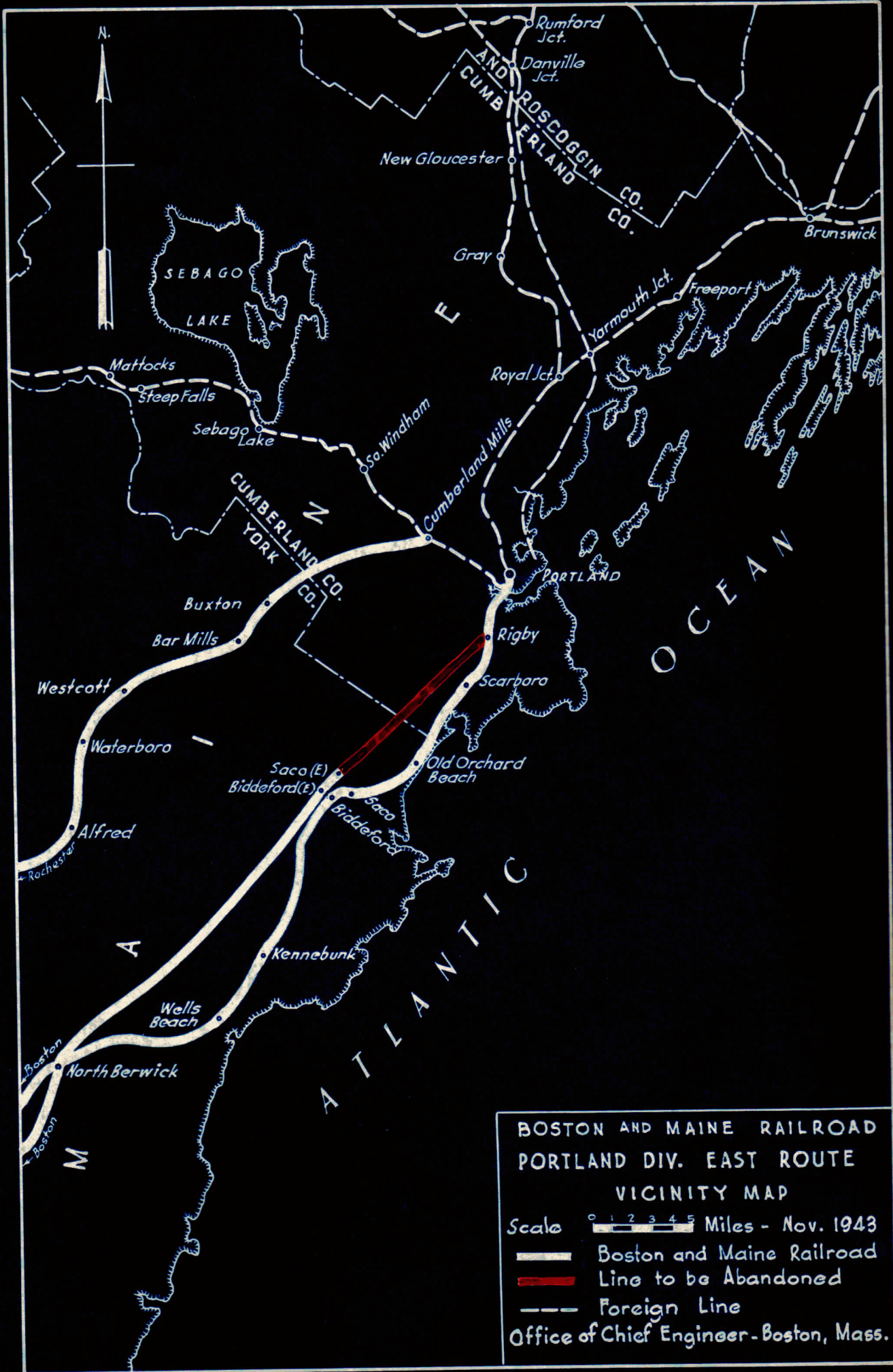
"VOTED: That the corporation abandon the portion of its railroad 9.72 miles in length between a point just east of sidetrack switch in the town of Saco, York County to Tower No. 1 at Rigby in the town of Scarborough, Cumberland County, all in the State of Maine (such line being part of the so-called east route), 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)



**BOSTON AND MAINE RAILROAD
 PORTLAND DIV. EAST ROUTE
 VICINITY MAP**

Scale 0 1 2 3 4 5 Miles - Nov. 1943

— Boston and Maine Railroad
 — Line to be Abandoned
 - - - Foreign Line

Office of Chief Engineer - Boston, Mass.

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

INTERSTATE COMMERCE COMMISSION

BOSTON & MAINE RAILROAD
HISTORICAL SOCIETY
ARCHIVES

Finance Docket No. 14430

BOSTON & MAINE RAILROAD ABANDONMENT

Submitted March 14, 1944.

Decided April 28, 1944.

Certificate issued permitting abandonment by the Boston & Maine Railroad of a line of railroad in York and Cumberland Counties, Maine.

R. J. Fletcher for applicant.

C. M. Kenyon and A. J. Cunningham for railway employees.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MAHAFFIZ, AND MILLER

BY DIVISION 4:

The Boston and Maine Railroad on December 8, 1943, applied for permission to abandon the line of railroad extending from a point immediately east of the sidetrack switch in the town of Saco, York County, to tower no. 1 at Rigby, in the town of Scarborough, Cumberland County, Maine, approximately 9.72 miles. ~~Protests were filed by representatives of railway employees, and a hearing was held for us by the Public Utilities Commission of Maine. No representations have been made by State authorities, and no objection to granting the application has been presented by any user of the line.~~

The line proposed to be abandoned was constructed for general railroad purposes by a previous owner in 1842, and was acquired by the applicant in 1900. It is a single-track line, laid with 100-pound rail, and maintained in good condition. A considerable number of rails, however, have been found defective and should be replaced in 1944 at an estimated cost of \$193,000 if the line is continued in operation. Practically all ties are creosoted and the entire line is ballasted with crushed stone. The net salvage value of the recoverable material is estimated at \$55,000.

The tributary territory is sparsely settled. No stations are served. The line is used exclusively for the handling of through freight and passenger trains. Within a short distance to the east, the applicant maintains and operates a double-track line between the same termini served by the line proposed to be abandoned. The applicant now intends to handle all the traffic between Saco and Rigby over the parallel double-track line. A spot check made by the applicant in February 1943 of the trains moved over the line proposed to be abandoned showed that a daily average of 11 trains westbound and 5 trains eastbound were handled. The routing of these trains was entirely

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REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS PORTER, MANAFFIZ, AND MILLER

BY DIVISION 4:

The Boston and Maine Railroad on December 6, 1943, applied for permission to abandon the line of railroad between Saco and Rigby, Maine, from a point located approximately 10 miles west of Saco to a point located approximately 10 miles east of Rigby, approximately 20 miles. Protests were filed by representatives of railway employees, and a hearing was held for us by the Public Utilities Commission of Maine. No representations have been made by State authorities, and no objection to granting the application has been presented by any user of the line.

The line proposed to be abandoned was constructed for general railroad purposes by a previous owner in 1842, and was acquired by the applicant in 1900. It is a single-track line, laid with 100-pound rail, and maintained in good condition. A considerable number of rails, however, have been found defective and should be replaced in 1944 at an estimated cost of \$193,000 if the line is continued in operation. Practically all ties are creosoted and the entire line is ballasted with crushed stone. The net salvage value of the recoverable material is estimated at \$55,000.

The tributary territory is sparsely settled. No stations are served. The line is used exclusively for the handling of through freight and passenger trains. Within a short distance to the east, the applicant maintains and operates a double-track line between the same termini served by the line proposed to be abandoned. The applicant now intends to handle all the traffic between Saco and Rigby over the parallel double-track line. A spot check made by the applicant in February 1943 of the trains moved over the line proposed to be abandoned showed that a daily average of 11 trains westbound and 5 trains eastbound were handled. The routing of these trains was optional with the dispatcher and, for the test period, the minimum and maximum number of trains operated each day between Saco and Rigby was 38 and 45, respectively. The applicant's double-track facilities to the east are adequate to handle the additional traffic resulting from the abandonment. It is estimated that the abandonment will result in a saving of \$171,000 in Federal income taxes in addition to a net annual saving of \$35,046 in State taxes and maintenance expenses.

Representatives of railway-labor organizations oppose the application on the grounds that the abandonment would re-

summer months, and crosses seven highways at grade as compared with five grade crossings on the line to be abandoned. The protestants' apprehension that the abandonment will result in the displacement of some maintenance employees is not supported by the evidence. Although recently the applicant, except in emergencies, eliminated the employment of maintenance crews on Sundays, and on some divisions reduced the hours of work for such crews from 9 to 8 a day, the record shows that a general shortage of manpower exists, and that the applicant is endeavoring to solicit the employment of Mexicans to relieve the present scarcity of maintenance labor. The applicant states that no employee is to be displaced as a result of the abandonment. Nevertheless, we will reserve jurisdiction for a period of 2 years to consider the question whether conditions should be imposed for the protection of employees who may have been adversely affected by anything done pursuant to the permission to abandon granted herein.

It is apparent from the record that the line proposed to be abandoned constitutes a duplicate facility, the continued operation of which would impose an undue and unnecessary burden upon the applicant and upon interstate commerce.

We find that the present and future public convenience and necessity permit abandonment by the Boston and Maine Railroad of the line of railroad in York and Cumberland Counties, Maine, 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.

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 28th day of April, A. D. 1944.

Finance Docket No. 14430

BOSTON & MAINE RAILROAD 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 Boston and Maine Railroad of the line of railroad in York and Cumberland Counties, Maine, described in the report aforesaid: Provided however, and this certificate is issued upon the express understanding, that this Commission reserves jurisdiction for a period of 2 years to consider the question whether conditions should be imposed for the protection of employees who may have been adversely affected by anything done pursuant to the permission to abandon granted herein.

It is ordered, That this certificate shall take effect and be in force from and after 30 days from its date. Tariffs applicable to the line in question may be canceled upon notice to this Commission and to the general public by not less than 10 days' filing and posting in the manner prescribed in section

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6 of the Interstate Commerce Act.

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

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

By the Commission, division 4.

W. P. BARTEL

(SEAL)

Secretary.