

File No. (A 141 - 10N - 17 - 1) F-14-1

Subject:

Discontinuance of Service
Concord to Claremont, N. H.

Discontinuance of Trains 3802-3807

Sale of Claremont Branch
Correspondence & memoranda prior to ICC proceedings

See also B&M T. Filr M 60-1

Boat timetables

Lvs Concord, 2:20 p.m. Arrive 4:05 p.m.

Lvs Claremont 8:20 A.m. Arrive Concord, 6:40 p.m.

Sunday - a little different.

Trains

Lvs Concord 10:45 A.m. Arrive Claremont 12:45 p.m.

Lvs Claremont 3:15 p.m. Arrive Concord

Sub # - forces of B & M T.

Boat Service is faster by 15 minutes

Forces are less - substantially

Restriction between Claremont & Concord
because of Concord Bus Service - no longer
as for as Claremont & Concord

Sub 2 - B & M RR timetable - Sept 29 1915

Fred. 7th. Amer. Planning Exp. Dept. of Portland

Testimonial to use of Highway 103 & 11 between

Concord & Claremont by B

Geo Steiff, 1757 Broadway, N.Y.C. - CPA

Analyst of Claremont & Concord R.R.

Income Statement of C + C Ry Co ending
6/30/55

disbursements
Exp. # 8

Revenues + Expenses Statement

Exp. # 9

6 months ending 6/30/55 - Income + 3 miles
and total

No mail after 4/1/55

Expenses are only direct costs - no mail,
no expenses - just direct

Another Statement - 8 miles - revenues & disbursements
Jan 1 - Aug 31, 1955

Exp. # 10

C + C Ry Co closed operation 12/10/54

* What did C + C Ry Co do to improve service after 12/10/54

* Same - see mail to C + C

- what did you do to the expense in 55
improve it?

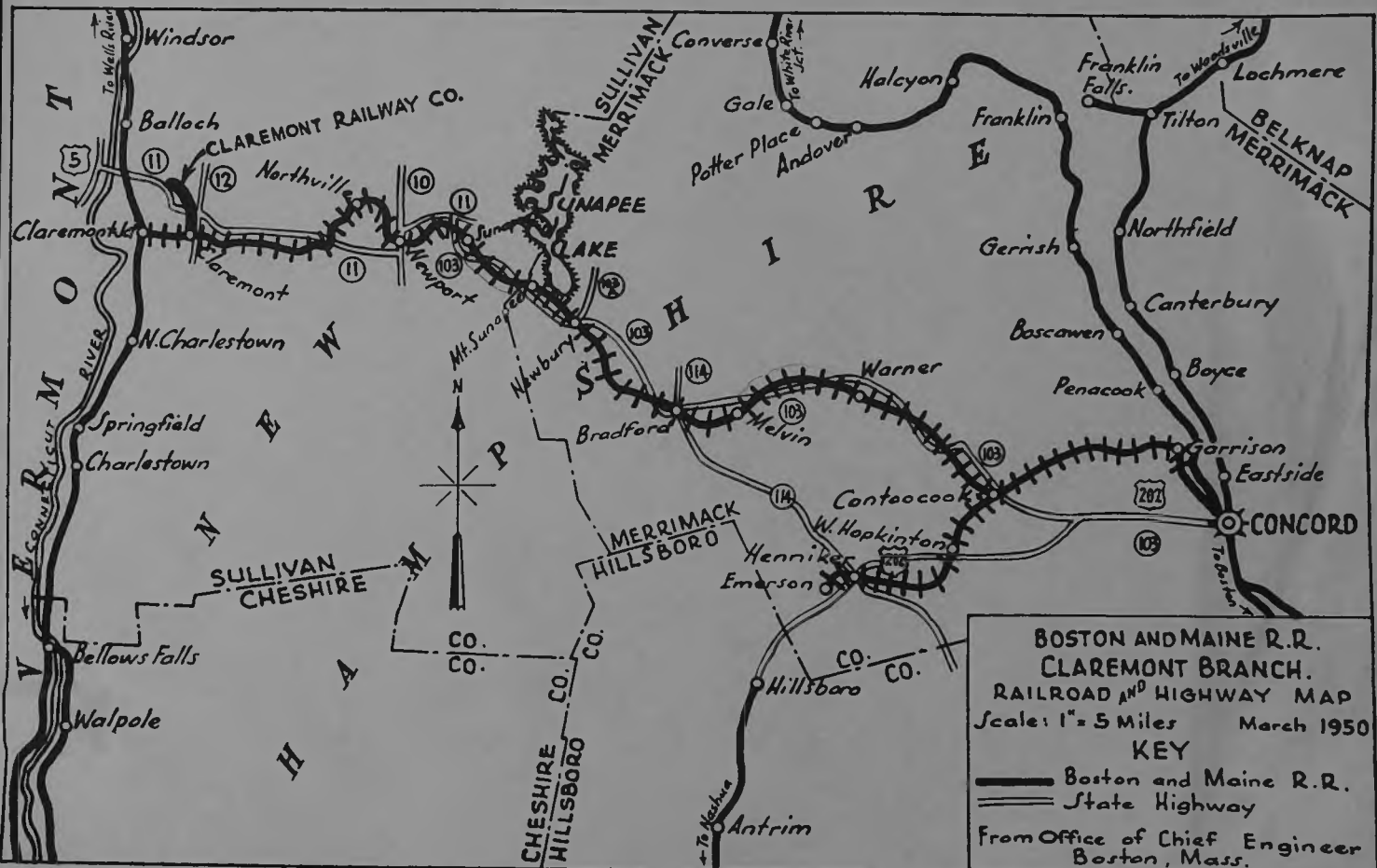
I found the difference between C + C to work of C + C and his
and found to be maintenance.

T. J. Townsend, Clarendon, P.M., A.T.M.,

Jay Info Co., Clarendon,

fully principally covering an obituary.

Exhibit #1



**BOSTON AND MAINE R.R.
CLAREMONT BRANCH.
RAILROAD AND HIGHWAY MAP**
Scale: 1" = 5 Miles March 1950

KEY
 ——— Boston and Maine R.R.
 = = = State Highway

From Office of Chief Engineer
Boston, Mass.

Exhibit 6a

RECORD REQUEST

Dept.
No.

Legal 1
8-75-60

I Boy

Record:

BAC Location:

Telephone Information:

Return Call:

Photo Copy:

✓ To G.O.:

Date:

To:

Date Returned:

Date Refiled.

Fun files 20-9c

Registry No.:

8-23-60

Grace

Boy

Note: If Record is to be retained beyond 30 days please check and return to Record Center.

Stone
AUG 23 1960

STATE OF NEW HAMPSHIRE
PUBLIC SERVICE COMMISSION

The Boston & Maine Transportation Company of Boston, Massachusetts, having filed an application for authority to operate as a common carrier of passengers between Concord and Claremont Junction, to provide substitute trips for replacement of train service, and for removal of restrictions between Claremont and Newport; it is

ORDERED, that a hearing on said matter be held before said Public Service Commission at its office in Concord, Room 208, State House Annex, in said State, at eleven o'clock in the forenoon on the second day of March, 1950; and it is

FURTHER ORDERED, that said petitioner notify all persons desiring to be heard to appear at said hearing, when and where they may be heard upon the question whether the prayer of said petition may be granted consistently with the public good, by causing an attested copy of this order of notice to be posted in two public places in each of the Cities of Concord and Claremont and in two public places in each of the Towns of Warner, Bradford, Newbury, Sunapee, Newport, and Contoocook, all in said State, not later than February 17, 1950; and by causing an attested copy of this order of notice to be published in newspapers having general circulation in the territory covered by this petition, not later than February 20, 1950, such postings and publications to be designated in an affidavit to be made on a copy of this order of notice and filed with this office.

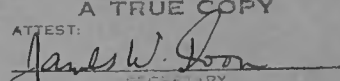
By order of the Public Service Commission of New Hampshire this tenth day of February, 1950.

JAMES W. DOON

Secretary

A TRUE COPY

ATTEST:


SECRETARY
N. H. PUBLIC SERVICE COMMISSION

STATE OF NEW HAMPSHIRE
PUBLIC SERVICE COMMISSION

"Now comes your Petitioner, Boston and Maine Railroad, and respectfully shows:

I

Petitioner is a corporation of the State of New Hampshire and is a common carrier by railroad, engaged in both interstate and intrastate commerce in the State of New Hampshire and elsewhere.

II

Petitioner owns a line of railroad (hereinafter called the "Claremont Branch") extending from the City of Concord to a point in the City of Claremont known as Claremont Junction, over which line it now operates both freight and passenger service.

III

The passenger service presently operated by Petitioner over the Claremont Branch consists of two trains in each direction daily except Sunday, and one train in each direction on Sunday, the schedules of said trains being shown on Exhibit #1 attached hereto and incorporated herein by reference.

IV

The out-of-pocket expense of operating the above mentioned passenger trains over the Claremont Branch continuously and substantially exceeds the revenues obtained by Petitioner from the services rendered by said trains, and consequently their operation jeopardizes the freight service now given on the Claremont Branch, as well as constituting a drain on the System revenues of Petitioner.

V

Petitioner is desirous of discontinuing all passenger train service on the Claremont Branch and causing to be substituted therefor buses operated by the Boston & Maine Transportation Company operating on approximately the same schedule as those presently in effect with respect to the trains. Such buses will handle passengers and their hand baggage. Petitioner also proposes to cause the Boston & Maine Transportation Company to operate a truck or trucks along the line of the Claremont Branch which will handle the express now handled by the trains, and will carry mail if the United States Post Office Department elects to use such service.

VI

This petition involves passenger train service only.

VII

Petitioner believes that the bus and truck service hereinabove referred to will be as satisfactory as the present train service. Such bus and truck service can be operated at substantially less expense.

VIII

If the passenger trains on the Claremont Branch are discontinued, there will be no further need for the passenger facilities at Contooscook (in the Town of Hopkinton), Warner, Melvin (in the town of Warner), Bradford, Newbury, Mt. Senapee (in the town of Newbury), Senapee, Newport, Northville (in the town of Newport), and Claremont, and Petitioner desires to discontinue such facilities.

THEREFORE Petitioner prays that this Commission enter upon an investigation to determine whether or not the discontinuance of passenger service herein requested will be in the public interest; that the Commission, after due notice, hold a public hearing with respect to the matters referred to in this petition; that the Commission find that the public convenience and necessity do not require the operation of passenger trains on the Claremont Branch; and that the Commission enter an order permitting such discontinuance, together with the discontinuance of the passenger facilities at Contooscook, Warner, Melvin, Bradford, Newbury, Mt. Senapee, Senapee, Newport, Northville and Claremont.

Respectfully submitted

DOWNS AND SALES RAILROAD,
By R. J. Fletcher
Its Attorney"

Upon the foregoing petition filed February 7, 1930; it is

ORDERED, that a hearing on said matter be held before said Public Service Commission at its office in Concord, Room 203, State House Annex, in said State, at eleven o'clock in the forenoon on the second day of March, 1930; and it is

FURTHER ORDERED, that said petitioner notify all persons desiring to be heard to appear at said hearing, when and where they may be heard upon the question whether the prayer of said petition may be granted consistently with the public good, by causing an attested copy of this order of notice to be posted in two public places in each of the Cities of Concord and Claremont, and in two public places in each of the Towns of Warner, Bradford, Newbury, Senapee, Newport, and Contooscook, all in said State, not later than February 17, 1930; and by causing an attested copy of this order of notice to be published in

newspapers having general circulation in the territory covered by this petition, not later than February 20, 1950, such postage and publications to be designated in an affidavit to be made on a copy of this order of notice and filed with this office.

By order of the Public Service Commission of New Hampshire this tenth day of February, 1950.

JAMES F. BOON

Secretary

A TRUE COPY

ATTEST:

James W. Don
SECRETARY
N. H. PUBLIC SERVICE COMMISSION

STATE OF NEW HAMPSHIRE
PUBLIC SERVICE COMMISSION

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Petitioner owns a line of railroad (hereinafter called the "Claremont Branch") extending from the City of Concord to a point in the City of Claremont known as Claremont Junction, over which line it now operates both freight and passenger service.

III

The passenger service presently operated by Petitioner over the Claremont Branch consists of two trains in each direction daily except Sunday, and one train in each direction on Sunday, the schedules of said trains being shown on Exhibit A attached hereto and incorporated herein by reference.

IV

The out-of-pocket expense of operating the above mentioned passenger trains over the Claremont Branch continuously and substantially exceeds the revenues obtained by Petitioner from the services rendered by said trains, and consequently their operation jeopardizes the freight service now given on the Claremont Branch, as well as constituting a drain on the System revenues of Petitioner.

V

Petitioner is desirous of discontinuing all passenger train service on the Claremont Branch and causing to be substituted therefor buses operated by the Boston & Maine Transportation Company operating on approximately the same schedules as those presently in effect with respect to the trains. Such buses will handle passengers and their hand baggage. Petitioner also proposes to cause the Boston & Maine Transportation Company to operate a truck or trucks along the line of the Claremont Branch which will handle the express now handled by the trains, and will carry mail if the United States Post Office Department elects to use such service.

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Respectfully submitted

BOSTON AND MAINE RAILROAD,
By B. J. Fletcher
Its Attorney"

Upon the foregoing petition filed February 7, 1950; it is
ORDERED, that a hearing on said matter be held before said Public Service Commission at its office in Concord, Room 106, State House Annex, in said State, at eleven o'clock in the forenoon on the second day of March, 1950; and it is

FURTHER ORDERED, that said petitioner notify all persons desiring to be heard to appear at said hearing, when and where they may be heard upon the question whether the prayer of said petition may be granted consistently with the public good, by causing an attested copy of this order of notice to be posted in two public places in each of the Cities of Concord and Claremont, and in two public places in each of the Towns of Warner, Bradford, Newbury, Sunapee, Newport, and Contoocook, all in said State, not later than February 17, 1950; and by causing an attested copy of this order of notice to be published in

newspapers having general circulation in the territory covered by this petition, not later than February 20, 1953, such postings and publications to be designated in an affidavit to be made on a copy of this order of notice and filed with this office.

By order of the Public Service Commission of New Hampshire this tenth day of February, 1953.

JAMES W. DOON
Secretary

A TRUE COPY
ATTEST:

SECRETARY
N. H. PUBLIC SERVICE COMMISSION

STATE OF NEW HAMPSHIRE
PUBLIC SERVICE COMMISSION

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Respectfully submitted

BOSTON AND MAINE RAILROAD,
By R. J. Fletcher
Its Attorney"

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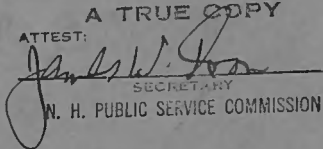
By order of the Public Service Commission of New Hampshire this tenth day of February, 1950.

JAMES W. DOON

Secretary

A TRUE COPY

ATTEST:


SECRETARY
N. H. PUBLIC SERVICE COMMISSION

New Hampshire Manufacturers' Association

83 Hanover Street



Manchester, N. H.

January 30th, 1950

The Boston and Maine Railroad advises me that they wish to abandon the passenger train service between Concord and Claremont Junction. This does not in any way interfere with the freight service as is at the present time.

The point that I am anxious to determine now, is to what extent are you interested in the retention of the passenger train service between the points in question and the adoption of a bus service to take its place?

Yours very truly,

N. H. MANUFACTURERS' ASSOCIATION

John J. Cummings
Executive Secretary

JJC:jnk

Residents of Newport are apparently disturbed by the news of the Boston & Maine Railroad's application to abandon passenger service on the Concord and Claremont branch of the road, and the proposition to use buses in substitution. The proposed discontinuance of this service, which has been in effect from Concord to Bradford for over 100 years, and from Bradford to Claremont Junction for over 75 years, would seem to some an unfavorable development of major proportions.

Looking at the matter impartially, and with an endeavor to see the forest rather than the trees, it would seem from the plain facts in the case, that the railroad could do nothing different, in simple justice to its owners and for the general good of the entire region which it serves. It has apparently been losing several hundred dollars every day in furnishing this service, the need for which, as indicated by the patronage, has all but disappeared. The economic waste of moving 200 tons of power and equipment, for the transportation of a score of passengers and a truckload or two of mail and express, when the same could be moved at a fraction of the cost by other methods, is something that a road no stronger financially than the Boston & Maine should no longer stand. Highways are better, buses are far more comfortable and efficient, than only a few years ago, while railroad costs have nearly doubled. The wonder is that this application had not been made long ago. In this case the operating loss is made all the greater for the reason that there is no through freight service to help warrant track maintenance, only a local freight serving towns near both ends of the line.

To dispel a few illusions, there is no likelihood of any through freight or passenger service ever being sent over this road. The Boston & Maine has three other lines from the upper Connecticut Valley running southeast, (Starting at Woodsville, White River Junction and Bellows Falls), all better conditioned for heavier loads at higher speeds than the Claremont Branch. These three lines constitute far more capacity than needed at present or likely to be needed in the future, so much more in fact, that one of these lines is now little used. In army parlance the branch is definitely "surplus" and has been so for a long time. The idea that modern equipment would put the line on a paying basis is an equal fallacy, there are just not enough people going from the Claremont-Newport area by public transportation to warrant any kind of rail passenger service. It is definitely understood that the road will continue freight service as at present.

Many students of the situation have felt for a long time that the entire passenger service of the Boston & Maine has been long overdue for an overhauling, adjusting it to present day conditions. There are plenty of other instances on the system where unwarranted passenger services are causing the road heavy losses, probably to the aggregate of several thousand dollars every day. The holders of even its prior preference stock have received no dividends for 18 years, largely because of this condition.

Considering the matter on broader grounds, however, there is still a stronger reason for these services to be adjusted. The average gross earnings of freight trains on the road according to the last available report were over \$18.00 per mile, while the average gross of passenger trains, after including mail and express, was probably not over \$4.00 per mile, with some trains not earning over \$1.00 per mile. New England is continually losing industries to other regions, and one of the principal reasons is the high cost of transportation. It is clear that manufacturers and others paying large freight bills are really subsidizing these losing passenger services, in other words, freight rates might be somewhat lower if these losses could be stopped.

Newport people need not feel isolated nor out in the cold. There are many larger towns in New England which have had no rail passenger service for years. Sanford, Maine, population at last census, 14,886 is an example on the Boston & Maine, and on the New Haven there are many others. In case the many adjustments clearly necessary are made, there will be others which will have this service either discontinued or greatly reduced, and the traffic taken care of by more modern and efficient methods.

No doubt many people living in New Hampshire towns would miss hearing the whistle of the morning local, however it is much more important for them to hear the morning factory whistle. If a large number insist on having an outmoded and unwarranted service, and the regulatory bodies back them up, the time is likely to come when they will not hear either one. This is 1950, not 1915, and the sooner that suitable adjustments are made in accord with the greatly changed conditions, the better for all concerned.

Concord, N. H.
February 10, 1950

Mr. Edgar:-

Claremont Branch

Contoocook

Spencer S. Dodd, Insurance	o.k.
William L. Montgomery, postal service	o.k.
Clayton B. Straw, Supt., Kingsbury Davis Machine Co.	o.k.

Warner

J. P. H. Chandler Jr., publisher Kearsarge Independent etc. promises to help us	o.k.
R. J. Ellsworth, Ela Box Co.,	o.k.
L. Waldo Bigelow, Jr., Henniker Crutch Co.	o.k.
George Gilmartin Ladd, previously opposed	o.k.
Alfred S. Cloues, State Treasurer's office	o.k.
Henry Wasmucht	o.k.

Bradford

Dana Sanborn, President Massesecum Improvement Association	o.k.
Harold Hurd, Merrimack Farmers Exchange	o.k.

Newport

Jess Rowell, undecided when seen, probably
opposed now according to Goodwin
of H. J. Lee's office

Much work will need to be done in this town

John W. McGrillis, Clerk Superior Court	opposed
Kenneth D. Andler, lawyer	opposed

Claremont

Fred J. Perry, Jr., Coy Paper Co.	o.k.
W. A. Kirn, Claremont Paper Corp.	o.k.
John McL. Clark, Eagle	o.k.
Has heard no opposition - one person stated he was sorry to add to highway congestion. Clark brought up N.Y.	

Mr. Edgar:-

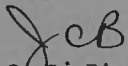
Claremont - continued

train connection which was answered
that it could not be done.
Richard Eddy, secretary Chamber of Commerce o.k.
lengthy review for next C. of C.
directors meeting
Briscoe P. Spencer, leading citizen o.k.

Merrimack Farmers Exchange has included in their weekly bulletin a statement of continued freight service on the Claremont and that passenger service discontinuance only is before the N. H. P. S. C. We will try to get Roy Peaslee, President of the Exchange to appear in our behalf.

John J. Cummings, N. H. Mfgs. Association sent letter like enclosed to his membership in the region and has had no unfavorable replies.

Albert S. Carlson, Dartmouth-Lake Sunapee Region has arranged an Association meeting at Bradford on February 27th to include railroad discussion.


J.C. Bingham

JCB/h

N. H. Comm
D. T 299

[Handwritten initials]

Concord, N. H.
February 10, 1950

Mr. Edgar:-

[Handwritten initials]
Dana Sanborn, president of the Lake Massasecum Improvement Association told me on Wednesday, February 8 that the reason for their resolution (petition) was to protect the summer visitors who use the train (no protest has been received yet from them at P. S. C. or Superintendent Maloy's office).

When those who had used the train within a year, he related, were asked to stand up only two arose. To that the comment was 'you haven't a leg to stand on.'

It has come to me through Supt. Chase, B. & M. T. that a request is being made for bus service via Lake Massasecum. We are uninterested in any case, but it so happens Whitney bus lines has the franchise in that area.

JCB
J. C. Bingham

JCB/h



FEB 3 1899 AM

February 13, 1950

Mr. David L. Fosburgh
Planning Survey Manager
Highway Department
Concord, N.H.

Dear Mr. Fosburgh:

Thank you very much for your letter of February 9, enclosing the figures on the amount of money spent by the State on the highway between Concord and Claremont since 1935.

Very truly yours,

R. M. Edgar.

c/c - Mr. Fletcher - This may be of some use to you on the Claremont Branch case.

R.M.E.



State of New Hampshire

Highway Department

Concord

February 9, 1950

FRANK D. MERRILL
COMMISSIONER

Mr. R. M. Edgar Asst. to Pres.
Boston and Maine Railroad
North Station
Boston, Massachusetts

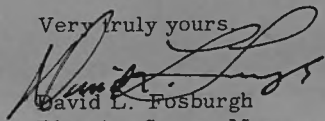
Dear Mr. Edgar:

In accordance with your request made to Mr. J. Harold Johnson, I am submitting the expenditures made by the Highway Department on the highway between Concord, New Hampshire and Claremont, New Hampshire during the period since 1935 and including the estimated costs expected to be made this year.

1935	\$ 56,685.24
1936	24,153.55
1937	249,514.17
1938	86,762.31
1939	43,462.14
1940	5,719.84
1941	7,635.45
1942	40,153.94
1945	39,326.18
1946	1,201.44
1947	51,573.48
1948	156,371.68
1949	46,202.99
Est. 1950	660,470.00
TOTAL	<u>\$ 1,469,232.41</u>

I trust that my tardiness in making this submission has not inconvenienced you.

Very truly yours,


David L. Fosburgh
Planning Survey Manager

DLF:pjm



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
HAROLD L. BARNARD

February 10, 1950

R. J. Fletcher, General Counsel
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

D-T2996 Boston & Maine Railroad. Petition
for authority to discontinue passenger
train service between Concord and
Claremont Junction.

We are enclosing herewith for posting and publication,
necessary copies of an order of notice issued by the Commission
in connection with the above entitled matter.

When compliance has been made with the terms of this
order of notice, will you please see that proper affidavit is
filed with this office not later than March 1, 1950.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

James W. Foon
Secretary

DYJ:MC



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
HAROLD L. BARNARD

February 10, 1950

R. J. Fletcher, General Counsel
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

D-T2997 Boston & Maine Transportation Company.
Application for authority to operate as
a common carrier of passengers between
Concord and Claremont Junction.

We are enclosing herewith copy of an order of notice
issued by the Commission in connection with the above entitled
matter.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

James W. Doon
Secretary

DYJ:MC

February 14, 1950

Mr. Edward A. Chase, Superintendent
Boston & Maine Transportation Company
Railroad Station
Concord, New Hampshire

Re: Claremont Branch discontinuance of passenger train
service - N.H. Public Service Commission D-T2996

Dear Ed:

Enclosed herewith find copies of N.H.P.S.C. order of February 10, 1950 setting the Railroad Petition for Discontinuance of Passenger Train Service for hearing on March 2, 1950 at 11 A.M., the same time and place as our Petition in Docket D-T2997, copies of which order I sent you yesterday.

As you are attending to the posting and publication of the order on our Petition will you also do the same on the Railroad Petition having the newspapers bill separately.

The posting and publication requirements are clear from the order itself. There are sufficient copies (16) for the posting and sufficient copies (8) for the newspapers, two for each paper, on one of which each paper will attest as to publication, and two copies are enclosed herewith on one of which will you make your attestation as to posting.

The dates are the same as for our order, that is, we should have all this accomplished and the proper affidavit filed with the P.S.C. before March 1, 1950. The four newspapers are the same, that is, the Concord Monitor, Claremont Eagle, Newport Argoss and the Warner paper.

Mr. Fletcher, General Counsel of the Railroad, has requested and appreciates our assistance in this matter.

Yours very truly,

BC: Mr. Fletcher ✓
Mr. Holland

NJH:J

J. S. Conlin
Manager,
Boston & Maine Transportation Co.

Encs.

Boston, February 15, 1950.

Mr. Bingham:

Replying to yours of February 14 -

- 1 - I do not know anything about the Town of Newport having put \$45,000 into the Concord and Claremont, but I have some doubt about it. Volume 2 of the New Hampshire Public Service Commission reports giving the story of the rate case of 1912, on page 277, states that the line from Bradford to Claremont Junction was constructed under the charter name of Sugar River Railroad, and that the road was financed by the Northern Railroad. It seems to me that the whole question of whether or not the Town of Newport purchased any stocks, bonds or any other debts of the Sugar River or the Concord and Claremont is entirely irrelevant.
- 2 - The attempt to show that freight service more than offsets the losses in passenger service on any given branch is an old story and our people will be prepared to answer that at the hearing. I assume you have answered it verbally where it was put to you.
- 3 - The mail situation is all going to be covered in the case.
- 4 - The only answer to give to these statements that the getting rid of the passenger service is the opening wedge to abandon the entire line is to say that this is entirely incorrect. The fact is we are trying to abandon the passenger service to cut the loss so that we can justify maintaining enough of the line to give freight service. The alternative probably would be to petition the I.C.C. for complete abandonment of the total line, both freight and passenger. Certainly we would never make any commitment to maintain freight service at any arbitrarily chosen level of revenues any more than the Dorr Woolen Company would guarantee to supply woollens to anybody for a given period at not in excess of a given price.
- 5 - As to the last paragraph of the first page, you may be sure that our traffic and law departments will have all of the necessary information to handle the case properly before the Commission.
- 6 - The story of the antiquity of our equipment, of course, is something that is always thrown at us. The answer to give is simply this, that anybody with any sense knows that if we ran the

J.C.B.

-2-

2/15/50

finest streamlined equipment in the United States, there would not be enough passengers traveling to support the service. You might tell them that the millions of dollars we spent on the Boston-Portland-Bangor line with the best equipment in the United States did not increase our passenger traffic on that line, and in fact it did not stop the decline in traffic due to competition with private cars and buses.

R. M. Edgar.

c/c R.J.F. ✓

March 6, 1950

N. H. Public Service Commission
Concord
New Hampshire

Re: DT-2906

Gentlemen:

At the hearing on the above numbered proceeding, held in Concord on March 2nd, the Railroad was requested at various times to furnish certain additional information. According to my notes, the requested material is as follows:

1. The passenger counts for arrivals and departures at Concord on Claremont Branch trains for the year 1949.
2. The reports turned in by Conductors on these trains in 1949, showing the passengers on and off at each station, which reports were used in compiling the Railroad's exhibits.
3. The amount of express charges paid by persons located on the Branch during the year 1949.
4. The actual amount of mail revenue received by the Railroad in 1949 with reference to the Branch.
5. Something concerning the freight revenues and expenses, - just what I am not sure.
6. The age of the locomotives which have been used on the Branch.
7. The Boston & Maine Transportation Company's income statement for the year 1949.

March 6, 1950

8. The amount of depreciation charged by the Railroad in 1949 and the amount of change in the balance sheet item of accrued depreciation during the year.

It is my understanding that the Commission will direct the Petitioner just what of the above it will be required to have available at the further hearing on April 4th.

Very truly yours,

R. J. Fletcher
General Counsel

F/GC



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
HAROLD L. BARNARD

March 10, 1950

R. J. Fletcher, General Counsel
Boston and Maine Railroad
North Station
Boston 14, Massachusetts

D-T2996

Dear Sir:

RJF.
This will acknowledge receipt of your letter of March 6, 1950 relative to the additional information requested at the hearing on the Claremont Branch service, held on March 2, 1950.

We shall advise you in further detail as soon as possible with regard to this matter.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

Winslow E. Melvin
js

Winslow E. Melvin
Transportation Director

WEM:jb

New Hampshire Manufacturers' Association

83 Hanover Street



Manchester, N. H.

March 15, 1950

Mr. E. H. Hunter, Chairman
Public Service Commission
Concord, New Hampshire

Re: Abandonment of B. & M. R. R. Passenger Service Between
Concord and Claremont Junction:

Dear Mr. Hunter:

I wrote to all the manufacturers on the Claremont branch, commencing at Claremont Junction and working east to Concord, N. H., the following letter under date of January 30th, 1950:

"The Boston and Maine Railroad advises me that they wish to abandon the passenger train service between Concord and Claremont Junction. This does not in any way interfere with the freight service as is at the present time.

The point that I am anxious to determine now, is to what extent are you interested in the retention of the passenger train service between the points in question and the adoption of a bus service to take its place?"

In reply we have heard from the Dartmouth Woolen Mills, Inc., Claremont, Hemiker Crutch Company, Warner, N. H., Kingstury & Davis Machine Co., Contoocook, N. H., and the Brampton Woolen Company at Newport, N. H.

The manufacturers concern seemed to be only for the continuation of the freight service. One gentlemen raised the question: "If there is any assurance that this will not eventually be done I can think of no objections to their substituting bus service for their present train passenger service." Another manufacturer advises: "We think that this would be a splendid idea if the bus service to replace the trains was so planned for the convenience of the public".

From the conversations I have had with others on this line, I haven't as yet received any information to the effect that the manufacturers would be opposed to the abandonment of this passenger train service, but want to be assured that the freight service will not be interfered with. I have told many of these manufacturers personally, that so long as the present freight business continued as is; they need have no thoughts on the abandonment of the freight service.

New Hampshire Manufacturers' Association

83 Hanover Street



Manchester, N. H.

page - 2 -

March 15, 1950

Mr. E. H. Hunter, Chairman
Public Service Commission

I thought you might be interested in getting this information from me.

Yours very truly,

N. H. MANUFACTURERS' ASSOCIATION

John J. Cummings
Executive Secretary

JJC:jnk

cc: Mr. James C. Bingham
Boston and Maine Railroad
Concord, New Hampshire

Concord, N. H.
March 17, 1950

Mr. Edgar:-

This letter by John J. Cummings to Mr. Hunter is, so far, the most positive action I have been able to obtain from the former regarding the Claremont Branch.

JCB.
J. C. Bingham

JCB/h
enc.

C

Boston 14, Massachusetts
March 18, 1950

Mr. J. C. Bingham:

Referring to yours of the 17th enclosing
John J. Cummings' letter to Mr. Hunter.

RJF.

I do not think that this letter is going to have any effect at all because it does not say anything. I wish we could get Mr. Cummings to stand up and say that the manufacturers on the line are getting fed up with subsidizing the passenger services which we are forced to continue at losses and get some statement from them that as businessmen they certainly think no enterprise should be forced to continue to render a service that obviously is not wanted or needed and be forced to continue at a loss. All this letter of Cummings says is that the manufacturers do not care what happens to the passenger service as long as nobody is going to disturb their freight service, which hardly could be called a forceful position.

R. M. Edgar

cc to Mr. R. J. Fletcher

cc to Mr. C. F. Heard ← *not pay to*



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
HAROLD L. BARNARD

March 17, 1950

Robert J. Fletcher, Attorney
Boston & Maine Railroad
Boston, Massachusetts

Dear Mr. Fletcher:

Concerning D-T2996, having to do with the petition of the Boston & Maine Railroad to eliminate passenger service on the Claremont Branch, will you please furnish us with the following information at the continued hearing which we have changed from April 4 to April 5, at 10 A.M., provided this is convenient to all parties.

- ✓✓ 1. Figures to show the cost of operation and comparison with present proposal covering the operation of a single daily round-trip train, with other schedules operated by the Boston & Maine Transportation Company, eliminating the necessity of a truck for express and trunks.
- ✓✓ 2. Comparison of operating costs of train service with steam, gas car, or diesel locomotives.
- ✓ 3. Estimated net revenue from freight service apportioned to the Claremont Branch.
- ✓✓ 4. Amount of express charges paid by persons located on the Branch for 1949.
- ✓ 5. Freight revenues and expenses on the Claremont Branch.
- ✓ 6. Loss or profit from the Branch as a whole.
- ✓ 7. Amount of depreciation charged in 1949, and change in accrued depreciation as compared with the year 1948.
- ✓ A 8. Operating statement of the Boston & Maine Transportation Company for 1949.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

E. H. Hunter

E. H. Hunter
Chairman

March 23, 1950

Mr. E. H. Hunter
Chairman
N. H. Public Service Commission
Concord, N. H.

Re D-T2996 - Claremont Branch

Dear Mr. Hunter:

I have delayed answering your letter of March 17th with reference to information to be furnished at the further hearing of this proceeding on April 5th, until we could give some study to the items listed.

I now find that we will be able to furnish most of the figures requested and that we can make what I consider reasonable estimates of the balance. Freight revenues will have to be assigned to the Claremont Branch on some sort of an allocation formula and we will be prepared to explain fully the method used at the time of the hearing.

Very truly yours,

R. J. Fletcher
General Counsel

F/GC.



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

March 27, 1950

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
HAROLD L. BARNARD

R. J. Fletcher, General Counsel
Boston and Maine Railroad
Law Department
North Station
Boston 14, Massachusetts

D-T2996

Dear Sir:

This will acknowledge receipt of your letter of March 23, 1950 addressed to Chairman Hunter concerning the information to be furnished at the continued hearing on the Claremont Branch on April 5, 1950.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

Winslow E. Melvin

Winslow E. Melvin
Transportation Director

WEM:jb

WARREN H. BREWSTER
President

A-441-1
RAYMOND A. WELBOURN
Executive Secretary

LACONIA CHAMBER OF COMMERCE

Laconia, New Hampshire
"City on the Lakes"

April 22, 1950

R.F.F. [unclear]

Mr. Robert F. Cowan
General Passenger Agent
150 Causeway Street
Boston 14, Massachusetts

Dear Mr. Cowan:

I have not yet received copies of the exhibits pertaining to the hearing on the removal of trains #404 and #413, which were promised to me by the railroad's attorney at the hearing.

Since I do not know how to get in touch with that gentleman, I would appreciate it if you would contact him for me so that we may have a chance to study the document prior to the May 2nd hearing.

Yours very truly,

Raymond Welbourn
Raymond Welbourn
Executive Secretary

RAW/bal

If you need more exhibits of Peter Rev. I can supply
RR

April 26, 1950

Mr. Raymond Welbourn
Executive Secretary
Leconia Chamber of Commerce
Leconia, N. H.

Mr. Charles Griffin
Lincoln
New Hampshire

Re: N.H.P.S.S. R-73005

Gentlemen:

I am enclosing for each of you a set of the Exhibits filed at the hearing on the above entitled proceeding at Concord on April 6th.

I am very sorry that we have not been able to send these before, but have just been able to get additional copies of all of the Exhibits.

Very truly yours,

B. J. Fletcher
General Counsel

F/CC
Enc.

Mr. Welbourn:

I am enclosing a second set, as you suggested, for delivery to Mayor McIntire.

R.J.F.

~~Met 60-95-1~~

A-141-10N-17

BOSTON, June 20, 1950

Mr. Cowan:

We are starting to draw material together preparatory to filing application with the Interstate Commerce Commission to completely abandon ~~the~~ section of the Claremont Branch. Will you please arrange to again obtain complete audits of all passenger trains on the Branch and have them continued until we give you a out-off date.

C. F. Heard

Copy to
Mr. Archibald
Mr. Edgar
→ Mr. Jackson
Mr. Reynolds
Mr. Sears

copy

Mr. Jackson

*Have been working
what we would do
with this one.
- R.F.*

A-141-102-17

HCA-127

Boston, June 28, 1950

Mr. Fletcher:

With regard to ICC Return to Questionnaire to be filed in the Claremont Branch abandonment case, paragraph 12 reads:

"The passenger traffic handled on the line in each of the last two calendar years, and for that part of the current year for which the information is available, giving separately the number of local and connecting-line passengers (if the latter designation is applicable) and the revenue from each class."

OX

Of course, we do not have two years' information, except from special train audits taken from time to time. Would you consider it sufficient to use these audit figures, expanded to two years theoretical income? From a common sense angle that would appear adequate and reasonable, and you may know of past cases where such a practice has been followed.

Will you kindly give me your opinion.

H. C. Archibald
H. C. Archibald
Chairman, Retirement Committee

Mater
A-141-10A-11

Boston, Mass., June 30, 1950

Mr. H. C. Archibald
Chairman, Retirement Committee

Your memorandum to Mr. Fletcher of June 28, 1950.

Paragraph 12 in the present form of the I.C.C. abandonment questionnaire is substantially the same as the similar requirement existing in 1940.

In 1940 and 1941 Boston and Maine successfully presented its Newburyport case on the basis of test audits and projections made therefrom.

I assume therefore that it would be permissible to file estimates of passenger revenue based on test audits in the Claremont Branch case in the same way as was done in the Newburyport case in 1940 and 1941.

R. Jackson
General Attorney

RJ:mcn

A-141-10N-17

HCA-20m


Boston, Mass., September 25, 1950

Mr. Heard
Mr. Edgar
Mr. Jackson

Mr. Sears
Mr. Reynolds

There will be a meeting of the
Committee on Retirements at 1:30 P.M. Friday,
September 29th, in my office.

We need to discuss various station
matters as well as the Claremont Branch petition.


H.C. Archibald
Chairman Retirement Committee

A-141-10N-17

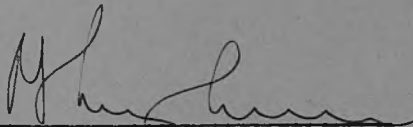
Mr. Jackson
To note

November 16, 1950

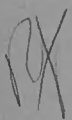
Mr. R. J. Fletcher:

In connection with the discussion at the Staff Meeting last Monday relative to the proposed abandonment of the Claremont Branch, we have received from the Executive Committee necessary authority to proceed; and it has now been decided that Mr. French and I will discuss this in a preliminary manner with the Public Utilities Commission as soon as we can make an appointment with Mr. Hunter, who is now out of the State.

I will advise you of the results of our conference.


T. G. SUGHRUE

RJF.



Mr. Jackson
To note

December 18, 1950.

Mr. Edward J. Bennett
Publisher
Reporter & Advocate
Canaan, New Hampshire.

Dear Mr. Bennett:

My sincere thanks for your cordial and helpful note of the sixteenth.

R.J.F.
R
I will not attempt to make any detailed statement other than to say that we are planning, as I told you, to have New Hampshire Counsel handle most, if not all, of these cases in the future, and I might also comment that we thought we had some of the industrial interests prepared to speak for us in the Claremont Branch case, but they failed to come through. Another time I shall personally convince them, indoctrinate them, and lead them to the bench.

In this connection you might be interested in a copy of a speech I delivered to the Shippers Advisory Board at their meeting at Bretton Woods last September, and I am attaching a copy.

I am passing your letter on to our General Counsel, Mr. R. J. Fletcher, who will be interested in it I am sure.

Again my thanks and sincere good wishes to you and your family for a Happy Holiday Season.

Sincerely yours,

H.M.E.
H.M.E.

✓
c/c R.J.F. - with letter.

R.M.E. *H.M.E.*

The Canaan Reporter

and Enfield Advocate

REPORTER established 1867

ADVOCATE established 1894

Owned and published weekly by EDWARD and LOUISE ANDROVETTE at The Reporter Press, Canaan, New Hampshire - Telephone 123

December 16, 1950

Mr. R. M. Edgar
Assistant to the President
Boston and Maine Railroad
Boston, Massachusetts

Dear Mr. Edgar:

Since our nice visit two weeks ago, I have had an opportunity to talk with one of the men who was helpful to me in my article and research concerning the road.

He was particularly concerned about the handling of the hearings at Concord last March and April, with reference to discontinuance of passenger service between Concord and Claremont.

Together, we arrived at some suggestions in connection with any future hearings which might be held. They seem to be constructive and we hope you take them as such.

We feel first of all there should be a campaign on the part of the road, showing what it costs to run a passenger train, and that unwarranted trains cause expense which necessarily come out of freight revenues. In other words, industry foots the bill.

This ought to be interesting to Newport, I think, where they have had industrial reverses the last few years. Undoubtedly, as I mentioned to you before, it would swing many of the influential persons in that town to the side of the road.

The Canaan Reporter

and Enfield Advocate

REPORTER established 1867

ADVOCATE established 1894

Owned and published weekly by EDWARD and LOUISE ANDROVETTE at The Reporter Press, Canaan, New Hampshire - Telephone 123

page two-- Mr. Edgar

We are convinced that any cases brought before the New Hampshire Public Service Commission should be handled by New Hampshire attorneys; and that the road should see to it well in advance that witnesses for the road should testify--the more the better, stockholders, shippers, etc.

Furthermore, if buses are substituted, they should be, to begin with anyway, of the most modern type. I learn that some time ago the train was out of service and an old bus was used, which broke down before it reached Concord, missing the connection with No. 310 there, all of which made for bad feeling.

Again, and perhaps this is one of the road's best trump cards, it should be shown by exhibiting New Haven, Rock Island, Coast Line and Great Northern timetables, that New Hampshire has more unwarranted passenger service than about any other state in the Union.

Cite places like Sanford, Me., Southbridge, Mass., Newport, R.I. and others, all several times the size of Newport, N.H., but which have no passenger service.

And above all, I've been told, it is most important for the road to have the earnings figures straight, showing the traffic from Claremont City to Concord, without showing the traffic from Claremont Jct. to Claremont City, which should have no bearing on this case.

My information is that had the road properly presented its case on the Claremont situation, they would have had a favorable decision. But, according to Mr. Hunter, chairman of the Commission, they presented it in such a way that he could do nothing but give them leave to withdraw.

The Canaan Reporter

and Enfield Advocate

REPORTER established 1867

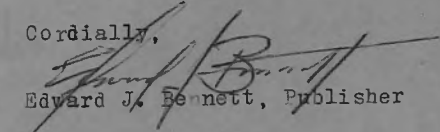
ADVOCATE established 1894

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page three-- Mr. Edgare

I am giving you these statements privately, rather than use them in any article. The other side should not know what the road might do in any future hearing, and I would like to help the road in this manner.

Cordially,


Edward J. Bennett, Publisher

REPORTER & ADVOCATE

A-141-10N-17



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD
1951
Jan. 22

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
~~REDACTED~~
HAROLD K. DAVISON

Robert J. Fletcher, Attorney
Boston & Maine Railroad
150 Causeway Street
Boston, Massachusetts

Dear Sir:

D-T2996 Boston & Maine Railroad. Petition for authority to discontinue passenger train service between Concord and Claremont Junction.

D-T2997 Boston & Maine Transportation Company. Application for authority to operate as a common carrier of passengers between Concord and Claremont Junction.

This is to advise that the commission will hold a continued hearing in connection with the above entitled matters at its office in Concord, Room 208, State House Annex, at eleven o'clock in the forenoon on the sixth day of February, 1951.

RF

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

James W. Doon
James W. Doon
Secretary

DYJ:R

A-141-10017



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
[REDACTED]
HAROLD K. DAVISON

1951
Jan. 22

Neal J. Holland, Attorney
Boston & Maine Transportation Co.
150 Causeway Street
Boston, Massachusetts

Dear Sir:

D-T2996 Boston & Maine Railroad. Petition for authority to discontinue passenger train service between Concord and Claremont Junction.

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Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

James W. Doon
James W. Doon
Secretary

1/24/51
HCA
Van/r
Handley O-r
is to handle for
the R.R. & will
be in R.J.F.'s office
on 1/31/51.
ngg
DYJ:R
ngg
ms
HCC
the

Concord, N. H.

A-141-10N-17

January 23, 1951

Dudley W. Orr, Esq.
Orr and Reno
4 School Street
Concord, N. H.

Dear Dudley:

I had no sooner written you that we couldn't find the record for April 5th than in it came. It seems to have taken the reporter a little longer than usual to get this one to us; moreover, it seems to be in even worse shape than usual.

Maybe you can make a little something out of it!

Very truly yours,

R. J. Fletcher
General Counsel

F/GC
Enc.

AAA
HIGHEST AWARD IN
THE NATION FOR
WEEKLY NEWSPAPERS

A-141-10N-17

THE ARGUS-CHAMPION

PUBLISHED EVERY TUESDAY AND FRIDAY BY THE ARGUS PRESS

NEWPORT, NEW HAMPSHIRE

January 24, 1951

Mr. William Cochrane
Chief Statistical Clerk
Boston and Maine Railroad
North Station
Boston, Mass.

Dear Mr. Cochrane:

Citizens in Newport have received word from the State Public Service Commission that hearings on a petition to discontinue service will be resumed next February 6.

We should very much like to be able to write an article on the arguments that the Boston and Maine will present to the Commission. At present we have no information pertaining to the case, other than that which was made public last year. We would appreciate it if you would send us an account of your proposals and the evidence supporting them.

In order to present a fair picture to our readers, your cooperation is necessary. As you can well imagine, there is more than enough comment available for a story opposing your petition, but we should like to present both sides of the issue.

We would appreciate your prompt reply.

Yours, truly,

William S. Wasserman, Jr.
William S. Wasserman, Jr.

A-141-10N-17

Boston, Mass., January 24, 1951

Messrs. H.C. Archibald
R. M. Edgar
C. F. Heard
H. C. Ahern
R. F. Cowan
W. E. Corcoran

Notice has been received from the Public Service Commission of New Hampshire under date of January 22, 1951, that the Claremont Branch question will be heard on February 6, 1951 in Concord. I understand that this is to tie up the loose ends and permit the case to be closed and a decision rendered.

Mr. Fletcher suggests that there be a meeting on this matter with Mr. Orr on January 31. Would you plan to meet in Mr. Fletcher's office on January 31 at 10:30 A.M.

R. Jackson
General Attorney

Copy to Mr. R.J. Fletcher

A-141-10N-17

Boston, Mass., January 24, 1951

Messrs. H.C. Archibald
R. M. Edgar
C. F. Heard
H. C. Ahern
R. F. Cowan
W. E. Corcoran

RJA

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R. Jackson
General Attorney

Copy to Mr. R.J. Fletcher ✓

COPY

A-141-10N-17

THE ARGUS CHAMPION

Newport, New Hampshire

January 24, 1951

Mr. William Cochrane
Chief Statistical Clerk
Boston and Maine Railroad
North Station
Boston, Mass.

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Yours truly

William B. Wasserman, Jr.

THE ARGUS CHAMPION

Newport, New Hampshire

January 24, 1951

Mr. William Cochrane
Chief Statistical Clerk
Boston and Maine Railroad
North Station
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We would appreciate your prompt reply.

Yours truly

William S. Wasserman, Jr.

A-141-10N
17

January 26, 1951

Mr. William B. Wasserman, Jr.
The Argus Champion
Newport, N. H.

Dear Mr. Wasserman:

Referring to your communication of January 24 in connection with resumption of the hearing before the State Public Service Commission on February 6 next.

In view of the nature of your inquiry I have taken the liberty of turning this letter over to Counsel handling the case, from whom you will undoubtedly hear.

Very truly yours,

W. E. Conrath
CHIEF CLERK
BUREAU OF STATISTICS

- CC: Mr. Fletcher
- Mr. Glacy
- Mr. Jackson
- Mr. Edgar
- Mr. Orr ✓

A-14 P-10N17

Cone + Claremont

January 26, 1951

Mr. William S. Wasserman, Jr.
The Argus Champion
Newport, N. H.

Dear Mr. Wasserman:

Referring to your communication of January 24 in connection with resumption of the hearing before the State Public Service Commission on February 6 next.

In view of the nature of your inquiry I have taken the liberty of turning this letter over to Counsel handling the case, from whom you will undoubtedly hear.

Very truly yours,

W.E. Conner
CHIEF CLERK
BUREAU OF STATISTICS

CC: Mr. Fletcher ✓
Mr. Glacy
Mr. Jackson
Mr. Edgar

Mr. Orr

Rgt.

January 27, 1951

Mr. R. Jackson

Yours of January 24, in regard to meeting
in Mr. Fletcher's office on January 31, at 10:30 A.M.
to discuss the Claremont Branch question.

I will be there.

R. M. Edgar



g

A-141-10A-17

January 29, 1951

Mr. William S. Wasserman, Jr.
The Argus Champion
Newport, New Hampshire

Dear Mr. Wasserman:

Regarding your letter of January 24, addressed to Mr. Cochrane, I am sending you herewith the Boston and Maine's statement for use in your story on the Claremont Branch hearing.

If there is anything else I can do for you regarding further material, I shall be very glad to do it.

Sincerely yours,

B. H. Hill

G. W. Hill

BH

Enclosure

c.c. R.J.Fletcher
G.F.Glacy
✓ R.Jackson
R.M.Edgar
Dudley W. Orr, Concord, N.H.

From G. H. Hill
Publicity Manager
Boston and Maine Railroad
Boston, Mass.

Passenger service on the Boston and Maine is absorbing better than 75% of every dollar of profit made on its freight business. The seriousness of this situation is even more apparent when it is realized that out of the total operating revenues of the road in 1950 passenger train service has accounted for only 19 per cent while freight accounts for 76 per cent of these operating revenues. In 1949, the Boston and Maine's loss from passenger train operations was \$13,200,000. Preliminary estimates for 1950 indicate it will be as much. These money losing passenger services are one of the most serious threats to the survival of American Railroads as private enterprises and if railroads are to remain solvent some solution must be found to this serious condition.

The passenger service on the Claremont Branch is one of the many drains on the Boston and Maine's revenues which the road is trying to eliminate. The experience of recent years has shown that private automobiles and buses have become the preferred method of transportation between the communities along the Branch and, as the State of New Hampshire has increasingly spent money to improve the road between Concord and Claremont, the incentive has been increasingly toward the use of private cars and buses. Nearly \$2,000,000 of taxpayers money has been spent improving this road in the last fifteen years.

At the hearing before the Public Service Commission in March and April last year, it was shown that total revenues from the passenger train service on the Claremont Branch amounted to about \$45,000

per year while wages for engine and train crews and the cost of coal alone amounted to approximately \$60,000 per year. Other operating costs such as repairs to locomotives and cars, locomotive supplies, train supplies and engine house expenses are in addition and combine to increase the loss in operation to considerably more than the difference between revenues and the cost of wages and fuel. Since the hearing, continued checks show a decrease in patronage. Costs have not changed appreciably since the hearing, but will be increased substantially when the wage cases now pending are settled.

The average number of passengers per day using the two present week-day round trips runs from a low of 11 passengers to a high of 26 passengers per train. On the Sunday round trip, the average runs from a low of 15 to a high of 23 passengers. In other words, the railroad is now running a whole train to accommodate less than a bus load of passengers. No business should be forced to provide service for so few patrons at so great a loss and no business can long continue to provide such service without being faced with financial disaster.

The railroad's proposal is not going to isolate any communities. With the majority of passengers using their own automobiles, bus service is offered to the people who want public transportation on approximately the same schedule as the present train service so that there is no change except from the rails to the highway. The elimination of passenger service ^{by rail} will have no adverse effect on communities involved when it is withdrawn after the patronage of the trains has been reduced to such low figures as now experienced on the Claremont Branch. There are many communities

in the State of New Hampshire which have been through this same problem and with substitute public facilities on the highway and with private automobiles available and used to such a large extent, no effect whatsoever is felt by these towns. Wolfeboro, Lincoln, North Woodstock, Farmington, Alton, Milford, Wilton, Hillsboro, Hill, Bristol and Belmont are a few examples.

A-14170N-17

Boston, Mass.,
February 1, 1951

Messrs. Bourke
Glacy
Ahern
Fletcher
Archibald
Heard
Cowan
Dunn
Corcoran
Foster

Re: Claremont Hearing - February 8, 1951

Mr. King of Mr. Orr's office telephoned today to say that, in Mr. Orr's opinion, only Messrs. Heard, Dunn, Corcoran and Foster would be needed at the February 8 hearing.

R. Jackson
General Attorney

RJ:J

A-111-10 N-17


Boston, Mass.,
February 1, 1951

Messrs. Rourke
Glacy
Ahern
Fletcher ✓
Archibald
Heard
Cowan
Dunn
Corcoran
Foster

Re: Claremont Hearing - February 6, 1951

RJF.

Mr. King of Mr. Orr's office telephoned today to say that, in Mr. Orr's opinion, only Messrs. Heard, Dunn, Corcoran and Foster would be needed at the February 6 hearing.


R. Jackson
General Attorney

RJ:J

MEMORANDUM

Further hearing in D.T. 2996, Abandonment of Rail Passenger Service on the Claremont Branch, was held in Concord February 6. Mr. Orr handled the hearing for the Railroad and various parties represented the communities and Brotherhoods. Mr. Shulin, representing Newport, Mr. Flaherty, representing Newbury and Sunapee, and Mr. Grant, Asst. Attorney General, were especially active. All three Commissioners, including Commissioner Davison, recently appointed, heard the case.

Mr. Heard introduced Exhibit 4b and also testified in regard to other changes in the figures shown in Exhibit 4a to bring them up to date. There was no cross-examination.

Mr. Foster introduced Exhibits 40, 41, 42 and 43 covering various aspects of the general Boston and Maine situation. He was cross-examined with particular reference to Exhibits 40 and 41 and was asked by the Chairman to supply later an explanation of the fact that whereas the number of passengers in 1945 was less than in 1944, the passenger revenue for 1945 was greater.

Mr. Corcoran testified in regard to his Exhibit 23 to the effect that the wage figures shown in the exhibit should be increased somewhat for the future.

Mr. Dunn testified as to the actual physical work done in connection with locomotive maintenance. He was cross-examined at great length, especially by Mr. Shulin who made some incorrect calculations and practically accused the Boston and Maine of falsifying its accounts. Toward the close of Mr. Dunn's appearance on the stand, Chairman Hunter asked him a few pertinent questions which indicated that he had not been misled by Mr. Shulin's attempt to muddy the waters.

Mr. Shulin asked the Commission to require the Boston and Maine to bring up to date the freight figures in Mr. Heard's Exhibits 37 and 38 and then asked the Commission to recess the hearing until some date after April 15 on account of the Town Meeting situation and various other local conditions which would make it impossible for the opponents to properly study the evidence and prepare their

own case before that time. He also called attention to the fact that there had been no cross-examination of witnesses at the original hearing and wanted to reserve his right to cross-examine at the continued hearing. After some discussion Chairman Hunter recessed the hearing until 10:00 A.M., April 17, and announced that the Commission would advise the Railroad of any additional information it wished to have the Railroad submit at that time.

C.F.Heard

Boston, Mass.
Feb. 7, 1951

A-141-101V-17

Mr. Jackson
a statement like document

9/2/51
RF

Concord, N.H.
Feb. 9, 1951

Mr. Fletcher:

Herewith is the resolution, circulated in the Sullivan County legislative delegation, which was developed by the Finance Committee of that delegation regarding discontinuance of passenger traffic on the Claremont Branch.

RF

J.C.B.
J. C. Bingham

JCB*A

CC - Mr. Edgar

The Finance Committee of the Sullivan County Legislative delegation, being duly assembled this 3rd day of February, 1951 hereby declare that in their opinion, the continued effort of the Boston & Maine Railroad to discontinue passenger traffic on the Concord & Claremont Branch is highly injurious to the County and the region close by, for the following reasons:

1. The railroad's effort has a tendency to depress real estate values and make tax collections increasingly difficult;
2. While passenger traffic may be light under present conditions, it has been very heavy less than five years ago and is likely, due to recurrence of war conditions and impossibility of travel by automobile, to be heavy again within a short time;
3. Possibility and strong probability of the road's becoming important very soon for defense purposes and therefore representing additional security for our population;
4. Travel by bus in this region is, at certain seasons at least, highly unsafe and unsatisfactory, as compared with travel by rail;
5. The road's unsatisfactory financial position is in part at least, due to its own failure to give as good service as is reasonably to be expected, the management having more regard to economies than to service. We would like to see the railroad give a fair trial to improved service.

These are merely the more obvious reactions to this effort. More reasons will appear on further examination. Therefore we support the effort now being made to secure a continuance and necessary time for more through consideration of defense measures.

A-141-10N-17

Boston, Mass., February 27, 1951

Mr. G. H. Hill:

Re: Claremont Branch

I should think that the first question - even if based on a misguided premise - should be answered, unless we want Wasserman to think he has had the brush off. Mr. Heard, of course, would know the figures; and I suspect the answer might read:

"Between Claremont Junction and Claremont, approximately cars of freight are moved annually; between Claremont and Sunapee, approximately cars; between Contoocook and Newbury, approximately cars."

R. Jackson
General Attorney

RJ:mem

Encl.

P.S. Locomotive maintenance (answer to #5) is average of all locomotives of that type.

R.J.

Boston, Feb. 28, 1951

Mr. G.H. Hill:

Relative to the attached:

If the question is how much freight is handled annually on the Claremont Branch, I think the answer should be something like this:

"Approximately 4000 carloads of freight are handled annually on the Claremont Branch, not including the line from Contoocook into Henniker. Of these, approximately three-quarters originate or terminate at Claremont and move over the Branch only between Claremont and Claremont Jct."

RA

C.F. Heard

→ cc-Mr. Jackson

6707

Mr. Jackson

February 28, 1951.

re: Purchase of
Claremont
Branch?

Mr. Dudley W. Orr
Orr and Reno
4 School Street, Concord, N.H.

Dear Dud:

Replying to yours of February 26 -

297.

While I have serious doubts about the ability of Judge Shulan, or anyone else, raising \$50,000 to buy the Claremont Branch, I would not want to discourage his efforts in that direction. It would seem to me that real consideration of such a proposition by the Railroad would result in our decision to sell the portion between Claremont and Contoosook, giving a connecting line trackage right for operation into Concord for passenger service and freight interchange purposes. Just off hand I would guess that the scrap value of the line from Contoosook to Claremont might be considerably in excess of the \$50,000 figure suggested. Of course the liability which goes with operation offsets that to some extent.

While the Judge is going through the preliminaries we will do the same and I will inquire of Messrs Glacy and Fletcher for their views from an accounting and value basis as well as legal.

I suggest we swap progress reports around the middle of March.

Sincerely yours,

D. W. Ed ar

c/c Messrs Glacy
Fletcher



March 1, 1951.

Mr. Edgar:

Copy of your letter of February 28 to Mr. Dudley W. Orr concerning one Judge Shulan shocked me.

As you know the revenue study made of the Concord & Claremont Branch indicated a heavy loss in the passenger traffic and a substantial freight business between Claremont Junction, Claremont and Newport on one end and Contoocook on the other end. If the Boston and Maine is successful in securing permission to discontinue the passenger service it could serve its freight customers from either end, and if later on permission could be secured to abandon the section in between, the salvage would be far in excess of \$50,000.

RJF.

On the other hand, there is serious doubt in my mind if the railroad did decide to sell the entire Concord & Claremont Branch, whether the I.C.C. would grant permission to do so if the sale was to be made to Judge Shulan because I question his ability to satisfy the Commission that he would be willing and able to furnish service on the entire line, and the Commission could view the sale as subterfuge for abandonment.

Assuming further that the railroad intended to sell the Concord & Claremont Branch (block, stock and barrel), and did not consider servicing the freight customers from both ends but would be willing to establish freight divisions with the prospective purchaser, the value of the Concord & Claremont Branch to a purchaser who could secure the Commission's approval to the sale to him, under these conditions would be substantially in excess of \$50,000. I cannot see how the railroad could be interested in the offer of \$50,000 mentioned in your letter but there may be some background you have not told me about, but frankly as I read the letter the proposal seems "cock-eyed".

Vice President-Accounting

Copy to Mr. Fletcher

RJF

Boston, March 7, 1951.

Mr. Glacy:

Yours of March 1 in regard to the Claremont Branch
and Dudley Orr's conversation with Judge Shulan -

I could understand your being surprised, but not shocked. While I have no defense for the \$50,000 figure, it might be pointed out that this is twice as much as we received for the sale of approximately the same mileage in the Rochester-Westbrook deal.

891-
I think you also overlooked the fact that my letter spelled out that any proposed sale would probably cover only the portion between Claremont and Contoocook, which would keep for the Boston and Maine the freight traffic between Claremont Junction and Claremont.

R. M. Edgar. -

c/c R. J. Fletcher.

March 12, 1951

Dudley W. Orr, Attorney
4 School Street
Concord, N.H.

Dear Mr. Orr:

Mr. Melvin of the New Hampshire Public Service Commission sent me a copy of his letter of March 9 to you in regard to furnishing data for 1950 corresponding to that which I put in last year in Exhibits 37, 38 and 39 of D.T. 2996.

RF
A few days after the last hearing Mr. Melvin phoned me, referring to Judge Shulin's request, and asked me whether this would be a difficult and expensive job. I said that I had told you following the hearing that to bring the figures up to date in the identical manner in which they had been worked out for the year 1949 would not be a big job. I said that while I could not say how our counsel would feel about putting in additional freight figures, so far as the actual work involved was concerned it would not be great, but that if we were required to work up actual detailed figures from our records it would be a long and costly undertaking.

I am accordingly starting to work up information for the year 1950 and, unless instructed otherwise, will be prepared to put in three exhibits corresponding to Exhibits 37, 38 and 39 put in last year, using the 1950 cars and tons and the B. & M. system revenue averages for the month of December 1950.

Yours very truly,

C. F. Heard
Asst. General Traffic Manager

→ CC-Mr. Fletcher
Mr. Archibald

CFH

C
O
P
Y

A-141-10N-17

Claremont

March 26, 1951

File 8-49-3600

Mr. F. W. Rourke:

In connection with your inquiry about the proposal to discontinue Portsmouth Branch Trains 3600 and 3605. Passenger Department detail worked up for this was completed and referred to Mr. Fletcher some time ago; but as I understand it, the filing of the petition was, for policy reasons, deferred. I believe decision is awaited on the Claremont Branch case.

About the Ashuelot Branch trains proposed for abandonment. We have necessary passenger detail ready and although we are continuing further audits, these can be cut off at any time and details assembled quickly when wanted.

We have already completed and furnished to the Committee passenger information on Worcester-Peterboro Trains 8111 and 8118 proposed for abandonment.

R. F. Cowan

CC- Mr. R. J. Fletcher
Mr. H. C. Archibald

A-141-10N-17

MEMORANDUM

March 31, 1951.

Mr. Orr told me today that since Judge Shulins was relieved of his position as Town Counsel of Newport, he had declined to continue to represent the Town in the Claremont Branch case. This case would now go into the hands of the new Town Counsel, Judge Shaw.

Mr. Orr said that in his opinion Shulins' interest in any proposal to buy or lease any portion of the Claremont Branch was now a dead issue.

RJZ.
I told him that I assumed that this was so questioning whether there ever was any substance in the proposal, but that in any event he should keep in mind in connection with this that we do not intend to have any dealings with anyone toward purchase or lease of any part of this line until we get a decision from the New Hampshire Commission.

RME

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

W. F. Orr

March 14, 1961

Hon. Jacob M. Shulins
Newport
New Hampshire

Dear Judge Shulins:

C
O
P
Y
In confirmation and extension of our telephone conversation today about the Claremont Branch, I have found that the Railroad is definitely interested in an offer to buy part of the Claremont Branch. The part of the line that would be available for purchase would extend from Contoocook to Claremont with trackage rights available from Contoocook into Concord. The reason for reserving the part of the line from Concord to Contoocook, as I understand it, is that the Branch line from Contoocook to West Hopkinton and Henniker must be protected. The Boston and Maine would continue to own and operate the line from Claremont Junction to Claremont, but would effect a division with you with respect to traffic moving on and off your line, but originating or terminating elsewhere.

The figure which you and I discussed was \$50,000. It now turns out that in the current active market for scrap, however, the scrap value of this line, exclusive of the real estate, would be at least twice that figure and probably more. The problem is not exclusively one of a price at which the Railroad would be willing to sell, but also one of a price which the Interstate Commerce Commission will approve.

I am told that the Commission has been reluctant to authorize the sale of an operating line to a group without previous operating experience where the sale price is well below the indicated scrap value. This disinclination to give its approval might be modified if the purchasing group could secure adequately an undertaking to continue operations for a reasonable time.

The Railroad is not seeking to dispose of the Claremont Branch to any group like yours without its being fully informed of the difficulties inherent in the venture. With that in mind, you may wish to talk to some of the short line operators who have bought lines from the Boston and Maine.

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

Hon. Jacob M. Shulins

-2-

March 14, 1951

I can give you the name of Mr. S. M. Pinsky, 150 Causeway Street,
Boston, Massachusetts.

I have not explored with the Railroad what possibilities exist in a
lease arrangement, but if your group would like to submit a proposal of
that sort, I am sure that it would be carefully considered.

Sincerely yours,

DWO:im.

Dudley W. Orr.

C

O

P

Y

A-124-10 N 17

April 6, 1951

Mr. Dudley W. Orr
Orr and Reno
4 School Street
Concord, N. H.

Dear Dudley:

I am sending you the attached as information, which, if my memory serves me correctly, was requested by the Commission at the prior hearing on the Claremont Branch.

Very truly yours,

R. J. Fletcher
General Counsel

F/GC

Enc.

LOCOMOTIVE REPAIR COSTS - 1950

B-15 CLASS

Number in class (end of year)	90
Average number to shop per year	12½
Actual shop repairs - 8 locomotives	92,595.
Shop repairs - 12½ locomotives	144,624.
Running repairs	271,275.
Total	418,599
Mileage	700,748
Cost per mile	.597

ALL STEAM LOCOMOTIVES

Number (end of year)	242
Average number to shop per year	60
Actual shop repairs - 30 locomotives	\$390,167.
Shop repairs - 60 locomotives	780,334.
Running repairs	1,509,095.
Total	\$2,289,429.
Mileage	3,855,450
Cost per mile	.594

DIESEL LOCOMOTIVES (UNITS)

Number (end of year)	194
Repair cost	\$2,412,064.
Mileage	13,260,710.
Cost per unit mile	.182

SUMMARY OF STEAM LOCOMOTIVE REPAIR COSTS-YEAR 1950

<u>Type of Loco.</u>	<u>Shop Miles</u>	<u>Cost</u>	<u>Cost per Mile</u>	<u>Service Miles</u>	<u>Cost</u>	<u>Cost per Mile</u>	<u>Total Cost per Mile</u>
G-11	422,786	\$45,997.22	\$.1088	542,763	\$147,459.66	\$.2717	\$.3805
H-2-A	-----	-----	---	178,692	49,440.51	.2767	.2767
H-3-A	-----	-----	---	78,706	31,363.76	.3985	.3985
H-3-B	-----	-----	---	8,436	4,193.75	.4971	.4971
B-15	672,205	92,595.18	.1377	700,748	273,975.13	.3910	.5287
K-7	-----	-----	---	74,840	30,776.93	.4122	.4122
K-8	246,456	39,601.69	.1607	382,808	150,343.77	.3927	.5534
J-1	-----	-----	---	18,642	8,336.80	.4472	.4472
P-2	1,048,321	154,661.87	.1475	1,379,508	542,407.75	.3932	.5407
P-5	-----	-----	---	84,017	46,726.74	.5562	.5562
P-3	86,969	16,632.22	.1912	219,454	99,672.75	.4542	.6454
P-4-A	66,033	19,983.56	.3026	81,507	44,012.16	.5400	.8426
P-4-B	-----	-----	---	94,386	48,470.30	.5135	.5135
T-1	-----	-----	---	1,031	13,368.44	12.9665	12.9665
R-1	81,498	20,695.13	.2539	9,912	18,546.09	1.8711	2.1250
GRAND TOTAL	2,624,260	390,166.87	.1487	3,855,450	1,509,094.56	.3914	.5401

BUREAU OF STATISTICS
Boston, Mass.
Mar. 22, 1951

Boston and Maine Railroad

Accounting Department

PASSENGERS

	<u>1944</u>	<u>1945</u>	<u>Number</u>	<u>CHANGE</u>	<u>Per Cent</u>
Commutation	11,513,766	12,003,233 (Inc.)	489,467 (Inc.)	4.2	
Furlough and Dischargee	2,029,309	2,416,064 (Inc.)	386,755 (Inc.)	19.0	
All Other	<u>17,588,175</u>	<u>17,254,216</u> (Dec.)	<u>233,962</u> (Dec.)	1.3	
	30,931,253	31,573,513 (Inc.)	642,260 (Inc.)	2.0	

REVENUE

	<u>1944</u>	<u>1945</u>	<u>Amount</u>	<u>CHANGE</u>	<u>Per Cent</u>
Commutation	\$ 2,117,036	\$ 2,250,263 (Inc.)	\$133,227 (Inc.)	6.6	
Furlough and Dischargee	1,773,145	2,152,205 (Inc.)	379,140 (Inc.)	21.0	
All Other	<u>15,641,661</u>	<u>14,950,423</u> (Dec.)	<u>791,258</u> (Dec.)	5.0	
	\$19,532,662	\$19,260,971 (Dec.)	\$271,691 (Dec.)	1.38	

C
O
P
Y

April 6, 1951

Mr. R. J. Fletcher:

In Mr. Foster's testimony at the Claremont Branch Passenger Hearing before the New Hampshire Public Service Commission on February 6, he submitted an exhibit in which the following figures for the years 1944 and 1945 were shown:

	<u>NUMBER OF PASSENGERS</u>	<u>PASSENGER REVENUE ACCOUNT 102</u>
1944	30,931,253	\$19,532,662
1945	<u>31,273,213</u>	<u>19,260,971</u>
Increase	642,260	Decrease \$271,691

At that time, the Commission inquired for the explanation why the number of passengers between the years 1944 and 1945 increased 642,260, whereas the Passenger Revenue, Account 102, decreased \$271,691.

The principal reason for the difference noted is the fact that while there was a decline of 233,962 in the number of regular coach and first-class fare passengers and a large decrease of \$791,258 attributable thereto, there was on the other hand an increase of 469,467 commutation passengers with a consequent increase of only \$140,427 therefor, together with an increase of 386,755 in the number of the very low-rate furlough-dischargee passengers with a consequent increase of only \$379,140 therefor.

To put it in another way, in 1945 there was a decrease of 1.3% in the number of high-rate regular coach and first-class passengers against increases of 4.2% and 12% in the number of very low-rate commutation and furlough-dischargee passengers, respectively.

Mr. H. J. Fletcher

-2-

April 6, 1931

The attached comparative summary of the principal clauses of 1914 and 1915, from which the above facts are drawn, may be useful for reference.

/s/ G. V. Glacy
Vice President

April 30, 1951

George R. Grant, Assistant Attorney-General
Concord, New Hampshire

Jarlath Slattery, Esq.
Newport, New Hampshire

Hon. Kenneth E. Shaw
Newport, New Hampshire

William L. Phinney, Esq.
Manchester, New Hampshire

Frederick S. Hall, Esq.
Concord, New Hampshire

Dear Sirs:

In accordance with my statement at the hearing in the matter of the petition of the Boston and Maine Railroad for the Public Service Commission on Tuesday, the seventeenth, I enclose herewith the following documents:

- 1) A copy of the letter of G. F. Olacy to R. J. Fletcher with a tabulation attached explaining the relation between the number of passengers and the passenger revenue account 102 during the years 1944 and 1945.
- 2) Tabulation of locomotive repair costs for 1950, segregating the B-15 Class from all others.
- 3) Summary of steam locomotive repair costs, year 1950, classified by type of locomotive.

In order that there may be no misunderstanding, I here record my recollection of the additional evidence which counsel for protestants desire the railroad to produce at the hearing on May 17th and in addition to such evidence as may be elicited on cross examination. If the following tabulation is in any way incorrect or incomplete, please let me know promptly. We are eager to do all in our power to avoid further delay in this already protracted proceeding.

- 1) A tabulation by all stations on the Claremont Branch, including Concord and Claremont Junction, of the information called for on Form B & M RR 6506 Rev. for the years 1949 and 1950.
- 2) A tabulation by all stations along the line of the Claremont Branch, including Concord and Claremont Junction, of the information contained on the ticket sheets Form 387, for the years 1949 and 1950.
- 3) A summary of all tickets sold by conductors on the Claremont Branch during 1949 and 1950.
- 4) The actual express receipts at all stations along the Branch, including the two termini specified above.

In undertaking to supply the foregoing information, the Railroad does not waive its right at the proper time to object to the relevance, materiality and competence of any of it.

Very truly yours,

DWO:im.
Encs.

Dudley W. Orr.

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
PETER J. KING, JR.

April 20, 1951

TELEPHONE 548

Richard Jackson, General Attorney
Boston and Maine Railroad
North Station
Boston 14, Massachusetts

Dear Dick:

I am sorry that I missed the best part of your lecture Thursday. I returned to the conference about quarter of five and we concluded about an hour later. It would appear that our recommendations have been well received and your presence was very valuable.

I enclose a copy of a letter I am sending out to our adversaries in regard to the Claremont Branch. Please tell Mr. Hurd that although freight revenues were discussed, we steered away from any direct demand for specific figures. I think we ought to take the position that it is not feasible to furnish anything beyond estimates based on recognized methods of pro ration.

I think that Paul Pearson here in Concord will have some information about the amount of freight shipments to points along the Claremont Branch originating out of Concord. I think that is unimportant beyond its showing that we are doing the best we can to supply information.

Will you see that someone starts to assemble the foregoing material and I would like to have it prepared and duplicated in enough copies for exhibits as soon as possible in order that you and I and Peter may study it and consider whether or not we should circulate it in advance. Any thoughts you have on this subject will be welcome.

Sincerely yours,

Dudley W. Orr.

DWO:im.

April 23, 1951

Dudley W. Orr, Esq.
Orr and Reno
4 School Street
Concord, New Hampshire

Dear Dudley:

I am sending on to Peter the rewrites of the proposed Sec. 6 of Chap. 285 and Sec. 24 of Chap. 287 as I should like to see them. This is in pursuance of request made upon us by Messrs. Wells and Perkins last Thursday.

I have your letter of April 20, 1951, and have circularized our people in order to obtain the information you requested.

Sincerely yours,

R. Jackson
General Attorney

RJ:mem

Boston, Mass., April 24, 1951

Mr. F. W. Rourke
Mr. G. F. Glacy
Mr. C. F. Heard
Mr. H. C. Archibald

Re: Claremont Branch Case

I received a letter from Mr. Orr dated April 20, in which he encloses a form of letter which he has sent to the opposing counsel in the above case.

Those who attended the hearing on April 17 will recall that it was stipulated that the Railroad would obtain certain freight and passenger cash receipts at the several stations on the Claremont Branch and submit such figures to opposing counsel. Accordingly Mr. Orr has in a letter sent to those gentlemen undertaken to furnish:

1. A tabulation by all stations on the Claremont Branch, including Concord and Claremont Junction, of the information called for on Form B & M RR 6505 Rev. for the years 1949 and 1950.
2. A tabulation by all stations along the line of the Claremont Branch, including Concord and Claremont Junction, of the information contained on the ticket sheets Form 587, for the years 1949 and 1950.
3. A summary of all tickets sold by conductors on the Claremont Branch during 1949 and 1950.
4. The actual express receipts at all stations along the Branch, including the two termini specified above.

Could this information be prepared and forwarded to Mr. Orr as early as possible in order to avoid any suggestion by our opponents that our tardiness in furnishing information caused them to come to the May 17th hearing ill prepared.

A-141-10 N-17
Claremont

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
PETER J. KING, JR.

TELEPHONE 548

April 24, 1951

Neal J. Holland, Esq.
Legal Department
Boston and Maine Railroad
150 Causeway
Boston, Massachusetts

Dear Neal:

Enclosed are the transcripts of the hearings
in the Claremont branch petition held on March
2 and April 5, 1950 and February 6, 1951.

Could you please return them as soon as they
have served your purpose, inasmuch as we will
need them for preparation for the May 17th
hearing.

Sincerely yours,

R. H. Reno

Robert H. Reno

RHR/EL
Enclosures

Aluminum Co.

A-141-10N-17

April 25, 1951

Robert H. Reno, Esq.
Orr and Reno
Four School Street
Concord, New Hampshire

Dear Bob:

Returned herewith are the transcripts
you sent me on yesterday. The citations I
wanted appeared on page 63 of the April 5, 1950
transcript (267 I.C.C. 633 and 271 I.C.C 605).

Thank you for the loan of same.

Sincerely,

Neal J. Holland
Attorney

Encs.

NJH:J

A-141-10N-17

Boston, April 26, 1951

Mr. R. Jackson
General Attorney

Your letter of April 24 relative to the
Claremont Branch Case.

The Traffic Department will undertake to
furnish the material requested in paragraphs 1 and 4, al-
though the express information will mean very little
because in the case of the agency stations of Concord,
Newport and Claremont the figures will represent the
amounts paid at the points, that is, collect inward and
prepaid outward, rather than actual Railway Express
revenue on shipments to and from these stations.

I do not know how much work is involved
in obtaining the express figures, but getting together
the Form 6505 information is considerable of a chore and
I would be surprised if we can get the work done much, if
any, before the 10th of May.

I am sending a copy of this letter to Mr.
Orr as information.

C.F. Heard
C.F. Heard

Copy to
Mr. Dudley W. Orr
Orr and Reno
4 School Street
Concord, N.H.

May 4, 1951

Dudley W. Orr, Esq.
Four School Street
Concord, New Hampshire

Dear Dud:

Enclosed herewith are the following Station Agent File Copies of Form 587 for the years 1949 and 1950:

- | | |
|---------------|-------------------|
| 1. Concord | 5. Sunapee |
| 2. Contoocook | 6. Newport |
| 3. Warner | 7. Claremont |
| 4. Bradford | 8. Claremont Jct. |

Also, you will find enclosed herewith a Statement showing the number of Cash Fares collected by conductors on Claremont Branch Trains by months for the years 1949 and 1950.

Will you please be certain that the opposition returns the complete files intact as they must be returned to the Station Agents when they have served their purpose.

As soon as I receive the material requested from Mr. Heard I will forward it to you.

Very truly yours,

R. Jackson
General Attorney

RJ:mem
Encls.

May 4, 1951.

Mr. R. Jackson:

Re: Claremont Branch
Passenger Abandonment Case

In accordance with your request for items #2 and #3 in your letter dated April 24, I am attaching hereto the following Station Agent File Copies of Form 587 for the years 1949 and 1950:

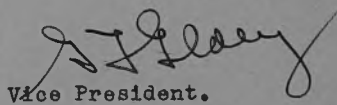
- | | |
|--------------|-------------------|
| 1. Concord | 5. Sunapee |
| 2. Contocook | 6. Newport |
| 3. Warner | 7. Claremont |
| 4. Bradford | 8. Claremont Jct. |

This includes all Station Agent Files with the exception of Newbury which is a small, part-time summer station having no real consequence on the number of Interline Tickets sold.

Also, you will find attached hereto a Statement showing the number of Cash Fares collected by conductors on Claremont Branch Trains by months for the years 1949 and 1950.

It is my understanding that the Traffic Department is to furnish the material requested in items #1 and #4.

Will you please make it understood to Mr. Orr that the opposition must return the complete file of Form 587 intact so that I may return the Station Files to the Agents when they have served their purpose.



Vice President.

ENF/o

Copy to Mr. Rourke
Mr. Heard
Mr. Archibald

A-141-10N-17

May 7, 1951

Mr. Dudley W. Orr
Attorney
Orr and Reed
4 School Street
Concord, N.H.

Dear Mr. Orr:

I am attaching three copies each of statements which have been prepared showing the Form 6505 information for stations from Concord to Claremont Jct. inclusive, including the line into Emerson, and the Railway Express Agency figures for these stations, both covering the years 1949 and 1950.

Actually, Form 6505 also contains information in regard to the industries at the various points but the figures shown are those sent in monthly by the agents indicating the total amount of business in summary form. The Railway Express figures represent express revenue only and have no connection with payments by the Express Agency to the Boston and Maine. Actually the figures shown for Concord, Claremont and Newport are only the amounts paid at these points, as the complete express revenue is available only at the commission stations.

We have mimeographed about fifty of each of these sets of figures and will have them available at the hearing. If you wish to have any more at this time please let me know.

Yours very truly,

G. F. Heard
Asst. General Traffic Manager

→ CC-Mr. Jackson--
letter Apr. 24.
Mr. Glacy
Mr. Rourke
Mr. Archibald

for

STATE OF NEW HAMPSHIRE
PUBLIC SERVICE COMMISSION

"Now comes Frank E. Haven, Guy A. Dodge and Raymond L. Barrett, Selectmen, acting for and on behalf of the town of Newport, and complain against the Boston & Maine Railroad, saying:

1. That for many years the Boston & Maine Railroad Corporation has operated a public utility within the State of New Hampshire and has undertaken to provide the public of Newport with passenger transportation on its branch line running between Claremont Junction and Concord.
2. That said corporation is bound by law to furnish all persons reasonable and equal terms, facilities, and accommodations for the transportation of persons and property over this railroad.
3. That said corporation is also bound by law to furnish services as shall be reasonably safe and adequate and in all respects just and reasonable.
4. That for many years past the said corporation has furnished and now continues to furnish accommodations and facilities on its Claremont Branch passenger trains which are neither reasonable or adequate and its omission to furnish such service is in clear violation of Chapters 287, 289, and 301 of the Revised Laws.
5. That the facilities and accommodations now being offered by the corporation for passenger travel are unreasonable and inadequate and entirely unsuitable for present day travel. Your petitioner further alleges that said facilities and accommodations are far below the minimum standards accepted by the public as satisfactory nearly forty years ago.
6. That due to the lack of proper facilities and accommodations as required by statute, the traveling public of Newport are prevented and discouraged from riding on said corporation's trains and your petitioner avers that the failure of said corporation to derive substantial revenue from its passenger operations is, if such a statement be true, a direct result of its own acts or omissions to act in violation of law.
7. That by reason of the geographical location of Newport and its few and poor lines of communication with the state capitol, both by rail and by road, and by virtue of its position as the County Seat of Sullivan County, it is absolutely necessary and in the public interest that passenger service which the corporation now provides be continued and it is equally important that the accommodations and facilities furnished by said corporation be improved and modernized to conform with the standards of present day transportation and the plain requirements of the laws of the State of New Hampshire.
8. That a petition now before your Commission brought by the corporation to discontinue operations on said branch line is a direct result of the failure of said corporation to abide by the Statutes of the State of New Hampshire governing the operation of public utilities.

9. That public convenience and necessity demands prompt compliance by the corporation with statutory requirements governing operation of public utilities.

WHEREFORE YOUR PETITIONER PRAYS:

(A) That your Honorable Commission acting under the provisions of Chapters 287 and 289 of the Revised Laws make an "on the spot" investigation of the allegations of your petitioner as are herein set forth in this complaint.

(B) That your Honorable Commission make such orders for the improvement of said passenger transportation on said branch line as may be just, reasonable and in the public interest.

(C) And for such other relief as may be just.

Town of Newport

By Frank F. Haven
Guy L. Dodge
Raymond L. Barrett
Selectmen of Newport, N. H."

Upon the foregoing petition, filed April 17, 1951; it is

ORDERED, that a hearing on said petition be held before said Public Service Commission at its office in Concord, Room 208, State House Annex, in said State, at eleven o'clock in the forenoon on the fifth day of June, 1951; and it is

FURTHER ORDERED, that said petitioner notify all persons desiring to be heard to appear at said hearing when and where they may be heard upon the question whether the prayer of said petition may be granted consistently with the public good, by causing an attested copy of this order of notice to be posted in two public places in the Town of Newport, in said State, not later than May 17, 1951, such public places to be designated in an affidavit to be made on a copy of this order of notice and filed with this office.

By order of the Public Service Commission of New Hampshire this tenth day of May, 1951.

A TRUE COPY

ATTEST:

James W. Doon
SECRETARY
N. H. PUBLIC SERVICE COMMISSION

JAMES W. DOON
Secretary



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
HAROLD K. DAVISON

May 10, 1951

Robert J. Fletcher, Attorney
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

D-T3111 Selectmen of Newport and Sunapee v.
Proprietors of the Boston & Maine Rail-
road Corporation. Petition for the
continuance of, and improvement in,
passenger train service on the Clare-
mont Branch.

We are enclosing herewith copies of orders of notice
issued by the Commission in connection with the above entitled
matter.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

James W. Don
Secretary

DYJ:MC

5/14/51
R Jackson
I was served for B & MTC.
Dudley Orr called R J F + talked
to Bob Edger. I gave Bob Edger a
copy of the order that quotes the Sunapee
petition; the two petitions are identical.
WJK

A-141-10N-17



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
[REDACTED]
HAROLD K. DAVISON

May 15, 1951

Robert J. Fletcher, Attorney
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

D-T3111 Selectmen of Newport and Sunapee v.
Proprietors of the Boston & Maine
Railroad Corporation. Petition for
the continuance of, and improvement
in, passenger train service on the
Claremont Branch.

RJF.

Under date of May 10, 1951, we forwarded to you
copy of an order of notice issued in connection with the
above entitled matter, in which the hearing date was June
5, 1951.

We now find it necessary to change this date of
hearing to June 6, 1951, at 11 A.M., and would ask that
you change this date on the order of notice which we sent
you.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

James W. Doon
Secretary

J

A-141-10N-17

Mr. Jackson



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
[REDACTED] BOARD
HAROLD K. DAVISON

May 31, 1951

Robert J. Fletcher, Attorney
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

D-T3111 Selectmen of Newport and Sunapee v.
Proprietors of Boston & Maine Railroad
Corporation. Petition for the contin-
uance of, and improvement in, passenger
train service on the Claremont Branch.

By agreement of counsel, the hearing in connection
with the above entitled matter, which was scheduled to be held
on June 6, 1951, has been postponed to a date later to be fixed,
and you will be notified when such date has been set.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

James W. Don
Secretary

DYJ:MC

R.F.
[Signature]

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO

EUGENE C. STRUCKHOFF
PETER J. KING, JR.

June 8, 1951

TELEPHONE 546

Robert J. Fletcher, General Counsel
Boston and Maine Railroad
North Station
Boston 14, Massachusetts

Dear Bob:

RF
Enclosed please find a copy of our brief in
the Claremont matter. I regret that we were under
so much pressure of time to get this document out.

Sincerely yours,

Dudley

Dudley W. Orr.

DWO:im.
Enc.

RE PERSONAL INJURY TO

NO.

STATEMENT OF

STREET

CITY

TAKEN BY

AT

DATE

BUSINESS
ADDRESS

Concepts of costs: I Costs defined in terms of dollars spent.

* A Expenses shown within an accounting period.

B. Bookkeeping entries to reflect charges against income for purpose of reflecting consumption of property.

II Costs in terms of variability

A. Fixed costs (interest, general etc)

* B. Variable costs that vary roughly in proportion with volume of business (Sometimes called "diss" or "W.A. Packet")

III Costs in terms of assignability.

A. Costs assignable to between major categories of business

So called * (1) Costs chargeable solely to passenger service (trains, etc)
Direct charges in direct costs in certain formulae
(2) Costs chargeable solely to freight service
So called common costs (3) Costs distributed between major categories on basis of formulae

B. Costs assignable to particular service, i.e. particular train.

When it maybe said that direct charges are made.
* (1) Costs incurred solely in the furnishing of the particular service
a. Where cost runs solely on train (a train) in question
b. Where fuel studies made to show actual charge out of fuel to train.

(2) Costs incurred in the furnishing of particular service in question and in other service as well (this is a subproblem since sound economic railroad practice requires the greatest possible use of personnel and equipment)

(a) Crew wages - allocable between particular service and other service on train mile run basis.

(b) Car repairs - somewhat more than wages since car assignments are not within such easily defined limits as are crew assignments - distributable on basis of car miles run rates.

RE PERSONAL INJURY TO

NO.

STATEMENT OF

STREET

CITY

TAKEN BY

AT

DATE

BUSINESS ADDRESS

(Sap*)

That result of the above analysis the phrase
 "direct costs" is ambiguous, and it is necessary for one
 discussing a given cost problem to distinguish what kind
 of cost he is talking about in terms of the nature of the cost
 figures he proposes to deal with. He must avoid the phrase
 in view the risk of confusing his audience.

It may be in direct cost under category I

Such being the case, we must consider i.e. locomotive
 repair costs in terms of the nature of the cost. Some ^{or other} ~~costs~~
 dollars expended within an accounting period; & so they will be
 termed direct within that cost definition. They are also easily
 assigned between the two major categories of service since
 passenger steam locomotives and freight steam locomotives are
 not ordinarily interchanged between the two services - thus
 this category of cost is direct when cost is defined within category III

Under appeal to category IV of cost, we come to the category of
 cost where it is impossible to make direct assignment, since
 locomotives are pooled and no particular locomotive is assigned
 at all times to one particular service. If it be the operating fact
 that locomotives are assigned for a pool, ~~then probably some assignment~~
 method must be found in order that there be proper and fair charges
 against a given service*. One method of doing this would be to take
 each locomotive that has served on the particular service and finding
 the money expended on that locomotive for running repairs and
 for classified repairs during a given study period. It is obvious however,
 that we cannot stop there, since - if the Cleveland Branch
 trains required the assignment of 2 locomotives to ~~be~~ ~~the~~ ~~haul~~
~~the~~ ~~trains~~ under the present schedule, it would be
 outrageous to assign the total repair cost to the branch

the locomotive

*Certainly, it cannot be denied that dollars are expended in maintaining

1
RE PERSONAL INJURY TO

NO.

STATEMENT OF

STREET

CITY

TAKEN BY

AT

DATE

BUSINESS
ADDRESS

which may have been incurred in repairing 1.8. 8 locomotives ^{separately} that actually hauled trains up and down the branch during the study period. In order to be fair, it would be essential to divide the cost burden incurred in repairing these 8 locomotives between the branch service and other service upon which they have been engaged. What methods are available? Hours of service? Miles run? General railroad engineering opinion is in agreement that repairs are made necessary ^{chiefly} by wear and tear occasioned, by use — viz: travel over the road. Consequently the principal mode of distribution of the repair bill will be on the basis of the miles of locomotive miles run in Branch service and those run elsewhere.

This is the method of which we have employed in this case. We have not, to be sure, made a special study to determine what specific engines were used in Branch service, what miles they ran there and elsewhere; nor what dollars were spent on these specific engines within the period comparable to the previous study period. We do not keep our books to reflect costs incurred in the repair of each specific locomotive. ~~Such~~ Such a tedious effort is not considered necessary in the light of the fact that the locomotives used on the Branch all have essentially the same characteristics and require the same type and extent of work done after a certain period of use. In other words, regardless of locomotive assignment to the branch or elsewhere, a locomotive of the type normally assigned to the branch will incur the same need for repair for each mile run — whether the mile be run on the Branch or elsewhere. And having incurred the need it will incur the expense per mile which our figures show.

RE PERSONAL INJURY TO

NO.

STATEMENT OF

STREET

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CITY

TAKEN BY

AT

DATE

BUSINESS ADDRESS

Classroom Branch 9/18/57

1. Conf counsel - PVC says it will work (1932) to say we haven't followed rules in giving notice etc.
2. Hearing convened for history reviewed, outstanding dates.
 - (b) Recital of releasing matters including notice to all parties.
3. DWO - proffatory statement.
4. Call H.F.
5. Phiney (for Newport) ^{did not} understand that releasing was to hear new evidence.
6. Davidson says will hear evidence + then you can ask continuance to answer evidence.
7. DWO, after check with P, says we don't need to put it in. We will however, put it in + suggest object to any continuance.
8. H.F. testifies
 - 8A Tuffany objects to introduction of evidence to show responsibility of bookkeeping + keeping figures day by day in Classroom Br.
 - 8B After having HF explain general rules of bookkeeping
 - 8C Phiney objects to exhibit showing difference in cost between 1936 + 1950 costs.
9. Davidson rules that will receive exhibit for identification + reserve rule on receiving it in evidence.
- 10 HF shows what exhibit shows.
 - 10A Object Phiney - irrelevant
 - 10B Object Tuffany - doesn't refute PVC finding.

1
RE PERSONAL INJURY TO

NO.

STATEMENT OF

STREET

2

CITY

TAKEN BY

AT

DATE

BUSINESS
ADDRESS

11. Phiney - cast X-examine - wants continuation.
12. Press for lunch
13. Reviewer & it suggestion of G. Tiffany, PVC asks written conference at which agreement on procedure reached - with W. Phiney making the operative suggestion.
14. Announcement read that case would be submitted on brief B+M brief due in 3 weeks; Reply brief due 3 weeks later.
15. Adjourn at 3:00 P.M.

1-111-102-17

June 16, 1951

William L. Phinney, Esq.
922 Elm Street
Manchester, New Hampshire

Dear Bill:

This is tardy acknowledgment of a copy of the Argument submitted on behalf of the Towns of Newport and Sunapee.

I regret to say that my opus for the Commission was not published in sufficient duplicates to have more than a copy each for the Attorney-General and Judge Shaw.

One penalty that you fellows suffer for having ganged up on me is to exclude yourselves from the pleasure of perusing my sweet prose as it bubbles off the typewriter.

I feel rather badly about this in your case because some of the passages in the document that you have sent to me please me much. I always like references to my "psychological acuteness" and the association of the minds of the trial tribunal with the noun "cement" is a poetic touch that expresses an unarticulated thought that must have occurred to many members of the Bar.

I agree that the national situation is deteriorating by the hour. Also by the Potomac.

Best regards as ever.

Sincerely yours,

DWO:im.

Dudley W. Orr.

A-141-10N-17

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
~~SECRETARY~~
HAROLD K. DAVISON

State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD



July 31, 1951

Robert J. Fletcher, Attorney
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

D-T2996 Boston & Maine Railroad. Petition
for authority to discontinue passen-
ger train service between Concord
and Claremont Junction.

D-T2997 Boston & Maine Transportation Company.
Application for authority to operate
as a common carrier of passengers be-
tween Concord and Claremont Junction.

We are enclosing herewith copy of the report issued
by the Commission in connection with the above entitled matters.

File per R.J.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

James W. Don
Secretary

JWD:MC

19

Clement Branch

BOSTON, 2 August 1951

A-141-10N-17

Mr. E. S. French:

Decision of an apparently unanimous New Hampshire Commission denying the Railroad's petition to discontinue passenger service on the Clement Branch was received on August 1st.

The basis of decision was that, as a result of the freight operation, the Railroad makes a fair profit on the over-all operation. Moreover, the Commission complained of the failure by the Railroad to produce proof to show "actual cost". It was clear that the Commission meant here that the Railroad had not produced figures showing cost ascribable to a given unit of equipment but rather had given system average cost figures for such items as locomotive repairs, car repairs, train repairs, etc. In the Commission's opinion, system average figures are not "actual direct costs". (!) The Commission was satisfied that our figures on wages and fuel were "actual direct costs".

I have written Mr. Orr asking for his views concerning various alternatives of actions that are available to us and the probabilities of success of each alternative. In the meantime we are having a meeting on Monday next to block out assignments of work preparatory to filing application with the I. C. C. seeking complete abandonment of the middle section of the line. It was felt by the Staff at its meeting today that there was no reason why this preliminary spade work should not go forward pending answer to our questions as to the various alternatives of action.

R. Jackson

August 3, 1951

Dudley W. Orr, Esq.
4 School Street
Concord, Massachusetts

Re: Claremont Branch Case

Dear Dud:

The adverse decision now being in hand the question arise as to what is now to be done regarding the Claremont Branch. Could we have the benefit of your views concerning various alternatives of action; the risks to be run in respect of each of the alternatives discussed; the probabilities of success; and the time element involved before definitive action could be expected.

It occurs to me that we have such alternatives as:

1. Appeal to the New Hampshire Supreme Court with the possibility of further review by the Supreme Court of the United States.
2. A proceeding before the Interstate Commerce Commission seeking total abandonment of a certain portion of the line with the possibility of appeal from an I.C.C. decision to a three judge court, etc.
3. Take off the passenger service, awaiting threatened disciplinary action by the state authorities

Dudley W. Orr, Esq.

-2-

8/3/51

and seek an injunction against such disciplinary action in the Federal Court in accordance with the procedural device adopted by the Burlington before the District Court of the Northern District of Illinois.

82 Fed. Supp. 368

There may be other alternatives of action that occur to you.

With best wishes.

Sincerely yours,

R. Jackson
General Attorney

RJ:mem

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
PETER J. KING, JR.

TELEPHONE 546

August 3, 1951

*acknowledged with
thanks
"Dear Bob"*

Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Dear Dick:

I am enclosing a copy of a motion for re-hearing on the Claremont branch petition which I have just drafted.

At the moment when I was speaking with you yesterday I had forgotten that I am leaving next Wednesday. Therefore, I am rushing this off to you without having read it over.

I am sure that you will have a number of suggestions and corrections.

In order to preserve the right to appeal the denial of the petition, this motion for re-hearing must be filed with the Public Service Commission not later than August 20, 1951. Dud will be back around the 15th, so there should be no trouble in getting it filed in time.

Sincerely yours,

Robert H. Reno

Robert H. Reno

RHR/EL
Enclosure

A-101-10A-17

August 7, 1951

Robert M. Reno, Esq.
Orr and Reno
Four School Street
Concord, New Hampshire

Dear Bob:

This will acknowledge and thank you for your letter
of August 3, 1951 with its enclosure.

Very truly yours,

R. Jackson
General Attorney

RJ:mem

A-141-10 N-17

QUESTION #7 - CLAREMONT BRANCH

PASSENGER SERVICE

The service provided is two round trips weekdays, one round trip Sunday between Concord, N.H. and Claremont Jct., N.H.

There have been no radical changes in the service during the past five years - slight changes made necessary by connections at Concord or Claremont Jct.

At present time (one hour later in Winter) our service between Bradford and Sunapee is as follows:

Westbound

Train No.	3803	3807	3859
<u>Operates</u>	<u>Ex. Sun.</u>	<u>Ex. Sun.</u>	<u>Sun. Only</u>
Bradford	s10.12 AM	s6.15 PM	s7.37 PM
Sunapee	s10.40 AM (EST)	s6.45 PM (EST)	s8.05 PM (EST)

Eastbound

Train No.	3802	3808
<u>Operates</u>	<u>Ex. Sun.</u>	<u>Daily</u>
Sunapee	s6.53 AM	s9.03 PM
Bradford	s7.20 AM (EST)	s3.30 PM (EST)

s = regular stop

f = flag stop

FREIGHT TRAIN SERVICE

Freight Train service, Claremont Branch - Concord to Claremont Jct., during the past five years:

Two runs	Claremont Jct. to <u>Newbury</u>	Concord to <u>Bradford</u>
	6 Day Basis	Tues.-Thurs.-Sat.
	Lv. Claremont Jct. 6:30 AM EST	Lv. Concord 5:45 AM EST
	to	to Bradford and
	Newbury or Newport	return.
	and return	

Note 1

Note 1 - only runs beyond Newport when carloads for Sunapee or Newbury involved.

No change in above in past five years.

(One hour later in Winter)

QUESTION #7 - CLAREMONT BRANCH

A-141-10N-17

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Claremont Jct.
to
Newbury

6 Day Basis
Lv. Claremont Jct. 6:30 AM EST
to
Newbury or Newport
and return

Concord
to
Bradford

Tues.-Thurs.-Sat.
Lv. Concord 5:45 AM EST
to Bradford and
return.

Note 1

Note 1 - only runs beyond Newport when carloads for Sunapee or Newbury involved.

No change in above in past five years.

(One hour later in Winter)

A-141-10N-17

BOSTON, August 15, 1951

Mr. R. Jackson:

Attached please find memorandum providing the answer to Question #7 asked in connection with the abandonment of a portion of the Claremont Branch.

HEB

HEB/AH

MSA
acknowledged
10/25/67
8/16/67

Boston, August 16, 1951

- Mr. T. C. Sughrue
- Mr. W. S. Trowbridge
- Mr. P. J. Mullaney
- Mr. V. V. Bourke
- Mr. S. F. Slacy
- Mr. H. H. Rainie
- Mr. S. C. Phillips
- Mr. R. J. Fletcher
- Mr. H. H. Edgar

At a conference yesterday between Messrs. Fletcher, Orr, Edgar and Jackson, the following conclusions were reached respecting the Claremont Branch case:

1. The case decided this Spring by the U.S. Supreme Court, Alabama Public Service Commission v. Southern Railway, has closed the door to an appeal directly from the New Hampshire Public Service Commission to a three judge Federal Court.

2. The above-named case has probably rendered impossible the success enjoyed by C.B.A. in simply taking off the service and - when the state authorities threaten prosecution - in obtaining from the Federal Court an injunction against state prosecutors.

3. As a basic minimum we should take steps to appeal from the Public Service Commission's decision to the New Hampshire Supreme Court. (A petition for rehearing before the Commission is now in course of preparation and will be filed before this week is out. The filing of this petition is a necessary first step to be taken in order to qualify us to make such an appeal.)

4. Work should continue looking toward the filing of an abandonment petition with the I.C.C., Mr. Orr feeling that it may be possible and indeed wise to file such a petition to be pending at the same time that the appeal is pending before the New Hampshire courts.

At a conference held August 5 it was decided, among other things, that the conferees should meet again on the matter

on August 20 in order to discuss the Railroad's course of action. Unless there is objection, I shall assume that in light of the foregoing no meeting on August 20 is necessary.



E. Jackson
General Attorney

EJ:mca

A-141-10N-17
Boston, August 16, 1951

Mr. T. G. Sughrue
Mr. W. S. Trowbridge
Mr. P. J. Mullaney
Mr. F. W. Rourke
Mr. G. F. Glacy
Mr. H. M. Rainie
Mr. S. G. Phillips
✓ Mr. R. J. Fletcher
Mr. R. M. Edgar

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on August 20 in order to discuss the Railroad's course of action. Unless there is objection, I shall assume that in light of the foregoing no meeting on August 20 is necessary.

R. Jackson
General Attorney

RJ:mem

A-141-10N-17

Boston, August 16, 1951

Mr. H. E. Bixler:

Re: Claremont Branch

Thank you for your memorandum of August 15, 1951,
with its enclosure in the above matter.

R. Jackson
General Attorney

RJ:men

A-141-10X-17



State of New Hampshire
PUBLIC SERVICE COMMISSION
CONCORD

COMMISSIONERS
EDGAR H. HUNTER
CHAIRMAN
EDWARD R. THORNTON
~~EDWARD R. THORNTON~~
HAROLD K. DAVISON

August 22, 1951

Robert J. Fletcher, Attorney
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

D-T2996 Boston & Maine Railroad. Petition
for authority to discontinue passen-
ger train service between Concord
and Claremont Junction.

D-T2997 Boston & Maine Transportation Company.
Application for authority to operate
as a common carrier of passengers be-
tween Concord and Claremont Junction.

RJF.

This Commission hereby grants the request of the Railroad
and the Transportation Company for rehearing in the above entitled
matters.

The Commission will hold this rehearing at its office in
Concord, Room 208, State House Annex, on September 18, 1951 at
eleven o'clock in the forenoon.

Very truly yours,

N. H. PUBLIC SERVICE COMMISSION

James W. Don
Secretary

DYJ:MC

Investments in Railroads and Utilities Doing Business in New Hampshire Owned by Nine
Leading New Hampshire Capital Funds Separated into Stocks and Bonds

A-141-10N-17

Name	Method of Valuation	Date	Total Fund	New Hampshire Railroads and Utilities Owned			
				Stock	Bonds	% Fund in All Railroads and Utilities	% Fund in N. H. Railroads and Utilities
Amoskeag Savings Bank	Book	6/30/50	55,226,255	190,000	None	4.7%	0.3%
Manchester Savings Bank	Book	6/30/50	38,312,339	250,000	100,000	14 %	0.9%
New Hampshire Savings Bank	Book	6/30/50	32,453,018	108,000	None	9.75%	0.34%
N.H. Fire and Associated Companies	Market	12/31/50	31,267,162	167,460	None	12.3%	0.53%
Dartmouth College	Book	6/30/51	23,893,487	152,492	109,212	33.8%	1.14%
United Life & Accident Insurance Company	Book	12/31/50	23,739,033	63,522	157,172	38.2%	0.93%
Phillips Exeter Academy	Market	7/13/51	19,767,588	None	None	29.9%	0
Grange Liability - Peerless Casualty Co.	Book	12/31/50	16,926,131	13,162	None	3.7%	0.077%
Strafford Savings Bank	Book	6/30/50	<u>14,785,604</u>	<u>None</u>	<u>None</u>	0.7%	None
			256,370,667	944,636	366,384		

Note: In respect of the individual stock and bond holdings of the savings banks, the figures are approximations. The percentages, however, are figured on accurate figures furnished by the Bank Commissioner. The Bank Commissioner's report does not carry valuations for individual securities in the bank portfolio.

D-T 2996 - Statement in Behalf of Boston & Maine
Railroad on Motion for Rehearing

The Boston & Maine Railroad respectfully requests this Commission to reconsider its decision and to grant the Railroad's petition.

We stand on each and every one of the thirty-three specifications of error in our motion for rehearing. In emphasizing the following issues we do not intend to waive any other ground for changing your decision.

About half the opinion of the Commission develops the conclusion "that this Branch is being operated at a profit, the exact amount of which cannot be determined." It is submitted that this conclusion is both illogical and based on incorrect assumptions of fact.

In the first place, on the Commission's own method of computation the so-called "net profit" derived from the Branch is not a gain of \$174,749.82, but at least a loss of \$73,960.13. The arithmetic of the decision failed to deduct from total system revenue the cost of \$248,710 for handling freight off the Branch. The corresponding figure for passenger revenue does not appear.

In the second place, the assumption that system average costs are something less real than what the Commission designates as "direct" or "actual" costs is not valid. The reality of system costs was recognized by this Commission in two recent cases. The fact that a cost of the Branch is an allocated part of a larger whole does not make it evaporate or any more easy to pay than a direct cost.

The opinion of the Commission, moreover, supports the amazing proposition that it costs nothing to repair or supply trains and locomotives on the Branch or to maintain tracks, buildings, bridges and signals.

The opinion further states that if the Railroad could introduce the "direct costs (rather than the system averages) of the various expenses of the passenger service, determined by day to day cost keeping of engine, train and maintenance of way expenses" the Commission would reopen the case. No accurate accounting system would produce such figures. If a special study assembled them, they would be grossly misleading without the use of the same kind of allocation to which the Commission already objects.

For example, if a locomotive should be in use for a week on the Branch before a major overhaul because of miles travelled off the Branch, and then returned to service on the Branch, should the entire cost of that overhaul (directly accumulated from day to day charges for labor and material) be charged to the Branch?

The Commission states that its decision is to be determined by "the demands of the public now served." By contrast, the decision of the Commission gives little evidence of concern about the financial crisis of the railroad.

The size of our passenger losses were \$12, 200, 508 in 1950 and for the six (6) months of 1951 these losses were \$8, 692, 422. This is the amount of the freight profit required to subsidize such passenger losses. For the year 1950 it

took 63.70¢ out of every dollar of freight profit to subsidize passenger losses and for the six (6) months of 1951 it will take 83.59¢ to subsidize such losses. This shows the burden of passenger business on the operations of the Boston and Maine and when it is considered that these losses occurred in a relatively boom period, it is distressingly plain that because of its passenger traffic losses the railroad is faced with an extremely serious problem.

If consideration is given to what the situation will be in a period of less favorable business, then the problem becomes even more aggravated. It may be that the passenger losses will not be any larger although passenger revenue figures have consistently shown a downward trend, the year 1950 showing a reduction of approximately 40% under the year 1945. However, freight profit conceivably could be very much lower and in such an event would be entirely absorbed by reason of substantial passenger losses with the result that the Boston and Maine would show no net operating income and therefore would be unable to meet even the fixed charges on its funded debt. The outcome of such a predicament is obvious--bankruptcy.

If the Boston and Maine is to remain a solvent railroad, it must reduce its passenger losses. The present day losses on account of passenger service on the railroad are confiscatory. If this Commission does not permit the Railroad to abandon marginal passenger service, its decision, if unchanged, probably will become a substantial contributing cause of serious injury to the economy of the

state. Increased revenue alone will not make the Railroad prosperous. Losses must be reduced by the elimination of little used trains and the closing of little used passenger stations.

We submit that the decision in this case is unfair to the holders of railroad securities. The Railroad ought not to be compelled to furnish little used service at a loss which makes it impossible for the investors in Railroad securities to get a fair return on their investment.

The Commission has referred to a recent statute restricting the use of passenger cars with a wooden superstructure after January 1, 1954. Attention is directed to another current statute aimed at industrial development in the state. Under this statute it is hoped that a capital pool of \$2,000,000 may become available for promotional financing. Whatever effort may have been made to attract New Hampshire capital to New Hampshire utility and railroad business has been remarkably unsuccessful. A recent compilation shows that of \$256,000,000 in assets owned by nine leading New Hampshire institutions a mere fraction of one percent was invested in railroads and utilities doing business in New Hampshire and of that amount much was invested in corporations with larger operations outside the state than in it and much invested also in the senior securities of these corporations.

The emphasis which has been placed upon the rights of vocal railroad and utility patrons in derogation from the interests of the whole utility enterprise and its owners has disturbed investor confidence in New Hampshire railroads and utilities.

The Railroad does not offer extensive additional evidence. Such testimony and exhibits as we have will be directed to points raised in the decision of the Commission which we think are wrong. We would like to say a few words about the following: the method of bookkeeping used by the railroad, the general earning power of railroads as compared to the commission's finding of net profits from the Claremont Branch, the extent of recent freight increases, the procedure for cleaning and supplying cars in use on the Branch, the increase in passenger costs in 1950 over 1936, the extent of New Hampshire investment in New Hampshire utilities, and losses on the Branch as developed by a recent study requested by the National Association of Public Utility Commissioners .

This has been treated as if it were a case where the Railroad proposed to leave the communities affected without passenger service. Nothing could be farther from the truth. It is proposed to substitute bus service, the modern, generally preferred type of passenger transportation. Continuance of passenger train service along the Branch is an extravagant gesture to local civic vanity. Neither Montpelier nor Barre, Vermont have rail passenger service nor Newport, Rhode Island, nor many other New England communities larger than Newport, New Hampshire.

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
PETER J. KING, JR.

September 13, 1951

TELEPHONE 546

R. Jackson, General Attorney
Boston and Maine Railroad
North Station
Boston 14, Massachusetts

Dear Dick:

After you peruse the enclosed material, will you please
have Red and Bob look it over and let me have your criticism
by Monday afternoon.

Sincerely yours,

Dudley

Dudley W. Orr.

DWO:im.
Encs.

PS

THE STATE OF NEW HAMPSHIRE

1. The order of the Commission is not warranted by, in accord with or supported by the evidence in the record. The

Petition of Boston and Maine Railroad for Authority to Discontinue Passenger Train Service between Concord and Claremont Junction	} is the record. } to D-T2996
Application of Boston and Maine Transportation Company for Authority to Operate as a Common Carrier of passengers between Concord and Claremont Junction	} D-T2997

2. The Commission erred in finding that the public interest requires the discontinuance of passenger train service between Concord and Claremont Junction.

Motion for Re-Hearing

Boston and Maine Railroad (sometimes hereinafter referred to as the "Railroad") and Boston and Maine Transportation Company (sometimes hereinafter referred to as the "Transportation Company"), petitioners in the above captioned proceedings before the Public Service Commission of The State of New Hampshire (hereinafter sometimes referred to as the "Commission"), hereby apply for a re-hearing in accordance with the provisions of Chapter 414, Revised Laws of New Hampshire, in respect to the matters determined in said proceedings or covered or included in the Commission's findings, determination and order dismissing the petition of the Railroad and the application of the Transportation Company, which findings, determination and order were dated July 31, 1951 (hereinafter sometimes referred to as the "order of the Commission").

The grounds upon which the Railroad and the Transportation Company claim that said findings, determination and order of the Commission dated July 31, 1951 are erroneous, unlawful, unreasonable and unconstitutional are as follows:

1. The order of the Commission is not warranted by, in accord with or supported by the evidence in the record. The order of the Commission is contrary to the evidence in the record.
 2. The order of the Commission is contrary to law and violates the Constitution of the State of New Hampshire and the Constitution of the United States of America.
 3. The Commission erred in finding that the public interest requires the dismissal of the petition of the Railroad to discontinue passenger train service between Concord and Claremont Junction.
 4. The Commission erred in finding that the public interest requires the dismissal of the application of the Transportation Company for authority to operate as a common carrier of passengers between Concord and Claremont Junction.
 5. The Commission's order is arbitrary, capricious and unlawful in that the Commission made no findings or determinations which support its dismissal of the Railroad's petition and the Transportation Company's application.
 6. The Commission erred in failing to make findings of fact which support its order.
 7. The Commission erred as a matter of law in considering or giving any weight to evidence not material or relevant to the Railroad's petition and the Transportation Company's application.
 8. The Commission erred in disregarding uncontradicted evidence submitted by the Railroad and the Transportation Company.
- derived by the Railroad from the operation of the Claremont Branch was between \$132,795.40 and \$413,351.13 for the year 1930.

9. The Commission erred in finding that the cost of repairs to locomotives on the Claremont branch are not out-of-pocket costs.

10. The Commission erred in disregarding evidence of system average costs as applied to the Claremont branch of the Railroad.

11. The Commission erred in considering evidence of freight revenues and costs in making its determination with respect to the profitability of the operation of the Claremont branch of the Railroad.

12. The Commission erred in finding that the Railroad has done very little to attract business on the Claremont branch.

13. The Commission erred in finding that the oldest equipment of the Railroad has been assigned to the Claremont branch.

14. The Commission erred in finding that the Railroad has failed to keep the passenger cars used on the Claremont branch reasonably clean or to provide other items normally provided for the comfort of passengers.

15. The Commission erred in finding that the Railroad did not furnish data concerning actual direct out-of-pocket expenses in providing service on the Claremont branch.

16. The Commission erred in finding that the net profit derived by the Railroad from the operation of the Claremont branch was between \$174,749.82 and \$430,337.01 for the year 1949.

17. The Commission erred in finding that the net profit derived by the Railroad from the operation of the Claremont branch was between \$132,595.40 and \$411,391.13 for the year 1950.

18. The Commission erred in finding that the Claremont branch is operated by the Railroad at a profit.

19. The Commission erred in failing to find on all the evidence that the operation of the passenger service on the Claremont branch is carried on by the Railroad at a loss.

20. The Commission erred in finding that there is a lack of average service by the Railroad to the passenger train stations, bridges and roadbed on the Claremont branch.

21. The Commission erred in finding that there will be no saving to the Railroad if any locomotive now in service on the Claremont branch is removed from the class of such locomotives now in operation on the system.

22. The Commission erred in finding that the Railroad could procure and equip a self-powered car for passenger service on the Claremont branch, which car would be operated economically.

23. Upon all the evidence the Commission erred as a matter of law in finding that the Railroad is under an obligation to offer a service which the public will not use where the offer is a financial burden.

24. The order of the Commission deprives the Railroad of property without due process of law, in violation of the Constitution of The State of New Hampshire.

25. The order of the Commission deprives the Railroad of property without due process of law, in violation of the Constitution of the United States of America.

26. The order of the Commission denies the Railroad an opportunity to earn a fair return on the fair value of its property in The State of New Hampshire.

27. The order of the Commission is contrary to the statutes of The State of New Hampshire, is contrary to public policy and not in public interest, and constitutes a failure by the Commission to discharge its statutory duties.

Boston and Maine Railroad and Boston and Maine Transportation Company, on each and every one of the grounds herein set forth and on such other and further grounds as may be legally relevant and material, maintain that the findings, determination and order of the Public Service Commission of The State of New Hampshire, in the proceedings in D-T2996 and D-T2997, included in or covered by its findings, determination and order dated July 31, 1951, are improper, arbitrary, capricious, unreasonable, unlawful and unconstitutional.

The Boston and Maine Railroad and the Boston and Maine Transportation Company request a re-hearing in respect to the matters determined in said proceedings D-T2996 and D-T2997, or covered or included in the order of the Commission dated July 31, 1951, in said proceedings, and further requests an opportunity to present further and supplementary evidence in connection with the material hereinbefore specified.

Respectfully submitted,

Boston and Maine Railroad
Boston and Maine Transportatinn
Company

By _____
Their Attorneys

New Paragraphs to be added to Specification of Errors in accordance with Section 4 of Chapter 114 of Revised Laws

Strike paragraphs 12, 13 and 14 of present draft; add the following new paragraphs; and renumber subsequent paragraphs in the present draft accordingly.

12. The Commission erred in failing to find that the Railroad, at the request of the Towns, furnished detailed records of cash receipts, passenger and freight traffic in and out of each station along the Claremont Branch, a summary of all tickets sold by conductors on the Branch, and the actual express receipts at all such stations for both of the years 1949 and 1950; and that neither counsel for the Towns nor the Commission examined such records.

13. The Commission erred in failing to find that the substituted bus service proposed by the Boston and Maine Transportation Company would not increase the cost of passenger transportation to the public along the Claremont Branch and that the discontinuance of rail passenger service would not entail closing any agencies of the Railroad.

14. The Commission erred in failing to find that no objection to the proposed discontinuance of rail passenger service was registered on behalf of 80% of the population along the line of the Branch or on behalf of the community which originates most of the Branch revenue.

15. The Commission erred [as a matter of law and fact] in finding that the proposed discontinuance and substitution of bus service would not be consistent with the demands of the public now served by the Railroad.

16. The Commission erred in deciding that the Railroad should be required to furnish rail passenger service even at a loss on the Claremont Branch because it is financially able temporarily to sustain such a loss.

17. The Commission erred in finding that allocated costs are any less real than those which it designates as "direct out of pocket costs"; and that system average costs have less probative value than costs which the Commission designates as "actual costs".

18. The Commission erred in finding facts in respect of passenger revenue in 1935 which are not in the record.

19. The Commission erred in taking into consideration as a ground for its decision an act of the legislature which was not introduced into the House of Representatives until after arguments in this case were submitted.

20. The Commission erred in failing to recognize the essential accuracy of modern cost accounting for railroads as maintained by the petitioning Railroad and the reality of allocated costs as an actual part of the expense of operating the Claremont Branch.

A-141-10N-19

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO

EUGENE C. STRUCKHOFF
PETER J. KING, JR.

TELEPHONE 548

August 14, 1951

Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Dear Dick:

Enclosed herewith are the proposed additions and deletions from the original draft of specifications in the Claremont Branch case.

I expect to talk to you about tomorrow noon about this draft and with your recommendations and suggestions we will prepare a final document for filing on Thursday.

Sincerely,

Dud.

Dudley W. Orr

DWO/EL
Enclosure

3.6 *see June 1936*

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
PETER J. KING, JR.

October 9, 1951

TELEPHONE 546

Richard Jackson, General Attorney
Boston and Maine Railroad
North Station
Boston 14, Massachusetts

Dear Dick:

Herewith three copies of our supplemental
brief in the matter of the Claremont Branch.

Sincerely yours,

Dud.

Dudley W. Orr.

DWO:im.
Encs.

October 19, 1951.

Mr. Jackson:

In connection with the Claremont Branch Passenger Abandonment Case, on May 4 I forwarded to you the following station agent file copies of Form 587 for the years 1949 and 1950 for transmission to Mr. Orr who was to turn them over to the opposition in the case:

- | | |
|---------------|-------------------|
| 1. Concord | 5. Sunapee |
| 2. Contoocook | 6. Newport |
| 3. Warner | 7. Claremont |
| 4. Bradford | 8. Claremont Jct. |

Will you please check with Mr. Orr to ascertain if these station files have served their purpose and can now be returned to the Auditor of Agencies?

These are original records of the station agents concerned and should be returned to them when we are through with them.

G. H. Glacy
Vice President.

ENF/o

A-141-10N-17

October 23, 1951

Dudley W. Orr, Esq.
Four School Street
Concord, New Hampshire

Re: Claremont Branch

Dear Dud:

George Glacy tells me that there were forwarded to you some time ago the original station agent's files (Form 587) reflecting business transacted at the several stations along the Claremont Branch. As I understand it, these were forwarded to you so that you might turn over the information to counsel for the opposition.

Since these files are the original station files, they should be returned as soon as possible and Mr. Glacy requests that they be so returned if they have now served your purpose.

With best regards.

Very truly yours,

R. Jackson
General Attorney

RJ:mem

copy to Mr. Glacy

A-14-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO

EUGENE C. STRUCKHOFF
PETER J. KING, JR.

October 26, 1951

TELEPHONE 546

R. Jackson, General Attorney
Boston and Maine Railroad
North Station
Boston 14, Massachusetts

Dear Dick:

The Forms 587 which were forwarded to me in
connection with the Claremont Branch were never used
and were returned either to Austin Molloy or to Paul
Pearson here in Concord.

Sincerely yours,

Dud.

Dudley W. Orr.

DWO:im.

For Mr. G. Lang - to write & return.

10/29/51 RJ

A-141-10N-17

November 2, 1951

Mr. Jackson:

With further reference to my letter dated October 19 and Mr. Orr's letter to you dated October 26 which I am returning herewith, I have contacted Mr. Austin Molloy in Concord with respect to the station agent's file copies of Form 587, years 1949 and 1950 which had originally been forwarded to Mr. Orr in connection with the Claremont Branch Passenger Abandonment Case.

Mr. Molloy has checked his office, called Pearson's office, and the station agent at Newport, New Hampshire and they fail to find where these records have been returned to any one of them.



Will you please convey this information to Mr. Orr and ask him if he is able to shed any further light on the whereabouts of these records.

H. P. Glacy
Vice-President

A-141-1028-117

November 8, 1951

Dudley W. Orr, Esq.
Four School Street
Concord, New Hampshire

Dear Dud:

I relayed the contents of your letter of October 26, 1951, to Mr. Glacy who says that he has checked with Mr. Maloy and Mr. Pearson, both of whom failed to find any trace of the Agent's file copies of Form 537 for the years 1949 and 1950.

Would you make a further check in your files to see if any light can be shed on this subject.

Sincerely yours,

R. Jackson
General Attorney

RJ:mem

Copy to Mr. Glacy

A-141-10N-17

*Account
Blank*



LAW DEPARTMENT
NORTH STATION
BOSTON 14, MASS.

W. H. BARRETT
P. BROWNELL
D. S. DOW
N. J. HOLLAND
J. E. MILANO
ATTORNEYS

R. J. FLETCHER
GENERAL COUNSEL

R. JACKSON
J. B. SAWYER
GENERAL ATTORNEYS

November 8, 1951

Dudley W. Orr, Esq.
Four School Street
Concord, New Hampshire

Dear Dud:

I relayed the contents of your letter of October 26, 1951, to Mr. Glacy who says that he has checked with Mr. Maloy and Mr. Pearson, both of whom failed to find any trace of the Agent's file copies of Form 587 for the years 1949 and 1950.

Would you make a further check in your files to see if any light can be shed on this subject.

Sincerely yours,

Dick

R. Jackson
General Attorney

RJ:mem

✓ Austin Molloy found the papers in his own office where I thought they were.
D. W. O.

A-141-10N-17

Concord, N. H., November 13, 1951

Mr. G. F. Glacy:

Attn. Horace Foster

Referring to your letter of November 2nd in connection with Station Agent's Form 587 that had been in Mr. Orr's hands during the Claremont Branch Passenger Abandonment Case,

I find that all the records have been returned to the Agents and I have so informed Mr. Orr's office.



W. Maloy
Superintendent

1.1

Copy to R. Jackson



State of New Hampshire
PUBLIC UTILITIES COMMISSION
CONCORD

COMMISSIONERS
EDGAR H
EDWARD
HAROLD

December 7, 1951

A-141

Mr. Jackson
To note.

Robert J. Fletcher, Attorney
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

D-T2996 Boston & Maine Railroad. Petition for authority to discontinue passenger train service between Concord and Claremont Junction.

D-T2997 Boston & Maine Transportation Company. Application for authority to operate as a common carrier of passengers between Concord and Claremont Junction.

RJF.
RA

We are enclosing herewith copy of the report on rehearing issued by the Commission in connection with the above entitled matter.

Very truly yours,

N. H. PUBLIC UTILITIES COMMISSION

James W. Swan
Secretary

J

A-141-10N-17

Boston, Mass., Dec. 17, 1951

Miss L. E. Boyden:

Re: Claremont Branch

Herewith for your files certified copy of the report on the rehearing of the above matter issued by the Public Utilities Commission dated December 6, 1951.

R. Jackson
General Attorney

RJ:mem

Encl.

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO

EUGENE C. STRUCKHOFF

TELEPHONE 548

January 8, 1952

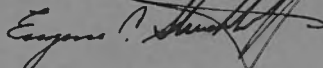
Mr. Richard Jackson, General Attorney
Boston & Maine Railroad
North Station
Boston, Massachusetts

Dear Dick:

I am writing to confirm our tele-
phone conversation of Friday, January 4,
1952. I filed the petition of appeal in
the Claremont case on that date, a copy
of which I am enclosing. The date of
the filing of the Portsmouth Branch case
was October 25, 1951. I have spoken with
Doone as to continuing the hearing in
the Portsmouth Branch case. It appears
that we will be able to get a date set
for later this month or the early part
of February without too much difficulty.
I shall await fixing the date until I
have had an opportunity to confer with
Carl Heard and others who are preparing
figures to be sure that we will be in
shape to continue on the date that we
finally set.

I trust that you had a pleasant
holiday season, and wish you all the
best for the coming year.

Sincerely yours,



ECS:jk.

Eugene C. Struckhoff.



*Every - when is
- embossing.
M - M. If you don't
find would you write*

*Dear Gene:
You remember the
Sera...
Police in the States
was sings They go, They go;
And the...
questionable...
"But they don't go"*

*Your letter of Jan 6
says "It (the Claremont appeal) never got come";
but it did come.*

*Happy New Year
Sincerely*

January 10, 1952

Eugene C. Struckhoff, Esq.
Orr and Reno
Four School Street
Concord, New Hampshire

Re: Claremont Case

Dear Gene:

You remember the Sergeant of Police in the "Pirates" who sings "They go. They go"; and the Major General bleats "But they dont go".

Your letter of January 8 says "It (the Claremont appeal) comes. It comes"; but it don't come.

Happy New Year.

Sincerely,

RJ:mem

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF

January 12, 1952

TELEPHONE 546

Richard Jackson, General Counsel
Boston and Maine Railroad
North Station
Boston 14, Massachusetts

Dear Mr. Jackson:

Upon receiving your letter I was tempted to
reply by appropriate material from Gilbert and Sullivan.
Upon consideration, however, I have decided it is use-
less to engage in a contest in which I can only hope to come
off second best.

RA

Enclosed find petition of appeal in Claremont
Branch submitted to the Supreme Court for the State of
New Hampshire on January 4, 1952.

Sincerely yours,

Struckhoff

Eugene C. Struckhoff.

ECS:im.
Enc#.

MEM:
would you acknowledge with
thanks to "Dear Struck"
2/14/52

A-141-10N-17

January 14, 1952

Eugene C. Struckhoff, Esq.
Orr and Reno
Four School Street
Concord, New Hampshire

Dear Struck:

Thanks for the copy of the appeal in the Claremont case.

As you know, we are exercised down here about the disposition the D.P.U. may take in the Stoneham Branch case. They have sat on it for over a year now and it is just as well to anticipate an adverse decision so as to be prepared for the worst. Accordingly, I have been checking into the law a bit to find cases that might persuade our Supreme Court to overturn any such D.P.U. decision.

My researches have been fairly sketchy to date, but I suggest you might find some interesting reading in 10 A.L.R. 2nd at Page 1121 et seq; and the decision of Judge Vanderbilt of New Jersey reported in Penn., Reading Seaboard Lines v. Board of Public Utilities, 74 Atl 2nd, 265. It seems to be very helpful in cases of this sort. You are aware, of course, of the respectability of any decision emanating from that learned gentleman.

Very truly yours,

R. Jackson
General Attorney

RJ:mem

A-141-10N-17

G
O
P
Y

Boston, Mass., Feb. 27, 1952

Mr. Archibald
Mr. Foster
Mr. Hitchings
Mr. Corcoran
Mr. Reynolds

Re: 1. Concord - Portsmouth
 11. Claremont Branch ✓
 111. Ashuelot Branch

While the papers submitted in connection with the above cases are still available, I should like to request for our Law Department files a complete set of exhibits submitted in the above cases.

I should also appreciate it if, in future cases which are handled by local counsel in New Hampshire, all hands will remember to send at least one copy of their material proposed to be used as exhibits to me in order that our files may be complete.

R. Jackson
General Attorney

RJ:mem

Copy to: Mr. Rourke
 Mr. Mullaney
 Mr. Glacy

A-141-10N-17

File

March 7, 1952

File 3-49-1-3

Mr. Jackson:

In accordance with your request, you will find attached a copy of each Traffic Department exhibit that is available.

Exhibits for the Portsmouth Branch will be handed you separately.

S. B. Hitchings

SBH

Mrs. Cypers: ✓

When the returns are all in will you tie all the exhibits together.

3/10/52

ca 3/11/52
JF

C
O
P
Y

Boston, Mass., March 7, 1952

Mr. Jackson:

Complying with your request of
February 27, herewith copies of exhibits which
I presented at the hearings in connection with
th following cases:

Pertsmouth Branch-Exhibits Nos. 10, 39, 40

Claremont " " Nos. 23, 31, 32, 33, 34

Ashuelot " " No. 11

(s) W. C. Corcoran
CHIEF CLERK
BUREAU OF STATISTICS

A-141-10N-17

March 18, 1952

Eugene C. Struckhoff, Esq.
4 School Street
Concord, New Hampshire

Dear Gene:

Herewith two briefs which may be of some help
in your Claremont and Portsmouth cases.

Will you return them when they have served your
purpose.

Best wishes.

Sincerely,

R. Jackson
General Attorney

RJ:mem

Encls.

7
Mr. Jackson

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

Rgt
~~Mr. Jackson~~
~~Mr. [unclear]~~

A-141-10N-17

March 10, 1952

Mr. Woodbury Brackett
City Manager
City Hall
Concord, New Hampshire

Dear Mr. Brackett:

You have asked about the attitude of the Boston & Maine Railroad towards the proposed acquisition by the City of Concord for highway purposes of the land now occupied by tracks formerly of the Concord & Claremont between the depot in Concord and the building occupied by Fred Twombly.

The exact area and use of the proposed development is still so far from fixed and certain that careful engineering studies have not yet been made by the Railroad. Moreover, the officers of the railroad responsible for a matter of this kind have reached no final decisions about it.

It may be assumed, however, that the City and the Railroad together could find a way to build the proposed street and parking lots without undue expense to either party if it were not for the maintenance of passenger service on the Claremont branch.

So long as the Railroad must provide facilities for the movement of four trains each day on this branch, the expense of relocating the track, the installation of new switches and particularly the labor cost of switching four trains, that now stand undisturbed, on and off the main line would impose a heavy initial cost on the proposed development. Adequate compensation to the railroad for this increased operating cost would amount to a very substantial capital sum.

Probably you know that the Railroad is currently trying to obviate this obstacle and to reduce its passenger losses by asking authority to substitute bus service for the present steam passenger service on the branch. The only serious opposition to the Railroad's petition arises from the civic pride of the Towns of Newport and Sunapee. Even before the City's highway plan was proposed the principal shipper on the branch,

C
Rgt
O
P
Y

Mr. Woodbury Brackett

- 2 -

March 10, 1952

Merrimack Farmer's Exchange, endorsed the Railroad's request in the interest of relieving freight shippers from the burden of paying for passenger service which few use.

The Railroad's case is now pending before the State Supreme Court. The Public Utilities Commission has declined to permit bus service to be substituted for steam trains. If and when the matter is again before the Commission, the proposed solution of Concord's parking problem should be a relevant consideration.

So long as the Railroad is compelled to continue operation of these four trains at a weekly loss of a thousand dollars, the City of Concord cannot expect to find the Railroad eager to cooperate in a project that will substantially increase that loss.

Very truly yours,

Dudley W. Orr.

DWO/bk

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO

EUGENE C. STRUCKHOFF

TELEPHONE 548

March 21, 1952

Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston 14, Massachusetts

Dear Dick:

Enclosed you will find the galley proofs of the brief of the Claremont case. Those that are in pages I have not indicated the proof-reading marks upon but corrections have already been made.

I am also enclosing the Table of Contents and Table of Authorities cited which have yet to be printed.

The proofs were not back from the printers last night when I returned so I could not send them out to you as planned.

Sincerely,

Eugene C. Struckhoff

ECS/r
Enclosures

A-141-10N-17

March 21, 1952

Eugene C. Struckhoff, Esq.
4 School Street
Concord, New Hampshire

Dear Gene:

Thank you for your letter of March 21 enclosing the Claremont Branch Brief. Both Bob and I have looked it over and I return it to you by train mail today.

Our feeling on reading the Brief is the same in the matter of essentials; that you have done a whale of a good job in mastering the facts and in digging out the law.

Our only basic criticism would be that at times you assume more knowledge on the part of the reader than we believe the reader would have. Consequently, there are points of emphasis and points of identification which could properly be made.

Bob and I, however, also feel that a good deal of stuff might be omitted, i.e., in respect of the Condos Bus Line problem. You will notice other notations from time to

Eugene C. Struckhoff, Esq.

-2-

3/21/52

time indicating my feeling that matter could be omitted on the assumption that the type of matter discussed is in the nature of rebuttal argument which anticipates an argument or a factual presentation that may not in fact be made by the opposition. If you will have a chance to file a reply brief, we suggest that this might better be held for use there.

I have put in a great many marginalia which indicate my reactions to the first reading. Use them or not as you think best.

Congratulations and good luck.

Very truly yours,

R. Jackson
General Attorney

RJ:mem

Encl.

A-141-10 N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF

TELEPHONE 548

March 31, 1952

Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Dear Dick:

In accordance with our telephone conversation, I am enclosing a copy of the brief in the Claremont case.

Sincerely yours,

Struckhoff

Eugene C. Struckhoff.

ECS:jk.
Enclosure.

RS

Jan 24:
h

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF

TELEPHONE 548

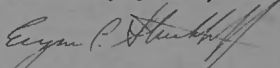
March 31, 1952

Robert Fletcher, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Dear Mr. Fletcher:

I am enclosing a copy of the brief
in the Claremont case.

Sincerely yours,



ECS:jk.
Enclosure.

Eugene C. Struckhoff.

A-141-10N-17

April 1, 1952

Eugene C. Struckhoff, Esq.
Four School Street
Concord, New Hampshire

Dear Struck: Re: Claremont Branch Case

Thank you for your letter of March 31, 1952,
with its enclosure.

Very truly yours,

R. Jackson
General Attorney

RJ:mem

A-141-10N-17

April 1, 1952

Eugene C. Struckhoff, Esq.
4 School Street
Concord, N. H.

Dear Gene:

Thank you very much for sending me a
copy of the brief in the Claremont Branch case. I
think it reads very well indeed.

Congratulations!

Sincerely yours,

F/GC

April 2, 1952

Eugene C. Struckhoff, Esq.
4 School Street
Concord, New Hampshire

Dear Gene:

I received your Brief and read it with great enthusiasm and interest.

Let me pass on to you certain ideas that I got during the course of the reading which might be of use in oral argument.

1. Page 16 - third line - you better be prepared to explain to the Court that the dividend was conditionally declared.
2. Page 17 - can anything be made of a computation of the average length of trip taken by the Claremont Branch passenger?
3. Page 18 - it may be questioned whether the Public Utilities Commission has any justifiable cause to concern itself with B&M's potential losses when the issue posed to them is the adequacy of substitute service. The Commission's pretended concern is certainly "red herring" rationalization if ever I heard of any.
4. Page 22 - as to supplemental passenger revenue it may be pointed out that it cost us in 1951 \$1.69 to get \$1.00 of passenger revenue on the system-wide basis; so that to the extent that the Claremont Branch produced supplemental revenue it cost us more than we received in order to get that additional revenue.

4/2/52

5. Page 25 - the quote from the Northern Pacific case seems incomplete. Did the Court set forth affirmatively what it considered to be the "proper basis for determining such cost?" It seems to me that I have read cases recently that indicate that the proper costs to use in cases of this character are fully distributed costs.

6. Page 31 - it might be pointed out that apropos of the "twenty-five mile block system of allocation" of revenue that it was not so much the railroad's calling such an allocation fair as the fact that a shrewd purchaser of railroad property considered it fair.

7. As to the I.C.C. "formula" to derive costs of hauling freight over the system beyond the Branch, this "formula" is really a rule of thumb which often bears little relation to the facts. Consider, for example, that in 1951 our freight operating ratio was 58.96% and that this relatively good freight operating ratio is achieved only by reason of the volume of freight traffic which moves over the Fitchburg Division and the Portland West Route, our lines of heaviest density.

Sincerely yours,

R. Jackson
General Attorney

RJ:mem

A-141-10N-17

April 15, 1952

Dudley W. Orr, Esq.
4 School Street
Concord, New Hampshire

Dear Dud:

We have just received the "Statistical Abstract of the United States - 1951" and "Historical Statistics of the United States - 1789-1945".

If you think they would be helpful to you in the Claremont argument, let us know.

Sincerely,

RJ:mem

A-141-102-17

April 17, 1952

Mr. L. F. VanKleeck, Traffic Manager
The Brown Company
Berlin, New Hampshire

Dear Mr. VanKleeck:

Mr. Mullaney handed me your letter of April 8 respecting abandonment cases brought by us before the New Hampshire Public Utilities Commission.

Cases presently pending in New Hampshire are:

I. The Claremont Branch case - petition filed February 7, 1950; hearings held at various times in 1950 and 1951; adverse decision July 31, 1951; rehearing September 19, 1951; second adverse decision December, 1951; appealed to Supreme Court of New Hampshire January 4, 1952 and now pending.

The question: Is it for the public good to discontinue two round trips of passenger service per day over the Claremont Branch, when the evidence shows (i) that only about twenty people use each train, (ii) that passenger revenues for travel on the Branch amount to about \$21,000 a year, (iii) that it costs about \$104,000 a year to produce the service and (iv) that our bus company subsidiary is ready, willing and able to serve all communities served by rail on schedules practically identical with rail schedules.

II. The Portsmouth Branch case - petition filed on October 13, 1951. Hearings have been held on half a dozen widely separated days, the most recent of which was February 24, 1952. The case is still not completed; but the Public Utilities Commission has not yet set a date to hear the evidence which counsel for the opposition is to introduce. Said counsel is

4/17/52

Robert W. Upton, Esq., of Concord, New Hampshire.

The question: Is it in the public good to discontinue two round trips of passenger train service on the Branch when the evidence shows (i) about eight passengers per day use each train, (ii) that passenger revenue from travel on the Branch amounts to about \$8,000 per year; (iii) that it costs us (direct out-of-pocket) about \$63,000 per year to operate the trains, and (iv) that bus service is available along the route on faster and more frequent schedules.

III. Fitzwilliam Agency - petition by letter on June 14, 1951, hearing held December 11, 1951, unfavorable order April 1, 1952.

The Railroad intends to seek rehearing of the case before the Commission.

The question: Is it in the public good to maintain an agency at Fitzwilliam at the cost of the agent's salary of about \$3800 in order to provide service of less than one l.c.l. shipment per day for which Boston and Maine Railroad receives freight revenue of about \$500 per year?

Very truly yours,

R. Jackson
General Attorney

RJ:mem

B.C. Mr. Struckhoff

A-141-10-N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF

TELEPHONE 546

April 30, 1952

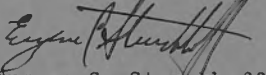
Rgt.

Mr. Robert Fletcher
Boston & Maine Railroad
North Station
Boston, Massachusetts

Dear Mr. Fletcher:

The Supreme Court calendar is out and it appears certain that we will be heard in the Claremont case on Tuesday, May sixth. I cannot be certain if it will be in the morning or in the afternoon, but I may be able to inform you of this later in the week.

Sincerely yours,


Eugene C. Struckhoff.

ECS:jk.

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF

TELEPHONE 546

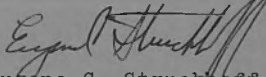
April 30, 1952

Mr. Richard Jackson
Boston & Maine Railroad
North Station
Boston, Massachusetts

Dear Mr. Jackson:

S
The Supreme Court calendar is out and it appears certain that we will be heard in the Claremont case on Tuesday, May sixth. I cannot be certain if it will be in the morning or in the afternoon, but I may be able to inform you of this later in the week.

Sincerely yours,



ECS:jk.

Eugene C. Struckhoff.

A-14-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF

TELEPHONE 548

May 8, 1952

Mr. Richard Jackson
Boston & Maine Railroad
North Station
Boston, Massachusetts

Dear Dick:

I am enclosing material you have sent me from time to time in reference to the Claremont Branch case. Thanks for the use of it.

RF

Sincerely yours,

Struckhoff

ECS:jk. Eugene C. Struckhoff.
Enclosures.

MEM.
Please acknowledge with thanks
6/12/52 *RF*

A-144-101N-17

May 12, 1952

Eugene C. Struckhoff, Esq.
Orr and Reno
4 School Street
Concord, New Hampshire

Dear Struck:

This will acknowledge with thanks your letter
of May 8, 1952, with its enclosure.

Very truly yours,

R. Jackson
General Attorney

RJ:men

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W ORR
ROBERT H RENO
EUGENE C STRUCKHOFF
CHARLES H TOLL, JR

TELEPHONE 546

May 14, 1952.

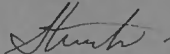
Mr. Richard Jackson
Boston and Maine Railroad
North Station
Boston, Massachusetts

Dear ^Dick:

I am enclosing a copy of the Supplemental Memorandum of law which we have submitted in the Claremont Case to the Supreme Court. This reviews several points which we made in our arguments which were not made in the brief and which are documented by reference to cases in the Supplemental Memorandum. The third point reviewed in the Supplemental Memorandum is designed to answer the questions which the Court raised on the second day of the hearing. I conferred with Dud about some answer to these questions and we felt that it would be desirable to point out that the freight on the branch subsidizes the branch passenger operation to a greater extent than the system freight subsidizes system passenger operation.

I hope this Supplemental Memorandum meets with your approval.

Sincerely yours,



Eugene C. Struckhoff.

ECS/bk.

*Dear Struck:
Your supplemental memo
is well drawn & I think the
last point made is very
telling.
s/ld/sr Dick*

A-141-10N-17

May 19, 1952

Eugene C. Struckhoff, Esq.
Orr and Reno
4 School Street
Concord, New Hampshire

Dear Gene: Re: Claremont Branch

Your Supplemental Memorandum is well drawn
and I think the last point made is very telling.

Very truly yours,

R. Jackson
General Attorney

RJ:mem

BOSTON AND MAINE RAILROAD & a.

v.

THE STATE OF NEW HAMPSHIRE & a.

APPEAL, by petition under R. L., c. 414, ss. 6 and 7 from the orders of the Public Utilities Commission known as Nos. D-T-2996 and D-T-2997 dismissing the petition of the Boston and Maine Railroad to discontinue passenger train service between Concord and Claremont Junction, and also dismissing the petition of the Boston and Maine Transportation Company for authority to operate as a common carrier of passengers between the same points. From further orders upon rehearings on both petitions confirming the original dismissals, the petitioners also appeal.

The Claremont Branch, so-called, of the Boston and Maine Railroad extends from Concord to Claremont Junction and is approximately fifty-seven miles long. Passenger train service between the terminal points of Concord and Claremont Junction consists of two round trips on weekdays and one on Sundays. Connections are provided to an extent to outside points. Freight service also operates daily, except Sundays, as business may require between Claremont Junction and Newbury, an intermediate stop, and on Tuesdays, Thursdays and Saturdays as business may require between Concord and Bradford, also an intermediate stop. The railroad claims in substance that the passenger service on this branch is not needed by the public, that its operation results in heavy financial loss, that the railroad's general financial condition is precarious, and that substitute service for passengers and baggage will be furnished by buses and trucks. It concludes that the public interest requires the passenger train service be discontinued. Protestants represented by the State, various towns, individuals and organizations, claim that the passenger service is needed, that discontinuance will not result in any substantial savings, or at least not as much as claimed by the railroad, that the branch as a whole shows a profit, that the railroad's general financial condition will not be jeopardized by a continuance of the passenger service, and that the public interest requires that the petitions be dismissed. After numerous hearings, beginning on March 2, 1950 and continuing through May 18, 1951, the Commission on July 31, 1951 filed a report and order that both petitions be dismissed. On August 16, 1951, the railroad and transportation company petitioned for rehearings which were granted on August 22, 1951, the rehearings being held on September 18 of the same year. On December 6, 1951, the Commission issued a report confirming its original report and order dismissing both petitions. The case comes before us on appeals by the railroad and transportation company from both the original orders and those issued after the rehearings. The grounds upon which the orders are claimed to be unlawful and unreasonable together with other facts appear to the extent necessary for the disposition of these cases in the opinion.

Orr and Reno and Eugene Struckhoff (Mr. Struckhoff orally), for the petitioners, Boston and Maine Railroad and Boston and Maine Transportation Company. Robert J. Fletcher (of Massachusetts) and John F. Meck also

appeared of counsel.

Gordon M. Tiffany, Attorney General, Henry Dowst, Jr., Assistant Attorney General, and John N. Nassikas, Assistant Attorney General (Mr. Nassikas orally), for the State of New Hampshire.

Kenneth F. Shaw and Sheehan, Phinney & Bass (Mr. William S. Green orally), for the town of Newport.

Jarlath M. Slattery, for the town of Sunapee.

BLANDIN, J. We believe these cases must be remanded because of errors made by the Commission in calculating the net profit received from the Claremont Branch operations of the petitioning railroad in the years 1949 and 1950. As a result of evidence introduced at the hearings, the Commission decided that the direct freight revenue derived from the branch in the year 1949 was \$31,265. By deducting this revenue from the total system freight revenue from the branch of \$528,685 for the year 1949, it determined the revenue to the system from shipments to and from points on the branch to be \$497,420. The total passenger, mail, express, and newspaper revenue for the branch, including supplemental passenger revenue, the Commission found to be \$69,616.80. Adding this to the total system freight revenue from the branch produced a grand total of \$598,301.80 for the year. From this grand total the Commission first subtracted the total direct costs of both freight and passenger service on the branch only amounting to \$167,964.79, leaving a profit of \$430,337.01 for the branch operations. The Commission then adopted a second method of reckoning net profit by using what is known as the system average costs formula. By this term is meant cost allocated to the branch according to its mileage, estimated on the average cost on the entire system and comprising such items as locomotive repairs, supplies, the maintenance of tracks and bridges, etc. Applying this plan, the Commission concluded that expenses amounted to \$255,587.19. When these were also deducted from the total system revenue, along with the direct costs of \$167,964.79, the net profit of the branch operations was reduced to \$174,749.82. The report therefore concludes that the net profit of the railroad "derived from this Branch operation in the year 1949 was between \$174,749.82 and \$430,337.01, depending upon whether system average costs and actual costs are deducted from the revenue, or only actual costs are deducted." By a similar process, using figures furnished by the railroad for operations during 1950, the Commission found the branch made a net profit of between \$132,595.40 and \$411,391.13 for that year, depending again on whether system average costs plus actual costs or only actual costs were deducted.

The difficulty with both of these methods is that while they allow for the cost of handling traffic on the branch, they make no allowance for the cost of handling branch traffic on the rest of the system. Obviously, for example, freight being shipped from Boston to Claremont Junction cannot be hauled the seventy odd miles from Boston to Concord for nothing and yet this is the effect of the method of reckoning used here. It is true that no exact figures were presented showing the cost of handling branch traffic on system lines beyond the branch. However, the Interstate Commerce Commission has repeatedly

used a formula which allows one-half the total revenue received from freight shipped to and from points on the branch from and to outside places, excluding the direct branch revenue, to be deducted as the reasonable expense of handling such traffic on the system beyond the branch. Chicago and Northwestern Railway Co., Abandonment, 230 I. C. C. 645, 653; Chicago, Milwaukee, St. Paul & Pacific Railroad, Abandonment, 240 I. C. C. 763, 767. The Public Utilities Commission's report states that this is the method of allowance for such expenses employed by the Interstate Commerce Commission and it appears to raise no objection to it. However, it fails to apply it correctly. Had it done so, it would not have credited the branch with the total revenue to and from branch points as \$497,420, but only one-half of this figure, or \$248,710. In this event the net profit on the branch in 1949 from freight and passenger operations would not be between \$174,749.82 and \$430,337.01, as stated in the report, but a loss of \$73,960.18 or a profit of \$181,627.01 depending on whether out-of-pocket costs, so-called, plus system average costs were deducted or only out-of-pocket costs. That these figures are of vital importance in these cases, and that the error concerning them may have affected the result, is too plain to require argument. The report of the Commission, in referring to the table showing profit figures of over \$400,000 speaks as follows: "In the figures as portrayed in Table VII lies the doubt of this Commission as to whether the Claremont Branch is really an out-of-pocket loss to the Railroad, and further doubt as to how much out-of-pocket loss to the Company is in the passenger train operations." While the Commission need not use the formula offered by the railroad in determining the costs which should be deducted from the gross revenue of the branch operations to determine the net profit, yet some allowance should have been made here for this well recognized item of expense. Cherington, The Regulation of Railroad Abandonments (1948), pp. 163-164. As has been said regarding the method to be used in such situations, "The evolution of a workable general formula would be difficult, but scarcely impossible." Cherington, supra, p. 166. It appears to us that whatever method the Commission might decide to use in reckoning this item of expense (cf. Company v. State, 95 N. H. 353, 360-361), nevertheless the failure to take into account or to allow any deduction for the substantial cost of handling branch traffic off the branch is an error of law which requires that the orders be set aside. R. L., c. 414, s. 13. "The public, as well as the parties, is entitled to a finding of the public good on a hearing without error of law." Parker-Young Co. v. State, 83 N. H. 551, 560.

In regard to the yearly cost of repairs for the engines used on the branch which the railroad claims amounts to some \$46,000, the Commission expresses doubt as to the correctness of this figure which the railroad obtained by using the system average method. Actual costs were never furnished although an employee-witness for the railroad testified they could be produced. Though the Commission has itself used this system average method as a means of reaching the cost of repairs on gas engines, for example (Boston and Maine Railroad, 21 N. H. P. S. C., pp. 60, 64), yet such matters are peculiarly within the province of the fact finding board and we do not believe it bound to use this method under all the circumstances here. However, it seems obvious that over a period of years engines cannot be run many thousands of miles as testified here at no cost for repairs. We believe

if the Commission does not desire to use the method offered by the railroad, and if actual costs are unavailable, it should by means of its specialized knowledge and experience devise some reasonable plan of its own to determine a fair allowance for such repairs. Cf. Cherington, The Regulation of Railroad Abandonments (1948), pp. 165-166. It has before it the evidence of the mileage run in passenger service, the type of engine used and other pertinent facts which we expect will enable it to do so.

In indicating that errors in determining net revenues or losses may have affected the orders made, we do not express any opinion whether correction of the errors should or should not produce a different conclusion with respect to discontinuance. The fundamental issue presented by the petitions is whether the expenses which will be eliminated by discontinuance of passenger service have exceeded to such an extent revenues which will be similarly eliminated that the resulting net saving to the railroad will further the public good in greater measure than the loss of passenger service will impair it. This is "in the first instance a question of fact for the commission." Petition of the N. H. Gas & Electric Co., 88 N. H. 50, 58.

In the determination of this issue, calculations of the loss or profit from the freight service are important chiefly as they tend to give significance to the net savings which may be effected by passenger service discontinuance. If the losses presently suffered in passenger operations on the branch are an insignificant portion of similar losses on the system as a whole, and result from rising costs rather than from any substantial change in public need, a finding that discontinuance of passenger service on the branch is not consistent with the public good (R. L., c. 287, s. 23) may still be warranted. On the other hand, different findings with respect to profit or loss may point to a conclusion that continued passenger service is a "wasteful operation" (Thompson v. Railroad, 86 N. H. 204, 205), the existing public need for which does not justify harm which will result to the state's principal rail transportation system if it is continued. Whether the public good requires further continuance of the service (R. L., c. 289, s. 26) should be determined from the broad standpoint of transportation requirements as a whole, and not solely from the standpoint of adversary proceedings between railroad and users of its passenger service.

One other question which appears likely to arise in the event of future proceedings is whether evidence of the total net revenue of the entire system may be considered in the matter of the discontinuance of the passenger service on this branch. We believe that the weight of authority and the better reasoning favors the admission of such evidence Portsmouth Electric Railway, 7 N. H. P. S. C. 150, 156; 123 A. L. R. 922N; Gardner v. Illinois Commerce Commission, 400 Ill. 123. Furthermore, the Commission is not bound by technical rules of evidence. R. L., c. 287, s. 10; Company v. State, 95 N. H. 353, 362.

In view of the conclusion reached, it appears that both the order of the Commission dismissing the petition of the railroad for a discontinuance of the passenger service and the order dismissing the petition for additional authority to operate bus service must be set aside. Accordingly, the cases are remanded for a redetermination of the specific issues herein discussed, and for such revision of the orders as may result therefrom.

Cases remanded.

All concurred.

we never questioned this proposition. Dist. Ct. question?

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.

TELEPHONE 546

June 25, 1952

Mr. Richard Jackson
Boston and Maine Railroad
North Station
Boston, Massachusetts

Dear Dick:

I enclose herewith a copy of the opinion
of the Supreme Court in the Claremont case.

After looking this over, you may wish to
talk with Dud or with me about it.

Sincerely yours,

Charles Toll

CHT:jk.
Enclosure.

Charles H. Toll, Jr.

*Continued by receipt
by phone advised
to large with DW0
6/30/62*

CP

RICHARD H. JACKSON

While it is true that ~~freight revenue~~
~~cost figures might have some~~ ~~a~~ ~~significant~~
effect of reducing

It is questionable in what way

• A savings of freight revenue and cost figures can ~~have~~ ^{give} significance to the net savings which may be effected by passenger service discontinuance. If it is found that freight service on the branch yields net operating revenue, such net ^{figure} would tend to reduce the loss of total Branch operations (assuming, of course, that freight service and passenger service on a branch line can be separated). Similarly if it is found that freight service on the branch results in a net operating deficit, such deficit would increase the loss of total Branch operations. The latter case could it possibly affect the net savings (i.e. the avoidable costs) to result from passenger service discontinuance.

BOSTON AND MAINE RAILROAD AND
BOSTON AND MAINE TRANSPORTATION COMPANY

v.

THE STATE OF NEW HAMPSHIRE et al

Motion of the Plaintiffs for Rehearing

The Plaintiffs are appreciative of the rulings of the Court as set forth in its opinion handed down June 23, 1952 with respect to the errors made by the Public Utilities Commission. However, they claim that with these corrections an order should be made permitting the discontinuance of passenger train service as requested as a matter of law. Accordingly, they respectfully move that they be granted a re-hearing for the following reasons:

- 1) The cases should not be remanded for a new trial to correct a mere matter of arithmetic in failing to deduct the cost of traffic on the rest of the system, since such correction can readily be made in this Court.
- 2) The cases should not be remanded for a new trial to allow the Commission to apply some other formula for determining the cost of traffic on the rest of the system than the one repeatedly approved by the L. C. C. and admitted by the Commission to be correct.
- 3) In view of the undisputed evidence, the findings of the Commission, the rulings of the Commission and now of this Court, the loss of the Railroad on the Branch in 1949 has been determined to be \$73,950.18.
- 4) The losses presently suffered in passenger operations on the Branch cannot reasonably be found to be "an insignificant portion of similar losses on the system as a whole, " as suggested in said opinion.
- 5) The losses presently suffered in passenger operations on the Branch cannot reasonably be found to "result from rising costs rather than from any substantial change in public need, " as suggested in said opinion.
- 6) The only reasonable conclusion is that passenger operations on the Branch are wasteful because of the loss and because a substitute service just as good or better is offered.

7) Branch freight figures are irrelevant where there is no freight discontinuance, so that the loss due to passenger operations on the said Branch is substantially greater than that determined for the Branch as a whole.

8) If the Court is of the opinion that a new trial is necessary for the determination of some fact or facts, the Court should exercise its discretion and act as an appellate Public Utilities Commission as was intended by Revised Laws, C. 414 and provided for therein, rather than remand the cases to a tribunal that has already decided them adversely to the Plaintiffs.

9) The total net revenue of the entire system is irrelevant on the use of funds for a service that is not needed.

Respectfully submitted,

BOSTON AND MAINE RAILROAD

By _____

BOSTON AND MAINE TRANSPORTATION CO.

By _____

A-141-10-N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.

June 30, 1952

TELEPHONE 546

Richard Jackson, General Attorney
Boston and Maine Railroad
North Station
Boston 14, Massachusetts

Dear Dick:

Herewith a copy of our motion for rehearing in
the Claremont Branch matter.

Sincerely yours,

Dud.

Dudley W. Orr.

DWO:im.
Enc.

RA

*By phone: 7/1/52
Tele Tol*

*(a) OK on all FIs except 2 BUT we must
submit accompanying petition to permit out
standing P. coming
to see its work and I don't want
to seem to "buy" the 900
formula which is all wrong
in my book.*

D

A-141-10N-17

Claremont NH
remanded to

Boston, Mass., July 29, 1952 P.U.C.

Mr. Archibald:

I have been checking my service discontinuance files and should like to compare notes with you to see if my information tallies with yours with respect to:

A. Matters under consideration by the management but not as yet submitted to any commission:

(1) Agency discontinuances and/or change of classification from l.c.l. to carload only point and/or retirement of station facilities:

Chicopee, Mass.
Eagle Bridge, N.Y.
Kendall Green, Mass.
Millers Falls, Mass.
Northumberland, Mass.
Peterboro, N.H.
Revere, Mass.
Wayland, Mass.
Wedgemere, Mass.
Weston, Mass.
Wyoming, Mass.
Wendell, Mass.

(2) Passenger train discontinuances and/or retirement of passenger facilities:

Medford, Mass.
Trains #5 and 20

(3) Total Abandonment

Farmington to Rochester, N.H.

B. Matters submitted for commission action but no action yet taken:

(1) Agency discontinuances and/or change of classification from l.c.l. to carload only and/or retirement of station facilities:

<u>Location</u>	<u>Date of Submission</u>
North Beverly, Mass. (see infra)	7/21/52

(2) Passenger train discontinuance and/or retirement of passenger facilities:

<u>Location</u>	<u>Date of Submission</u>
Graniteville, Mass.	7/21/52
West Chelmsford, Mass.	7/21/52
Westford, Mass.	7/21/52

(3) Total Abandonment:

Kittery - North Berwick, Maine 4/3/52 (ICC)

C. Matters submitted to commissions, and heard, but still unresolved:

(1) Discontinuance of agency and/or change of classification from l.c.l. to carload only and/or retirement of station facilities:

<u>Location</u>	<u>Date Submitted</u>	<u>Date Heard</u>
Beverly Farms, Mass.	11/5/51	3/12/52
Montserrat, Mass.	8/2/51	3/12/52
North Beverly, Mass. - originally proposed in 1950; upon objection and hearing scheduled proposal was withdrawn to be resubmitted 7/21/52. D.P.U. has requested resubmission by petition in view of earlier case history.		
Swampscott, Mass.	11/20/51	3/12/52

(2) Discontinuance of passenger train service and/or passenger facilities:

Claremont Branch, N.H. - submitted prior to 1/1/50 - innumerable hearings in 1950 and 1951 culminating in unfavorable order 8/1/51; rehearing and second unfavorable order 12/6/51; on appeal to Supreme Court, P.U.C. order reversed and case remanded 6/23/52.

Concord - Portsmouth Branch, N.H. - submitted 10/25/51 - numerous hearings in 1951 and 1952.

Peterboro Branch, Mass. and N.H. - submitted to D.P.U. on May 10, 1951; hearing on 8/17/51; order dismissing petition without prejudice 10/29/51; re-submission 12/20/51; new hearing 2/20/52; additional hearing 7/28/52.

(3) Complete abandonments.

None.

R. Jackson
General Attorney

RJ:mem

Copy to: Mr. Edgar
Mr. Sears
Mr. Heard
Mr. Bixler
Mr. Hitchings
Mr. Holly

A-141-10 N-17
Claremont

Boston, Mass., August 6, 1952

Messrs. F.W. Rourke
G.F. Glacy
P.J. Mullaney
H.C. Archibald

By an exchange of memoranda dated respectively July 29 and August 1, Mr. Archibald and I have confirmed the status of service curtailment matters with one or two exceptions as to which Mr. Archibald raises certain queries.

Mr. Archibald's first query has to do with the Wedgemere agency and what disposition was made of that matter. My notes reflect the fact that the Staff on October 29, 1951, voted to withhold Wedgemere and Wyoming from consideration by the Commission and consequently I drafted a letter to the D.P.U. recalling our petition with respect to Wyoming. Since the letter on Wedgemere had not at that time gone forward I merely withheld the Wedgemere letter.

Beverly Farms, Montserrat and Swampscott agencies have been the subject of an order by the D.P.U. dated July 31, 1952, authorizing us to discontinue the ticket agencies at those points.

With respect to the Claremont Branch case, the New Hampshire Public Utilities Commission desires a discussion of this matter and suggests as a date Friday, August 8, 1952, at 1:30 P.M. I have talked with Gene Struckhoff of Dudley Orr's office and he seems to think that we can get squared away with the Commission for an early and expeditious hearing if we come to such a conference armed with proposals for the future conduct of the case. It is particularly necessary that we educate the Commission on locomotive and car repairs. I should recommend that there be present at any such conference Messrs. Archibald, Heard, Dunn and Corcoran. Because of the importance of the matter and of the acquaintance subsisting between the Chairman of the Commission and Mr. Rourke, I think it would be very desirable if Mr. Rourke could also participate in any such conference.

With respect to the Portsmouth Branch, Gene Struckhoff reports that the Commission is disposed to set the case for final hearing on September 5. It seems to me that this is undue delay in light of the fact that only fifteen minutes or one-half hour's worth of hearing time remains. Possibly

at our conference with the Commission on Friday, August 8, we could persuade the Commission to bring the case on for its final hearing at an earlier date.

I have just received Mr. Archibald's memorandum of August 4 with reference to proposed meeting on the Farmington Branch and I suggest that we might kill two birds with one stone by convening interested individuals to discuss that matter on the way to Concord to discuss the Claremont case with the Commission.

R. Jackson
General Attorney

RJ:mem

Copy to: Messrs. Edgar
Sears
Heard
Bixler
Hitchings
Holly

STIPULATION

Whereas the Public Utilities Commission (hereinafter referred to as the "Commission") has before it for consideration, in Commission Docket number D-T 3153, the petition of the Boston and Maine Railroad (hereinafter referred to as the "Railroad") for the total discontinuance of passenger service on the Railroad's so-called Portsmouth Branch which petition is opposed by the towns of Auburn, Candia, Raymond, Fremont, Epping and Greenland (hereinafter referred to as the "Portsmouth Branch Protestants"); and

Whereas the Commission also has before it for consideration, upon remand from the Supreme Court of The State of New Hampshire, in Commission Docket numbers D-T 2996 and D-T 2997, the petition of the Railroad for the total discontinuance of passenger service on the Railroad's so-called Claremont Branch and the petition of the Boston and Maine Transportation Company (hereinafter referred to as the "Bus Company") for a certificate of convenience and authority to permit the substitution of busses for passenger trains on the Claremont Branch, which petitions are opposed by the towns of Newport and Sunapee (hereinafter referred to as "Claremont Branch Protestants"); and

Whereas a proposal for the disposition of said petition has been considered by the parties and is agreeable to all of them;

Now, Therefore, the Portsmouth Branch Protestants, the Claremont Branch Protestants, the Railroad and the Bus Company stipulate as follows subject to the approval of the Commission:

A. The Portsmouth Branch Protestants and the Railroad stipulate that:

- 1) The proceedings in D-T 3153 may be terminated without further hearings.
- 2) The parties will not contest further an order of the Commission which will provide:
 - (a) That the Railroad continue the operation of passenger trains number 3601 and 3604 between Concord and Portsmouth *approximately* on the following *approximate* schedules:

<u>3601</u>		<u>3604</u>	
Portsmouth	8:10 A. M. †	Concord	3:50 P. M. †
Manchester	10:16 A. M. †	Manchester	4:18 P. M. †
Concord	10:45 A. M. †	Portsmouth	6:35 P. M. †

~~* Daylight Saving Time~~

- (b) That the Railroad be permitted to discontinue operation of its passenger trains number 3600 and 3605 as now scheduled between Portsmouth and Manchester.
- (c) That no petition for further discontinuance of passenger trains on the said branch *submitted by the Railroad nor* shall be _{entertained} by the Commission prior to September 1, 1953.

B. The Claremont Branch Protestants, the Railroad and the Bus Company stipulate that:

- 1) The proceedings in D-T 2996 and D-T 2997 may be terminated without further hearings.
- 2) The parties will not contest further an order of the Commission which will provide as follows:

- (a) That the petition of the Bus Company in D-T 2997 be dismissed.
- (b) That the Railroad continue the weekday operation of passenger trains numbers 3803 and 3808 between Concord and Claremont Junction with equipment to be made available by the discontinuance of passenger service on the Portsmouth Branch, and on approximately the following ^{approximate} schedule:

<u>3803</u>		<u>3808</u>	
Concord	10:40 A.M.*	Claremont Jct.	3:20 P.M.*
Claremont Jct.	12:45 A.M.*	Concord	5:25 P.M.*

* ~~Daylight Saving Time~~

- (c) That the Railroad be permitted to discontinue its passenger trains numbers 3807 and 3802 as now scheduled between Concord and Claremont Junction on weekdays and its passenger trains numbers 3858 and 3859 as now scheduled between Concord and Claremont Junction on Sundays.
- (d) That no petition for further discontinuance of passenger trains on said branch shall be ^{submitted by the Railroad nor} entertained by the Commission prior to September 1, 1953.

C. The Portsmouth Branch Protestants, Claremont Branch Protestants, the Railroad and the Bus Company further agree that the foregoing stipulations shall ^{not} be operative and shall not bind the parties unless an order of the Commission in conformance with said stipulation shall issue prior to September 15, 1952.

Town of Auburn, Town of Candia,
Town of Raymond, Town of Fremont,
Town of Epping and Town of Greenland

By _____
Their Attorney.

Town of Newport and Town of Sunapee

By _____

Their Attorneys.

Boston and Maine Railroad

By _____
Its Attorney.

Boston and Maine Transportation
Company

By _____
Its Attorney.

The Attorney-General of The State of New Hampshire, having
appeared in the above named actions, hereby assents to the
terms of the foregoing stipulation.

Attorney-General.

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.

TELEPHONE 546

August 11, 1952

Mr. Richard Jackson
Boston and Maine Railroad
North Station
Boston, Massachusetts

Dear Dick:

I am enclosing a copy of the proposed stipulation in the Claremont and Portsmouth Branch cases.

RH
If you have any comments or suggestions you can either call me Tuesday after you receive this, or if you arrive early enough Wednesday morning, we can discuss it then. I would appreciate it if you would bring this copy with you as we may have a problem as to the number of copies.

Sincerely yours,

Struckhoff

Eugene C. Struckhoff.

ECS:jk.
Enclosure.

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.

TELEPHONE 546

August 14, 1952

Mr. Richard Jackson
Boston and Maine Railroad
North Station
Boston, Massachusetts

Re: Portsmouth Branch and Claremont Branch Cases

Dear Dick:

At the conference between counsel before the Public Utilities Commission yesterday morning, we presented the stipulation which the Railroad is prepared to offer as a basis of compromise in the above two cases. At the time of this offer, and throughout the conference, we took the attitude that the Railroad was acting in a spirit of cooperativeness in an effort to terminate this matter in a way which, although not giving all parties exactly what they desired, offered the best possible compromise solution. The Commission solicited Mr. Upton's reaction first. He evidenced little, if any, interest in the proposal and gave the impression that he would certainly not recommend its acceptance to his clients. The Railroad counsel asked the basis of his objection; and he replied that it represented a fifty percent reduction in service, with poor equipment on poor schedules. In an effort to sell the compromise proposal to him, the Railroad indicated its willingness to have its operations department consider the feasibility of any substitute schedule which Mr. Upton might care to propose. To his further objection that the Portsmouth train should not operate between Manchester and Concord, we proffered Mr. Rourke's explanation that operationally this saved us money because of Concord's greater suitability for servicing the cars. Mr. Upton remained unconvinced. He said he would convey our proposal to his people; but even under pressing inquiry from you, refused to state when he would do so or how much time he would require to give us an answer. I regarded his attitude in this connection as further evidence of his attempt to harass the Railroad by undue delay. In addition to the foregoing objections, Upton also said he felt he could not do much with his people because any settlement of the Portsmouth case depended upon acceptance of the

Mr. Richard Jackson

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August 14, 1952

stipulation by the Claremont protestants.

Bill Phinney, counsel for the Claremont protestants, then said he did not feel the plan offered much to his clients as it represented a reduction in service, and the quality of the equipment to be used would not be good. His chief objection, however, seemed to be that he could not obtain any definite answer from his people so long as the whole deal was contingent upon acceptance by the Portsmouth Branch protestants. If any answer to this was necessary, I am certain you gave it. He also said he would convey the proposal to his people. However, upon inquiry by you, he too refused to answer whether he would contact his people in an attempt to be ready to discuss the matter with us further in a week or two weeks or at any other definite date in the future.

The possibility of the Commission setting a date to close out the Portsmouth case was also discussed. The Commission said a date in September could be set. Mr. Upton then said that no one could be available from his office at such time but that he might be available late in August. When the Commission indicated it might set August 28 and 29, Mr. Upton said he felt the Attorney-General should be consulted first. The Assistant Attorney-General was called and when he consented to the dates, Mr. Upton made further excuses why he could not be present at times he himself had originally suggested.

John Nassikas, Assistant Attorney-General, volunteered that he thought the Boston and Maine proposal was fair enough to warrant the serious consideration of all parties. I would expect his office would not actively oppose our proposal.

Commissioner Davison expressed himself as favoring the speedy conclusion of the hearings in both cases; and evidently, he has reached the conclusion, which we have long fostered, that the Railroad has a right to have these cases decided speedily.

His remarks led me to believe that the Commission would rule favorably on motions by the Railroad at this time to set the cases down for speedy hearing.

Mr. Richard Jackson

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August 14, 1952

Phinney and Upton both took the position that if we make our offer to the Commission in open hearings in these cases that they will want to introduce evidence to prove that our proposal is not in the public good. They both seem bent on dragging out the hearings.

I believe that an agreement will not result from the conference yesterday morning. I do believe we have advanced our position before the Commission by making every effort to settle this quickly in a manner fair to all parties. I also believe that Phinney and Upton, by their dilatory and uncooperative attitudes, have irked the Commission. Because of this, I think we had the first evidence that the Commission will push this matter in the future.

At this point, I would like to suggest the following course of action for the future conduct of these two cases:

1. We should immediately move for the resumption of hearings in the Portsmouth and Claremont cases. We should press for the September fifth date suggested by the Commission.
2. At the continued hearing in the Portsmouth case, we will place our offer on the record.
3. If Upton requests permission to introduce numerous other witnesses or requests permission to introduce evidence on our offer, we should counter with a motion to the Commission to permit us to place the reduced service into effect pending the introduction of any such evidence. It is my opinion that Revised Laws, Chapter 287, as amended by New Hampshire Laws of 1951, Chapter 203, Sections 24 through 28 gives the Commission the right to make such an order. On the basis of the previous delay and the reasonableness of our present offer, we can make out a good case for such a request. It is a question of whether the Commission would have the fortitude to make such an order.

Mr. Richard Jackson

4

August 14, 1952

4. We should repeat our offer in the Claremont case and meet any request for additional time for the presentation of evidence in the offer, etc. with the same type of counter motion.

5. On the other hand, if we can get the hearings closed out quickly, I feel we would not be too optimistic in expecting a decision in accord with our offer (although we must recognize that this is a chance we take.)

6. If in the Portsmouth case, Upton confines his remaining case to one or two more witnesses, I believe we should not put in additional evidence unless it be in the form of rebuttal on the Mack Car. I would like your thoughts on this after you have had an opportunity to see the transcript of the evidence introduced in this case. Of course, if Upton is permitted to introduce evidence re our proposal or attempts to introduce considerably more evidence on the present case, it is probable that we will find it necessary to introduce additional rebuttal testimony.

7. Similarly, in the Claremont case, if we can get the case closed after the introduction of our offer without more evidence by the protestants, I believe we could take a chance and not introduce further testimony. However, if the protestants are going to open up this case for extended testimony, it would be my belief that we should call upon our Claremont and Concord friends and others to bolster our case; and it may be necessary to introduce other testimony such as our financial condition in 1951, etc.

8. In the event we were to receive decisions in substantial accord with our offer and either side threatened us with appeal, we would not have to be concerned if our motion to immediately institute the change had succeeded. If the Commission decided for us, it seems that they would permit us to institute the proposed service pending the appeal, even if they had denied such a motion earlier in the proceedings. Assuming the worst possible action by the Commission, under the statutes, we would have the right to remove the service sixty days after the hearings had closed.

Mr. Richard Jackson

5

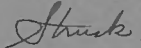
August 15, 1952.

9. If the Commission decides for us, the likelihood of successful attack on such a decision would be slight.

10. Our offer would be conditional so that if the Commission entered an order in either case not consonant with the offer we would have the right to appeal. Of course, we would make the decision as to whether to take such an appeal in the light of the order rendered and the state of the record at that time.

There is never a full excuse to writing a letter of this length. I have done so because it seems we have reached a definite stage in these proceedings when it is advisable to review our overall approach to the two cases. The foregoing represents our best judgment as to how to proceed under most of the foreseeable circumstances. We, of course, would like to have your comments and suggestions to the outlined approach. If you approve, we will work toward the objectives suggested.

Sincerely yours,



Eugene C. Struckhoff.

ECS:jk.

A-141-10N-17

August 15, 1952

Eugene C. Struckhoff, Esq.
4 School Street
Concord, New Hampshire

Dear Struck:

Thanks for yours of August 14 relative to the
Claremont - Portsmouth matter, a clear and comprehensive
job.

I shall ask Bob Fletcher to lay your suggestions
before the Executive Staff at their regular Monday
meeting.

Sincerely yours,

R. Jackson
General Attorney

RJ:mem

A-141-10 N-17

August 18, 1952

Eugene C. Struckhoff, Esq.
4 School Street
Concord, New Hampshire

Dear Gene:

The Staff of the Railroad has considered the proposals advanced by you in your letter of August 14 and they conclude that you should immediately press for early hearing in both the Claremont and Portsmouth cases. With respect to the other matters embraced in your memorandum of suggestions, we can cross those bridges when we come to them.

It is the disposition of the Staff at the present time to say nothing on the record about our offer. There are, of course, technical objections that will be easily recognized by you in making such an offer on either or both of the records; and as you know, friend Phinney has indicated an intention to make a football of that proposal so as to kick the case around for a few more months.

Enclosed is a copy of my reply to Mr. Melvin who had requested the views of our operating people on the feasibility of coordinating the schedules of the Portsmouth and Claremont trains should Mr. Rourke's proposal go into effect.

Sincerely yours,

R. Jackson
General Attorney

RJ:mem
Encl.

1.2



State of New Hampshire
PUBLIC UTILITIES COMMISSION
CONCORD

COMMISSIONERS
HAROLD K. DAVISON
CHAIRMAN
EDWARD R. THORNTON
RAE S. LARABA

August 13, 1952

A-141-10N-17

Mr. Richard Jackson
General Attorney
Boston & Maine Railroad
North Station
Boston 14, Mass.

Dear Sir:

This is in reference to the proposed stipulation submitted to the Commission this morning as it affects the Portsmouth and Claremont Branch cases.

It is understood that Train No. 3601 would operate substantially upon the same schedule on the Portsmouth Branch as would Train No. 3803 on the Claremont Branch. The present time table shows Train 3601 arriving in Manchester at 10:16 A. M., and at Concord at 10:45 A. M. Train No. 5 is scheduled to leave Manchester at 10:12 A. M., arriving at Concord at 10:35 A. M. Train No. 3803 is scheduled to leave Concord at 10:40 A. M.

Under this schedule, any passengers arriving in Manchester on the 3601 would miss connection with Train No. 5 at that point, but since this train leaves Concord at 10:50 A. M., a connection could be made for points north of Concord covered by this train. On the other hand, Train 3601 arrives in Concord five minutes after the departure of Train 3803 for Concord so that no opportunity for through passage to points on the Claremont Branch would be afforded unless a slight change in the arrival time of the former or the leaving time of the latter is made.

It is realized that Train 2907 more or less governs the departure of 3601 out of Rockingham Jct., and Train 72 is the connection at Claremont Junction which makes the schedule rather close. It would seem that if a schedule can be proposed for a connection with 3601 at Manchester or Concord for passage to Claremont Branch points, it would be worthwhile to do so.

Very truly yours,

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Winslow E. Melvin
Winslow E. Melvin,
Transportation Director

WEM:tt

Mr. Laraba - would you tell me what reply we should give to Melvin - so far as our operating problem is concerned
8/14/52

Mr. F. W. Rusk

A-141-10N-17

Mr. Jackson
Construction required to
will be made OK now
except in a.
8/20



jm

A-141-10N-17

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.

TELEPHONE 546

August 19, 1952

Richard Jackson, Esquire
Boston and Maine Railroad
Law Department
North Station
Boston 14, Massachusetts

Dear Dick:

I am in receipt of your letter of August 18th in which you instruct me to move for early hearings in both the Claremont and Portsmouth cases.

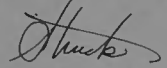
It is my understanding that we are going to continue to seek the relief requested in our original petition; that is, total discontinuance of passenger service on both branches and that I should make such preparation as is necessary to close out the hearings on this basis.

RA

If we are going to proceed in this fashion, I believe there is evidence which we will want to get into the record in the Claremont case and there is possibly certain rebuttal testimony on the Mack car that we should introduce in the Portsmouth case.

I plan to be in Boston on Thursday, August 21st, and will drop in to see you at that time.

Very truly yours,



ECS:ls

Eugene C. Struckhoff

A-141-16N-17

August 21, 1952

Winslow E. Melvin, Transportation Director
Public Utilities Commission
Concord, New Hampshire

Dear Mr. Melvin:

Further in reference to yours of August 13
respecting train service on the Claremont and Portsmouth
Branches.

Our operating people tell me that if one round
trip per day on each Branch were instituted, the schedules
could and would be coordinated so as to effect a connection
at Concord between the in-bound Portsmouth and the out-
bound Claremont trains. Connection between 3601 and 5
would also, of course, be comfortably made.

Very truly yours,

R. Jackson
General Attorney

RJ:mem

A-141-10N-17



State of New Hampshire
PUBLIC UTILITIES COMMISSION
CONCORD

COMMISSIONERS
HAROLD K. DAVISON
CHAIRMAN
~~EDWARD R. THORNTON~~
EDWARD R. THORNTON
RAE S. LARABA

August 22, 1952

Mr. R. Jackson
General Attorney
Law Department
Boston & Maine Railroad
North Station
Boston 14, Mass.

Dear Mr. Jackson:

This will acknowledge with thanks receipt of your letters of August 14 and August 21, relative to the Claremont and Portsmouth Branch schedules with particular reference to the Concord connection.

Very truly yours,

N. H. PUBLIC UTILITIES COMMISSION

Winslow E. Melvin
Winslow E. Melvin,
Transportation Director

WEM:tt

A-141-10N-17

August 22, 1952

Mr. William A. Kira, President
Claremont Paper Company
Claremont, New Hampshire

Dear Mr. Kira:

The conference of attorneys held with the New Hampshire Public Utilities Commission on Wednesday, August 13th, turned out to be unproductive of an immediate settlement of the Claremont and Portsmouth Branch cases.

The opposing counsel did not give our people any encouragement and it is apparent at this point that we will proceed with the hearings about on the lines contemplated at the time of our meeting with representatives of Claremont Industries and the Chamber of Commerce on July 31st.

I am sending a copy of this letter to Mr. Thompson and would appreciate it very much if you would advise the Joy Manufacturing Company and the Coy Paper Company people.

Sincerely yours,

E.S. Roger

cc--Mr. Thompson
Mr. Streckhoff
Mr. Jackson

A-141-10N-17

Boston, Mass., Aug. 25, 1952

Messrs. Bourke
Mullaney
Glacy

Re: Concord-Claremont

Mr. Strufkhoff, our New Hampshire counsel, has discussed with me the prospective re-opening of the above case. He has filed a motion seeking an early hearing date and we trust that the Commission will go along with us in winding the case up as expeditiously as possible.

It is our tentative view that at any such hearing the Railroad should state to the Commission that it is content to rest upon the record as made; and that the Commission under the terms of the Court's remand should:

- (a) Make accurate computations of the freight figures.
- (b) Advise us to what it believes are appropriate locomotive repair figures in a case of this character.

If the Commission gave us such advice, I should suppose we could prepare such locomotive repair figures very quickly.

We do not feel that the Railroad should send to Concord a host of witnesses, since such action would doubtless encourage the Commission and the opponents to have another Roman Holiday so far as direct and cross examination is concerned. However, it is not unlikely that the Commission will ask us to give them some notion as to the present picture with respect to:

- (1) Passenger revenues and patronage.
- (2) Boston and Maine's cost of living index.

In such event we should be prepared to move quickly to satisfy any such Commission demand and this memorandum is distributed in order to alert all distributees to be ready with such information.

As soon as the Commission sets a hearing date, it is our intention to convene a meeting of all interested parties in order to map our campaign. If there is any indication at the renewed hearings that any substantial amount of new evidence is to be received, we should, of course, alert our friends in Concord and in Claremont to stand ready to testify on our behalf as they indicated that they are willing to do.



R. Jackson
General Attorney

RJ:mem

Copy to: Messrs. Edgar -
Archibald
Spofford -
Bisler -
Dunn -
Corcoran -
Hitchings
Heard -

Mr. Struckhoff

A-141-10N-17



State of New Hampshire
PUBLIC UTILITIES COMMISSION
CONCORD

COMMISSIONERS
HAROLD K. DAVISON
CHAIRMAN
~~EDWARD R. THORNTON~~
EDWARD R. THORNTON
RAE S. LARABA

August 28, 1952

Neal J. Holland, Attorney
Boston & Maine Transportation Company
Boston, Massachusetts

Dear Sir:

D-T2996 Boston & Maine Railroad. Petition
for authority to discontinue passen-
ger train service between Concord
and Claremont Junction.

D-T2997 Boston & Maine Transportation Company.
Application for authority to operate
as a common carrier of passengers be-
tween Concord and Claremont Junction.

[Handwritten initials]

The Commission having granted the request of the
Boston & Maine Railroad and the Boston & Maine Transportation
Company for resumption of hearing in connection with the above
entitled matters, a resumed hearing will be held on September
16, 1952 at ten o'clock in the forenoon at the office of the
Commission in Concord, Room 208, State House Annex.

Very truly yours,

N. H. PUBLIC UTILITIES COMMISSION

Haisy Y. Jewell
Assistant Secretary

A-141-10N-17



State of New Hampshire
PUBLIC UTILITIES COMMISSION
CONCORD

August 28, 1952

COMMISSIONERS
HAROLD K. DAVISON
CHAIRMAN
~~EDWARD R. THORNTON~~
EDWARD R. THORNTON
RAE S. LARABA

Richard Jackson, Attorney
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

RJ

D-T2996 Boston & Maine Railroad. Petition
for authority to discontinue passen-
ger train service between Concord
and Claremont Junction.

D-T2997 Boston & Maine Transportation Company.
Application for authority to operate
as a common carrier of passengers be-
tween Concord and Claremont Junction.

The Commission having granted the request of the
Railroad and the Transportation Company for resumption of
hearing in connection with the above entitled matters, a
resumed hearing will be held on September 16, 1952 at ten
o'clock in the forenoon at the office of the Commission in
Concord, Room 208, State House Annex.

Very truly yours,

N. H. PUBLIC UTILITIES COMMISSION

Haisy G. Jewell
Assistant Secretary

A-141-10N-17



State of New Hampshire
PUBLIC UTILITIES COMMISSION
CONCORD
August 28, 1952

COMMISSIONERS
HAROLD K. DAVISON
CHAIRMAN
~~EDGAR H. MUNTER~~
EDWARD R. THORNTON
RAE S. LARABA

Robert J. Fletcher, Attorney
Boston & Maine Railroad
Boston, Massachusetts

Dear Sir:

RF.

D-T2996 Boston & Maine Railroad. Petition
for authority to discontinue passen-
ger train service between Concord
and Claremont Junction.

D-T2997 Boston & Maine Transportation Company.
Application for authority to operate
as a common carrier of passengers be-
tween Concord and Claremont Junction.

The Commission having granted the request of the
Boston & Maine Railroad and the Boston & Maine Transportation
Company for resumption of hearing in connection with the
above entitled matters, a resumed hearing will be held on Sep-
tember 16, 1952 at ten o'clock in the forenoon at the office
of the Commission in Concord, Room 208, State House Annex.

Very truly yours,

N. H. PUBLIC UTILITIES COMMISSION

Maisy G. Jewell
Assistant Secretary

A-141-10 N-17

Boston, Mass., Sept. 2, 1952

Messrs. Bourke
Mullaney
Glacy

Re: Concord - Claremont

I have received a notice from the Public Utilities Commission that a resumption of the hearing in connection with the above-entitled matter will be held on September 16, 1952, at 10:00 A.M. at the office of the Commission in Concord, Room 209, State House Annex.

H. Jackson
General Attorney

MEM
Good
9/7/52
W.M.
J.P.

W:man

Copy to Messrs. Edgar
Archibald
Spofford
Bixler
Dunn
Corcoran
Hitchings
Heard
Struckhoff

A-141-10N-17

Boston, Mass., Sept. 9, 1952

Messrs. Rourke
Mullaney
Olney

Re: Claremont Branch

At the Claremont Branch hearing on September 16th the only persons who will be required to be present are Messrs. Corcoran and Dunn. Mr. Struckhoff has conferred with them about their appearance on that date. There will be no necessity for any other personnel to be available as witnesses at that time and it is hoped that the future conduct of the case will not require the production of additional witnesses.

RA

RD

H. Jackson
General Attorney

men/

- Copy to Messrs. Edgar
- Archibald
- Spofford
- Birdler
- Dunn
- Heard
- Hitchings
- Corcoran
- Struckhoff

A-141-10N-17

RF Fletcher

CLAREMONT RAILWAY COMPANY
CLAREMONT, NEW HAMPSHIRE

September 24, 1952

Mr. R. M. Edgar, Vice President
Boston and Maine Railroad
North Station, Boston 14

Dear Mr. Edgar:

Enclosed are additional news clippings on the B&M
Claremont-Concord line.

Ryf.

Yours very truly,

CLAREMONT RAILWAY COMPANY

William A. Kinn

William A. Kinn
President

WAK/g
Enc.

cc Mr. Struchof
D. W. Orr's office

A-141-10N-17

Boston, Mass., October 1, 1952
File 2-49-1-3

- Mr. P. J. Mullaney
- Mr. H. E. Birler
- Mr. H. C. Archibald
- Mr. R. Jackson
- Mr. A. S. Baker

The attached reflects current Claremont Branch passengers and revenue in comparison with similar information contained in Claremont Branch exhibit #4b.

Daily detail of riding for the September 1 thru 14 period is available if additional information is desired.

OK

S. B. Hitchings
SBH

STIPULATION

Whereas the Public Utilities Commission (hereinafter referred to as the "Commission") has before it for consideration, upon remand from the Supreme Court of The State of New Hampshire, in Commission Docket numbers D-T 2996 and D-T 2997, the petition of the Railroad for the total discontinuance of passenger service on the Railroad's so-called Claremont Branch and the petition of the Boston and Maine Transportation Company (hereinafter referred to as the "Bus Company") for a certificate of convenience and authority to permit the substitution of busses for passenger trains on the Claremont Branch, which petitions are opposed by the Towns of Newport and Sunapee (hereinafter referred to as "Protestants"); and

Whereas a proposal for the disposition of said petition has been considered by the parties and is agreeable to all of them;

Now, Therefore, the Protestants, the Railroad and the Bus Company stipulate as follows subject to the approval of the Commission:

1. The petition of the Boston and Maine Transportation Company in DT-2997 may be dismissed.

2. The Railroad will continue the weekday operation of passenger trains numbered 3803 and 3808 between Concord and Claremont Junction on approximately the following schedule:

<u>3803</u>	<u>3808</u>
Concord 10:40 A. M.	Claremont Jct. 3:20 P. M.
Claremont Jct. 12:45 A. M.	Concord 5:25 P. M.

3. An Osgood-Bradley self-propelled unit to be taken from the Portsmouth Branch, will be used for this service. This unit will be put into the shops for cleaning and dressing up before being placed on the Claremont Branch.

4. The Railroad will discontinue its passenger trains numbers 3807 and 3802 as now scheduled between Concord and Claremont Junction on weekdays and also its passenger trains numbers 3858 and 3859 as now scheduled between Concord and Claremont Junction.

5. The Railroad will agree not to petition for discontinuance of the passenger trains remaining on the Claremont Branch prior to January 1, 1974.

6. These proposals will only be operative if they meet with the approval of the Public Utilities Commission and they will go into effect on such date as the Commission may specify in any order that may be issued in the proceedings.

7. The protesting towns agree that the foregoing proposals may be placed in effect without further hearings before the Commission and the Protestants will approve the proposals at any final hearings which may be necessary to formally close out the hearings.

IN WITNESS WHEREOF, the parties have hereunto set their hands this day of December, 1952.

TOWN OF NEWPORT, NEW HAMPSHIRE

By William L. Phinney, Its Attorney.

By Kenneth W. Shaw, Its Attorney.

TOWN OF SUNAPEE, NEW HAMPSHIRE

By Jarlath M. Slattery, Its Attorney.

BOSTON & MAINE TRANSPORTATION COMPANY

By Eugene C. Struckhoff, Its Attorney.

BOSTON & MAINE RAILROAD

By Eugene C. Struckhoff, Its Attorney.

C
O
P
Y
SHEEHAN, PHINNEY & BASS

922 Elm Street

Manchester, New Hampshire

John J. Sheehan
William L. Phinney
Perkins Bass
William S. Green

January 6, 1953

Frederick W. Branch
Counsel

Eugene C. Struckoff, Esq.
Orr & Reno
95 North Main Street
Concord, New Hampshire

Dear Gene:

This is to let you know that at long last I have forwarded the Stipulations relative to the discontinuance petition before the Public Utilities Commission on the Claremont Branch to Messrs. Shaw and Slattery.

I have some objection to paragraph 5 carrying the date of January 1, 1954, and would prefer to substitute for the date something similar to "prior to one year after the revised schedule is placed in effect by the railroad." I believe that all parties want to give the new schedule a fair chance, which it might not get if the Commission doesn't issue an order until July. Of course, I'm not unaware of the fact that I might be subjected to a charge of delaying putting the schedule into operation by holding the Stipulations as long as I have.

I have called the matter to Judge Shaw's attention, and if he feels that it is important enough to deal with, undoubtedly we both shall hear from him.

Very truly yours,

/s/ Bill

William L. Phinney

WLP:est

ORR & RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

December 18, 1952

C
O
P
Y
William L. Phinney, Esq.
Sheehan, Phinney & Bass
922 Elm Street
Manchester, New Hampshire

Dear Mr. Phinney:

Enclosed herewith you will find a stipulation which I have already signed, and which I understand you will have signed and return to me for submission to the Commission.

In the meantime, I will attempt to have the Commission prepare to take whatever steps it deems necessary to formally close out the case, and to issue its order. I am happy that after three years, we have at last arrived at some conclusion and I sincerely hope that it will be one which will operate to the benefit of all concerned.

Sincerely yours,

ECS:jk.
Enclosure.

Eugene C. Struckhoff.

RMA 181 - Gear Ratio Change
G.A. Boston

422.003

①

BF Co

2 - 62 Tooth Gear Cost 279.3640
Lic # 200.00

2 - 17 Tooth Pinion Cost 476.7905
Lic # 45.00

Delivery 12 Weeks

Will follow with B 12

CC to PCD

Give Don Part of cost of bearings
2 Gears on order and work
of a tank change at Cove
when ~~the~~ a spare tank is
assembled with the new FR.

C

Rail Motor Car 181 - Claremont Br
Claremont Branch of RMC

422.003-
422.522
422.72

6

Boston, Mass.
Dec. 23, 1952

Mr. Bloss:

In anticipation of certain changes in the train service on the Portsmouth and Claremont Branches, we desire to have Rail Motor Car 181 put thru the shop for cleaning, painting, and such repairs as are necessary to put it into good condition for operation on the Claremont Branch with trailer 1081.

The Rail Motor Car can be put into the shop immediately by using R.M.C. 195 or 196 now spare.

Trailer 1081 is to be given similar repairs to operate with R.M.C. 181 but it cannot be taken out of service until we have authority to discontinue service on the Portsmouth Branch.

Please arrange to handle.

REB:MCM

R. E. Baker
R. E. BAKER

Copies to Mr. F. W. Rourke
Mr. A. W. Maloy

Yours of Dec. 22nd.

R. E. B.

ORR AND RENO
95 NORTH MAIN STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.


Counsel
FRANCIS W JOHNSTON
TELEPHONE 546

January 9, 1953

Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Re: Claremont Branch

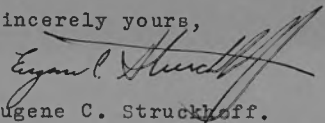
Dear Dick:

 Enclosed you will find a copy of the stipulation which I sent to the opposing counsel in the Claremont case for execution, together with a copy of the letter of transmittal and a copy of a recent letter from William Phinney. In a telephone conversation some eight to ten days ago, Mr. Phinney had informed me that the stipulation had left his office that day.

I am sending these so that you will be up to date on the Claremont Branch matter. Would you also inform me as to what your disposition is on making the time when we would re-petition as one year from the date of the Commission's order.

I would be inclined to resist it unless we saw that it would absolutely prevent the stipulation from being executed.

Sincerely yours,


Eugene C. Struckhoff.

ECS:jk.
Enclosures.

A141-10-N-17

January 12, 1953

Eugene Struckhoff, Esq.
Orr and Reno
95 North Main Street
Concord, New Hampshire

Dear Gene:

Re: Claremont Branch

Thanks for yours of January 9, 1953.

I have no objection to Mr. Phinney's suggested change in the stipulation if he and his colleagues insist on it, although we would not accede to any such clause if by so doing we would make ourselves vulnerable to delaying tactics in the execution of the stipulation and the final wind-up of the case. Consequently, if any such language as Mr. Phinneys were incorporated into the stipulation, I should consider it wise to insist upon their agreeing to an early date for a final hearing of the matter.

Sincerely,

R. Jackson
General Attorney

RJ:emj

A 141-10 N-17

BOSTON AND MAINE RAILROAD

Jan. 15, 1953

Received of Mr. R. Jackson

Contract } State of New Hampshire
Deed } Public Service Commission
and } B. & M. R. R.
to }

Description Dismissal of Petition of R.R. for discontinuance of
passenger train service on Claremont Branch
and petition of B. & M. T. for additional Dated July 31, 1951
authority for bus service

Location Concord to Claremont Jct., N.H.

W. J. BURNS

Contract }
Deed } No. 49666
Corporate }

By

H. C. Sydney
Clerk of Corporation
Supervisor of Contracts

A 141-10N-17

BOSTON AND MAINE RAILROAD

Jan. 15, 1953

Received of Mr. R. Jackson

Contract } State of New Hampshire--Public Utilities Commission
Deed }

and } B. & M. R. R.
to }

Description Report on rehearing on matters of proposed discontin-
uance of passenger service on Claremont Branch-
affirming conclusions set forth in Dated Dec. 6, 1951
original report dismissing petition

Location Concord to Claremont Jct. N.H.

W. J. BURNS

Contract }
Deed } No. 49666-A
Corporate }

By

L. E. Bayley
Clerk of Corporation
Supervisor of Contracts

C
O
P
Y

State of New Hampshire

PUBLIC UTILITIES COMMISSION

Concord

January 22, 1953

Eugene C. Struckhoff, Attorney
Orr & Reno
4 School Street
Concord, New Hampshire

Dear Sir:

D-T2996 - D-T2997 - Claremont Branch

A continued hearing will be held on the above entitled matters at the office of this Commission in Concord on January 28, 1953, at 11 A.M.

This hearing will be held pursuant to the filing of the Stipulation in the cases in the expectation that the matter may be finally disposed of.

Very truly yours,

N. H. PUBLIC UTILITIES COMMISSION

/s/ James W. Doon
Secretary

JWD*J

ORR AND RENO
95 NORTH MAIN STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.

Counsel
FRANCIS W. JOHNSTON

TELEPHONE 546

January 23, 1953

Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Re: Claremont Branch

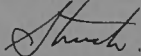
Dear Dick:

I am enclosing herewith a copy of the notice which we received that continued hearings will be held on the above-entitled matter. In your absence, I called Mr. Bixler today and asked him if he would want to be present to answer any questions which might be raised at the hearing as to when we would be ready to institute the schedule, when the Osgood-Bradley car would be ready to be put on the Branch, and any other questions which might arise as to schedules, or the like. He told me that he would contact Austin Molloy and that Austin would probably be present for this purpose.

JA

In view of the fact that the parties have stipulated and in view of the fact that the Commission is apparently ready to go along with the stipulation, I see little point in making any elaborate preparation. My present plan is to tell the Commission that the parties are now in agreement and the Commission, as is evidenced by its decision in the Portsmouth Branch case, now understands the error which it made as to freight profits on the Portsmouth Branch, and the error which it made by not allowing the Railroad credit for any locomotive repair costs, etc. In view of the Railroad's modification of its request to one round trip a day, and in view of the agreement of the parties together with the costs which would be established if the Commission changed its methods of computation in accordance with the order of the Supreme Court, the Commission should now permit us to put the stipulation into effect.

Sincerely yours,



Eugene C. Struckhoff.

ECS:jk.
Enclosure.

January 26, 1953

Eugene C. Struckhoff, Esq.
Orr and Reno
95 North Main Street
Concord, New Hampshire

Dear Struck:

Thanks for yours of the twenty-third on the
Claremont Branch. Your program looks fine to me.

Sincerely,

R. Jackson
General Attorney

RJ:emj

BOSTON AND WASHINGTON
Boston, Mass., February 16, 1953

Mr. A. W. Maloy:-

Attached are several copies of "Notice of Change of Service, Claremont Branch".

Two of these notices ^{attached} should be posted in each of the stations involved and two ~~attached~~ copies should be returned to this office showing date, time and place of posting. In the interest of economy of forms the various stations may also be shown on each of the two copies returned instead of returning a copy for each station.

Copy - Mr. R. Jackson ✓
Mr. P. J. Mullaney
Mr. G. F. Glacy

B O S T O N A N D M A I N E R A I L R O A D

NOTICE OF CHANGE OF SERVICE
CLAREMONT BRANCH

Notice is hereby given that on and after March 9, 1953, passenger train service on Train Nos. 3802 and 3807 heretofore operating on weekdays, and Train Nos. 3858 and 3859 heretofore operating on Sundays, between Concord, N.H., and Claremont Jct., N.H., will be discontinued.

The operation of said trains has been authorized to be discontinued by order of the New Hampshire Public Service Commission in its order dated February 13, 1953.

R. F. COWAN
PASSENGER TRAFFIC MANAGER

Date Posted:

Boston, Mass., February 16, 1953

Mr. R. Jackson:-

Am informed New Hampshire Public Utilities Commission Order is out permitting us to discontinue trains 3802-3807 on Claremont Branch on ten days' notice.

Postal people have agreed to March 9th as a date.

Will you please give me for posting such notices as you want published. Presume you will arrange with Mr. Edgar for publication of any required newspaper notices.



F. M. Bush

Copy - Mr. H. E. Bixler
Mr. P. J. Mullaney
Mr. R. E. Baker
Mr. A. W. Maloy

Boston, Mass.,
February 17, 1953

Messrs. Bourke
Mullaney
Glacy

Re: Claremont Branch

Although I have not as yet seen the Claremont Branch Order, dated February 13, 1953, of the N.H.L.U.C. I am told that it is their desire that we set up a cost finding program similar to that contemplated for the Portsmouth Branch case.

I suggest the desirability of discussing this matter in the near future, as well as reviewing the work done on the cost finding procedures to be set up in respect to the Portsmouth Branch. Could we meet on this subject on Tuesday, February 24 at 10:30 a.m. in the Law Library.

R. Jackson
General Attorney

RJ:emj
Copy to Messrs. Edgar
Archibald
Spefford
Bialer
Bunn
Beard
Hitchings
Corcoran
Struckhoff

A141-10 N-17

ORR AND RENO
95 NORTH MAIN STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.

Counsel
FRANCIS W. JOHNSTON
TELEPHONE 548

February 17, 1953

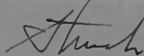
Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Re: Claremont Branch

Dear Dick:

I checked with the Court on the date for hearing on my petition for injunction, and I find that I will be free to come to Boston on Tuesday, February 24th. Unless I hear differently from you, I shall be at your office on that day at approximately 9:45 in the morning.

Sincerely yours,



Eugene C. Struckhoff.

ECS:jk.

BOSTON, February 18, 1953

File: 422.72
422.003

Claremont Branch -
Passenger Service

Mr. R. Jackson:

Your letter of February 17 in connection with
a meeting on February 24.

Would advise that we have a Field Survey Trip
planned for this date which we feel we should not cancel
as it involves so many.

PCD:ML


F. C. Dunn

Copy to Mr. E. K. Bloss

D-T2996

BOSTON & MAINE RAILROAD

Petition for authority to discontinue passenger train service between Concord and Claremont Junction.

..00..

D-T2997

BOSTON & MAINE TRANSPORTATION COMPANY

Application for authority to operate as a common carrier of passengers between Concord and Claremont Junction.

..00..

Appearances: for the petitioners, Eugene C. Struckhoff, of Orr & Hano; for the Town of Sunapee, Jarleth M. Slattery.

..00..

REPORT

Following the issuance of a Report and Order in the original proceeding, and upon rehearing in the above cases, an appeal was taken to the New Hampshire Supreme Court. By decision dated June 23, 1952, the case was remanded to the Commission for a re-determination of the specific issues set forth in the Court's decision, No. 4107, Boston & Maine Railroad & a. v. The State of New Hampshire & a. Hearing was held at Concord on September 16, 1952, and continued on January 28, 1953.

No new evidence was filed, but a stipulation was submitted by attorneys upon behalf of the petitioners and the Towns of Newport and Sunapee, which agreed to the dismissal of the petition of the Boston & Maine Transportation Company (D-T2997), the operation of weekday train service consisting of one round trip between Concord and Claremont Junction on schedules approximating those now operated as trains Nos. 3803 and 3808, and the cancellation of the remaining service operated as trains Nos. 3802 and 3807 on weekdays, and trains Nos. 3858 and 3859 operating on Sundays, with certain other details specified, all of which are subject to the approval of this Commission.

The Commission believes that one round trip of rail service leaving Concord at about 10:50 A.M., westbound, and leaving Claremont at 3:20

P.M. eastbound, will provide adequate rail transportation service for passengers, mail, express, and baggage. The Railroad proposes to place a self-propelled gasoline-electric car and trailer in service after being completely overhauled and redecorated. If permitted to do so, petitioner will operate the service in this manner for at least a year, keeping track of all operating costs and revenue in such a manner that system averages will not have to be computed in a determination of any future proceeding relative to passenger service on this Branch. Under this proposal, no bus service would be operated on schedules approximating those of the rail service which would be eliminated.

There was no opposition at the hearing of January 26, 1953, to the proposals submitted in the stipulation herein mentioned. However, the decision of the Commission must be based upon adequate service to the affected public.

Under this proposal there would be one round trip of train service, with connections at Concord for trains operating from Boston and Portsmouth, which, under the present timetables, leave Concord at 10:50 A.M., arriving in Claremont Junction at 12:55 P.M., returning from Claremont Junction at 3:20 P.M. and arriving in Concord at 5:25 P.M., connecting with other train service to Boston and intermediate points. Bus service now leaves Claremont at 10:40 A.M., arriving in Concord at 1:45 P.M., leaving Concord at 2:20 P.M., and arriving in Claremont at 4:20 P.M., thus the train and bus service combined provides a trip each way in opposite directions, both in the morning and in the afternoon.

However, it may be that the public needs will require re-scheduling of the bus to allow residents of Claremont to leave that city earlier in the day, transact business in Concord, and return the same day. There being no evidence available on this point, we reserve decision until the traveling public has had an opportunity to test the adequacy of the present schedules.

It is apparent during the period that this case has been pending, either with this Commission or in the Court, that public opposition has materially subsided to the extent that if one round trip of train service is retained, adequate rail service will be provided on this Branch. In the Re-

port of the original proceeding, the Commission used the following language:

"If figures and evidence for the cost of maintaining and for purchasing new equipment, such as a Budd or a small diesel are accurate, it may be that their use on this branch can not be justified. However, it is felt that the management could procure and equip a self-powered car such as is now being used on other parts of the Boston & Maine, and elsewhere, which would be operated more economically. Any change of equipment would provoke favorable comment. If the railroad, at any time, could introduce as evidence, the direct costs (rather than system averages), of the various expenses of the passenger service, determined by day-by-day cost keeping of engine, train and maintenance expenses, this Commission would reopen this case."

It is apparent that the Boston & Maine Railroad is now prepared to operate more economical equipment than the steam powered trains now being used, and should prove of greater attraction to the traveling public. Upon consideration of all the facts, the Commission is of the opinion that the public interest will be adequately serviced by one round trip daily, except Sunday, on this Branch. In placing this into effect, petitioner should keep accurate accounts of income and expense for operating this service on the Branch so that no system average figure need be resorted to in a future accounting. This should be carried out for such period as determined by the Commission to be reasonable and adequate to test the one-train operation. In view of these findings, the petition of the Boston & Maine Transportation Company is dismissed. Our order will issue accordingly.

HAROLD K. DAVISON

EDWARD E. THORNTON
Commissioners

EDGAR H. HUNTER
Special Commissioner

Filed February 13, 1953.

ND-2996

ORDER NO. 6189

D-2997

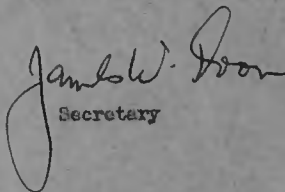
Upon consideration of the foregoing report, which is made a part hereof; it is

ORDERED, that the Boston and Maine Railroad be, and hereby is, required to provide one round trip of passenger train service between Concord and Claremont Junction, leaving Concord at approximately 10:50 A.M., making connections with trains at Concord from Boston and Portsmouth, and returning from Claremont Junction at approximately 3:20 P.M., for connections at Concord with southbound trains; and it is

FURTHER ORDERED, that the said Boston & Maine Railroad shall provide economical and attractive equipment, keeping accurate accounts of costs incurred and income received from the operation of this Branch Passenger Service for such period as the Commission may determine is reasonable and adequate to test this one-train operation; and it is

FURTHER ORDERED, that a notice of not less than ten (10) days shall be given to the Commission and the public before the changes authorized herein shall become effective.

By order of the Public Utilities Commission of New Hampshire this thirteenth day of February, 1953.


Secretary

A 141-10-N-17


ORR AND RENO
95 NORTH MAIN STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.

Counsel
FRANCIS W. JOHNSTON

TELEPHONE 546

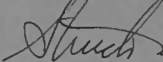
February 18, 1953

 Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Dear Dick:

When you told me on the telephone the other day that you were making out the order in the Claremont Branch case for change of schedule, I got the impression that you had received the Commission's report and order. I take it from the letter which you circularized about the meeting on Tuesday, that you had not received a copy, so I am enclosing this one, and I will bring you another copy when I come to the meeting.

Sincerely yours,



Eugene C. Struckhoff.

ECS:jk.
Enclosure.

Boston, Mass.
February 19, 1953

Messrs. Rourke
Mullaney
Glacy

Re: Claremont Branch

Herewith copy of Report and Order of the N.B.
P.U.C., dated February 13, 1953, on the above matter.

This for your information.



R. Jackson
General Attorney

enj

CC: Messrs. Edger
Archibald
Bixler
Heard
Hitchings
Corcoran

A 141-10-N-17

Boston, Mass.,
February 25, 1953

Miss Boyden:

Re: Claremont Branch

0 Herewith attested copy of order of the New Hampshire Public Utilities Commission in D-T 2996 and D-T2997. Also attached are 20 copies to be used by your department for either distribution or filing purposes.

R. Jackson
General Attorney

Encs.

EJ

Boston, Mass.
February 25, 1953

Messrs. H. C. Archibald	H. H. Foster
H. E. Bixler	S. B. Hitchings
C. E. Clements	J. M. Peterson
T. J. Clifford	R. A. Edgar
F. C. Dunn	E. Struckhoff

Re: Portsmouth Branch and Claremont Branch

Meeting was held in the offices of the Law Department on February 24, 1953 to discuss progress in respect of the preparation of cost figures for train service on the Claremont Branch and also on the Portsmouth Branch.

There were present: Messrs. Struckhoff, Bixler, Hitchings, Foster, Bloss, Clifford, Archibald, Corcoran and Jackson.

The following conclusions were reached:

- In respect of revenues there will be (a) continuous audit of passenger revenues (both C and F - M.S.F.); (b) continuous "shipments" audit of express (both C and F - S.B.N.); (c) continuous audit of mail revenues (both C and F - M.S.F.); and (d) a check of newspaper revenues one week in each quarter (both C and F - S.B.N.)
- In respect of costs the following figures will be collected:
 - running repair costs from original time and material slips for both motor cars and trailers (both C and F - M.S.F. and Clifford);
 - Train locomotive supplies - there will be abstracted from the A-321 Forms all data in Account 402, and issues of coal to heat the cars will be kept track of continuously (both C and F - Clifford);
 - Crew wages will be kept currently by the collection of daily time slips and the reporting of summaries therefrom to the Bureau of Statistics each week (both C and F - M.S.F.);
 - Fuel - the original records for the daily issues of fuel to the units will be kept and collected, and summaries therefrom reported weekly to the Bureau of Statistics (both C and F - M.S.F.);
 - M&M expenses - data is being collected under the supervision of Mr. Archibald and original time slips and material slips are being collected to record this item of cost (both C and F - M.S.F.); and

(f) Station Agent's wages - inasmuch as only overtime can be said to be attributable to passenger service, and overtime occurs only on the Portsmouth Branch, record of overtime on the Portsmouth Branch agents is being kept currently (P. S. S.)

3. Mr. Sloss will undertake to explore the question of Engine House expenses and the methods whereby such Engine House expenses could be properly distributed to the passenger service on the Portsmouth Branch. He will do the same for the Claremont Branch and will be prepared to report at the time of the reconvening of this meeting on March 25. He will also have in hand ready for reporting at that time, the shop costs for both the motor car and the trailers for the units traveling on both the Claremont and Portsmouth Branches. When cost procedures are discussed with the N.W. P.O.C. we will lay these overhead costs before them and ask their views as to their proper distribution.
4. The question of collection of freight revenue data was discussed and it was the conclusion of those present that the matter should be referred to and considered by the Retirement Committee.
5. It was agreed that the first month's figures (viz: the month of February 1953) for the Portsmouth Branch operations should be in hand ready for discussion on March 25, 1953 - a date selected since it coincides with the date on which, normally, figures for the Interstate Commerce Commission become finalized.

Meeting adjourned at 11:30 A.M.

R. Jackson
General Attorney

RJ:enj

A141-10-N-17

C O P Y

February 26, 1953

Mr. J. F. Riley:

Will you please arrange, beginning with February, 1953 account, to furnish me with details concerning charges for injuries to persons on account of the operation of passenger trains over the Portsmouth Branch and/or the Claremont Branch during the next twelve months?

199

If there is nothing to report in any month, please so advise.

G.F.Glacy
Vice President

CC: Mr. R. Jackson

F/s

Boston, Mass., February 25, 1953.

✓
Mr. R. Jackson:

Referring to proposed change in passenger train service on the Claremont Branch.

Herewith, for filing with the New Hampshire Public Utilities Commission, public notice covering discontinuance of trains 3802 and 3807, operating on week days, and trains 3858 and 3859, operating on Sundays, effective March 9, 1953, with affidavit of posting.

F. H. Rowley

Vice President-Operations

Copy to L. E. Boyden
R. F. Cowan

With copy of notice and affidavit of posting.

February 26, 1953

N. H. Public Utilities Commission
State House Annex
Concord, New Hampshire

Attention: Mr. Winslow E. Melvin, Transportation Director

Re: Claremont Branch

Dear Sirs:

Herewith an affidavit relative to the posting
of notices of changes in the Claremont Branch service,
effective March 9, 1953.

Very truly yours,

R. Jackson
General Attorney

Enc.
RJ:emj

A141-10-N-17

BOSTON AND MAINE RAILROAD

Mar. 3, 1953

Received of Mr. R. Jackson

Contract } State of New Hampshire -- Public Service Commission
Deed }

and } B. & M. R. R.
to }

Description D-T 2996
D-T 2997 Order #6189 authorizing R.R. to discontinue
trains #3802 & 3807 on weekdays & trains #3858
& 3859 on Sundays but to provide one Dated Feb. 13, 1953
round trip of passenger service on economical & attractive equipment

Location Between Concord & W. J. BURNS

Contract } Claremont Jct., N.H. By Clerk of Corporation
Deed } No. 49666-B

Corporate } L. E. Boyden F
Supervisor of Contracts

A 141-10 N-17



State of New Hampshire
PUBLIC UTILITIES COMMISSION
CONCORD

COMMISSIONERS
HAROLD K. DAVISON
CHAIRMAN
EDWARD R. THORNTON
RAE S. LARABA

March 3, 1953

R. Jackson, General Attorney
Boston and Maine Railroad
Law Department
North Station
Boston 14, Massachusetts

Dear Sir:

This will acknowledge receipt of your letter of February 26th, 1953 together with a copy of the notice and affidavit of posting at the several stations on the Claremont Branch relative to the discontinuance of weekday trains 3802 and 3807 and Sunday trains 3858 and 3859.

Handwritten initials, possibly "WEM", in the left margin.

Very truly yours,

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Handwritten signature of Winslow E. Melvin in cursive.

Winslow E. Melvin
Transportation Director

WEM:maw

A 141-10N-17



State of New Hampshire
PUBLIC UTILITIES COMMISSION
CONCORD

COMMISSIONERS
HAROLD K. DAVISON
CHAIRMAN
EDWARD R. THORNTON
RAE S. LARABA

March 2, 1953

R. Jackson, General Attorney
Boston and Maine Railroad
Law Department
North Station
Boston 14, Massachusetts

Re: DT2996-97

Dear Sir:

This will acknowledge receipt of your letter of March 2, 1953 together with affidavits of publishing of the notices of the change in passenger train service on the Claremont Branch in the Concord Monitor Patriot and the Claremont Daily Eagle.

SA

Very truly yours,

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Winslow E. Melvin

Winslow E. Melvin
Transportation Director

WEM:maw

Mr. Jackson

Boston, February 26, 1953

Mr. R. J. Fletcher -

S

In accordance with your request of February 16, I am attaching two affidavits of publication dated February 19 - one from the Monitor Patriot of Concord, N.H., and one from the Daily Eagle of Claremont, N.H., in connection with change of service on the Claremont Branch.

George H. Hill
George H. Hill

2 attachments

g

March 2, 1953

N. H. Public Utilities Commission
State House Annex
Concord, New Hampshire

Attention: Mr. Winslow E. Melvin,
Transportation Director

Gentlemen: Re: Claremont Branch

Enclosed herewith find two affidavits of publication dated February 19 - one from the Monitor Patriot of Concord, New Hampshire, the other from the Daily Eagle of Claremont, New Hampshire, in connection with change of service on the Claremont Branch.

Yours very truly,

R. Jackson
General Attorney

Encs.
RJ:emj

ORR & RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

James W. Doon, Secretary
Public Utilities Commission
State House Annex
Concord, New Hampshire

C
Dear Mr. Doon:

O
The Commission informs us that it is in receipt of a petition from several hundred residents along the Claremont Branch of the Boston and Maine Railroad, in which these residents request that the bus of the Boston and Maine Transportation Company, now leaving Claremont at 11:40 A. M. be changed to leave Claremont at 7:15 A. M. on weekdays.

P
The Boston and Maine Transportation Company is willing to comply with the request of the petitioners if the Commission wishes it to do so, and would be willing to discontinue the operation of the present bus at 11:40 A. M. and provide for a bus to leave Claremont between 7:00 and 7:15 A. M., so as to arrive in Concord in time to make a connection with a 9:20 A. M. train to Boston.

Y
It may be necessary in this connection for the Commission to amend its order #5658 concerning certificate of public convenience and necessity #251 granted to the Boston and Maine Transportation Company to provide for this change in schedule of the bus on the so-called Dover-Concord-Claremont operation set forth in that order.

If the Commission desires the Transportation Company to make this change in schedule, and will render its order accordingly, the Boston and Maine Transportation Company will post such notices of the change in schedule as the Commission may require.

Sincerely yours,

Boston and Maine Transportation Company

By Eugene C. Struckhoff, Its Attorney.

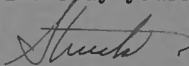
Richard Jackson, Esq.

2

March 6, 1953.

If I am correct, this provision is in here to protect Spiros Condos in the area between Newport and Claremont, since he had a bus operating on approximately the same schedule at the time. In view of the fact that the operation suggested in the petition would not appear to conflict with Mr. Condos' operation, the Commission might be willing to modify the restriction at this time if we wish to request it, and perhaps Mr. Condos, under the circumstances, might be agreeable. I make this only as a suggestion that you may wish to discuss with the Transportation people.

Sincerely yours,



Eugene C. Struckhoff.

ECS:jk.
Enclosure.

ORR AND RENO
95 NORTH MAIN STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W ORR
ROBERT H RENO
EUGENE C STRUCKHOFF
CHARLES H TOLL, JR.

Counsel
FRANCIS W JOHNSTON

TELEPHONE 546

March 6, 1953

Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Dear Dick:

Enclosed herewith you will find a copy of the letter which I propose to submit to the Public Utilities Commission. I am setting forth paragraph three in respect to the Dover-Concord-Clairemont operation in the Commission's order #5658, which is the certificate of public convenience and necessity #251 granted to the Boston and Maine Transportation Company in 1949:

- "3. Commencing at the intersection of Main and Pleasant Streets in the City of Concord; thence via U. S. Highway Route No. 202 and N. H. Highway Route No. 103 to the New Hampshire-Vermont State Line at Claremont, New Hampshire.

Provided, however, that no passengers shall be received for transportation wholly within that portion of said route between the Newport House, in Newport, and Temont Square, in Claremont, and provided further, that operations between Newport and Concord shall be conducted on the following time schedule:

On weekdays

Leave Newport House, Newport, at or about 12 Noon; arrive Concord, Boston and Maine Railroad Station, at or about 2 P. M.
Leave Boston and Maine Railroad Station, Concord, at or about 3:10 P. M.; arrive Newport House, Newport, at or about 5:10 P. M.

On Sundays

One trip each way shall be run at such times as will best accomodate the public in the territory served."

FROM THE DESK OF

MR. J. S. CONLIN

Mr. Jackson
Have noted attached
bill. Order 5658 will
have to be amended as
we do not want to be
stuck with another
round trip in this
area.

JSC
3/9

Boston, Mass.
March 9, 1953

Mr. Conlin:

CLAREMONT BRANCH

Gene Struckhoff called Friday saying N.H. P.U.C. had called him suggesting that we might initiate change of service on Branch by posting notices of change, etc.

I demurred at this since that suggestion might well mean that we'd put on the 7:15 bus and still be tied to the 11:40 (See N.H. P.U.C..Order 5658).

I therefore suggested that Mr. Struckhoff frame a letter asking N.H. P.U.C. to (a) change order 5658 and (b) give us a certificate for the 7:15 job.

What do you think of G.S.'s handiwork?

Harry may want to discuss this at staff meeting.

Would you return file when it's served your purpose?

R. Jackson
General Attorney

Enc.
RJ:emj

March 9, 1953

Eugene C. Struckhoff, Esq.
Orr and Reno
95 North Main Street
Concord, New Hampshire

Re: Claremont

Dear Gene:

Your letter looks fine.

You might ask them to issue order in such fashion as to give a little leeway on notice of discontinuance of 11:40. B&MT expects a bit of a dust up on such discontinuance. In fact, we may face a demand for 2 trips which we definitely don't want. If we are faced with such, however, I think that we would be wise to air the whole business at a public hearing.

Sincerely,

R. Jackson
General Attorney

RJ:emj

FRS-12M

Boston, Mass.,
March 13, 1953.

Messrs. Rouzke
Mullaney

In view of the destruction by fire of Br. 8.06 (124) on the Claremont Branch, it appears to be desirable to offer for consideration a partial preliminary investigation of the Claremont Branch.

This will be confined to the portions of lines, Concord, Emerson, Bradford, now covered by local freight out of Concord on Tuesday, Thursday and Saturday, with a side trip to Penacook on Tuesday and Thursday.

Passenger traffic on the Claremont Branch is a deficit operation and will not be considered.

It is assumed that the two trips per week to Penacook can be covered by other service or eliminated.

Freight traffic in this area has been as follows:

	Carload					L.C.L. (Tons)				
	1948	1949	1950	1951	1952	1948	1949	1950	1951	1952
Contoocook	97	63	38	25	26	150	125	81	61	40
W. Hopkinton	423	355	432	285	173	30	26	13	23	10
Henniker Jct.	30	32	29	24	15	-	-	-	-	-
Henniker	183	140	156	151	141	88	92	55	52	37
Emerson	65	19	25	28	33	20	5	6	6	4
Warner	149	150	103	133	147	68	60	36	70	73
Bradford	281	233	175	190	195	98	70	42	36	44
Total	1228	992	958	836	730	454	378	233	238	208
				Average -	949					302

ESTIMATED FREIGHT REVENUE

1951 System Average Revenue per car and per ton.

Messrs. Rourke
Mullaney

- 2 -

March 13, 1953.

Average Traffic - 1948 to 1952 Inclusive:

Carload	949 x 95.00	\$ 90,155.
L.C.L.	302 x 13.00	<u>3,926.</u>
		94,081.

Assign to Branch - 50% \$ 47,041.

1952 Traffic:

Carload	730 x 95.00	\$ 68,350.
L.C.L.	208 x 13.00	<u>2,704.</u>
		71,054.

Assign to Branch - 50% \$ 35,527.

ESTIMATED COSTS

Operations

Agencies - Wages, etc. 3 @ 4900.	\$14,700.
Train and Engine Crews	11,012.
Locomotive Mileage	<u>3,618.</u>
	\$ 29,330.

Maintenance of Way

Estimated Annual Cost - Track	\$110,600.
Structures	<u>23,000.</u>
	\$133,600.
	<hr/>
	\$162,930.

It appears that the traffic on either an average of the last five years or for 1952 does not produce sufficient revenue to support the line, even if the entire revenue is applied to the line.

Information as to original costs, etc. necessary to compute savings and benefits from abandonment are not yet available.

Messrs. Rourke
Mullaney

- 3 -

March 13, 1953.

It is safe to say that the income tax saving and other benefits would be more than \$750,000.00.

Would appreciate advice as to your wishes as to further investigation of possible abandonment of this portion of the Claremont Branch.

H. C. Archibald,
Chairman, Retirement Committee.

Copy Messrs. Glacy
Edgar
Phillips
Heard
Jackson ✓

Peterson
Reynolds
Bixler
Hitchings

HCA

A 141-10A-17

BOSTON AND MAINE RAILROAD

March 10, 1953

- Mr. Mullaney
- Mr. Rourke
- Mr. Fletcher ✓
- Mr. Glacy (2)
- Mr. Phillips
- Mr. Maloy
- Mr. Higgins (2)
- Gen. Agt. Concord, N.H.
- Agt. Claremont Jct., N.H.
- Mr. Cowan

Contract #49666-B

HEREWITH FOR YOUR INFORMATION AND FILE, COPY OF THE FOLLOWING
 Contract #49666-B

BETWEEN State of New Hampshire
 Public Service Commission

AND Boston & Maine Railroad

DESCRIPTION D-T2996 - D-T2997 Order #6189 authorizing R.R. to dis-
 continue Trains #3802 & 3807 on week days & trains
 #3858 & #3859 on Sundays but to provide one round trip of
 passenger service on economical & attractive equipment
 Between Concord & Claremont Jct., N. H.

LOCATED Located
 DATED Feb. 13, 1953

W. J. BURNS.
 CLERK OF CORPORATION
W. J. Burns
 SUPERVISOR OF CONTRACTS

PLEASE ACKNOWLEDGE RECEIPT ON FORM BELOW

D-T2996

BOSTON & MAINE RAILROAD

Petition for authority to discontinue passenger train service between Concord and Claremont Junction.

..00..

D-T2997

BOSTON & MAINE TRANSPORTATION COMPANY

Application for authority to operate as a common carrier of passengers between Concord and Claremont Junction.

..00..

Appearances: for the petitioners, Eugene C. Struckhoff, of Orr & Reno; for the Town of Sunapee, Jarlath M. Blattery.

..00..

REPORT

Following the issuance of a Report and Order in the original proceeding, and upon rehearing in the above cases, an appeal was taken to the New Hampshire Supreme Court. By decision dated June 23, 1952, the case was remanded to the Commission for a re-determination of the specific issues set forth in the Court's decision, No. 4107, Boston & Maine Railroad & a. v. The State of New Hampshire & a. Hearing was held at Concord on September 16, 1952, and continued on January 28, 1953.

No new evidence was filed, but a stipulation was submitted by attorneys upon behalf of the petitioners and the Towns of Newport and Sunapee, which agreed to the dismissal of the petition of the Boston & Maine Transportation Company (D-T2997), the operation of weekday train service consisting of one round trip between Concord and Claremont Junction on schedules approximating those now operated as trains Nos. 3803 and 3808, and the cancellation of the remaining service operated as trains Nos. 3802 and 3807 on weekdays, and trains Nos. 3858 and 3859

operating on Sundays, with certain other details specified, all of which are subject to the approval of this Commission.

The Commission believes that one round trip of rail service leaving Concord at about 10:50 A.M., westbound, and leaving Claremont at 3:20 P.M. eastbound, will provide adequate rail transportation service for passengers, mail, express, and baggage. The Railroad proposes to place a self-propelled gasoline-electric car and trailer in service after being completely overhauled and redecorated. If permitted to do so, petitioner will operate the service in this manner for at least a year, keeping track of all operating costs and revenue in such a manner that system averages will not have to be computed in a determination of any future proceeding relative to passenger service on this Branch. Under this proposal, no bus service would be operated on schedules approximating those of the rail service which would be eliminated.

There was no opposition at the hearing of January 28, 1953, to the proposals submitted in the stipulation herein mentioned. However, the decision of the Commission must be based upon adequate service to the affected public.

Under this proposal there would be one round trip of train service, with connections at Concord for trains operating from Boston to Portsmouth, which, under the present timetables, leave Concord at 10:50 A.M., arriving in Claremont Junction at 12:55 P.M., returning from Claremont Junction at 3:20 P.M. and arriving in Concord at 5:25 P.M., connecting with other train service to Boston and intermediate points. Bus service now leaves Claremont at ^{11:40}~~10:40~~ A.M., arriving in Concord at 1:45 P.M., leaving Concord at 2:20 P.M., and arriving in Claremont at 4:20 P.M., thus the train and bus service combined provides a trip each way in opposite directions, both in the morning and in the afternoon.

However, it may be that the public needs will require re-scheduling of the bus to allow residents of Claremont to leave that city earlier in the day, transact business in Concord, and return the same day. There being no evidence available on this point, we reserve decision until the traveling public has had an opportunity to test the adequacy of the present schedules.

It is apparent during the period that this case has been pending, either with this Commission or in the Court, that public opposition has materially subsided to the extent that if one round trip of train service is retained, adequate rail service will be provided on this Branch. In the Report of the original proceeding, the Commission used the following language:

"If figures and evidence for the cost of maintaining and for purchasing new equipment such as a Budd or a small diesel are accurate, it may be that their use on this branch can not be justified. However, it is felt that the management could procure and equip a self-powered car such as is now being used on other parts of the Boston & Maine, and elsewhere, which would be operated more economically. Any change of equipment would provoke favorable comment. If the railroad, at any time, could introduce as evidence, the direct costs (rather than system averages), of the various expenses of the passenger service, determined by day-by-day cost keeping of engine, train and maintenance expenses, this Commission would reopen this case."

It is apparent that the Boston & Maine Railroad is now prepared to operate more economical equipment than the steam powered trains now being used, and should prove of greater attraction to the traveling public. Upon consideration of all the facts, the Commission is of the opinion that the public interest will be adequately serviced by one round trip daily, except Sunday, on this Branch. In placing this into effect, petitioner should keep accurate accounts of income and expense for operating this service on the Branch so that no system average figure need be resorted to in a future accounting. This should be carried out for such period as determined by the Commission to be

reasonable and adequate to test the one-train operation. In view of these findings, the petition of the Boston & Maine Transportation Company is dismissed. Our order will issue accordingly.

HAROLD K. DAVISON

EDWARD R. THORNTON
Commissioners

EDGAR H. HUNTER
Special Commissioner

Filed February 13, 1953.

BOSTON AND MAINE RAILROAD

A141-10-N-17

March 9, 1953

Mr. Mullaney	Mr. Cowan
Mr. Rourke	G. Agt. Concord, N. H.
Mr. Fletcher	Agts. Contoocook, N. H.
Mr. Glacy (2)	Bradford, N. H.
Mr. Phillips	Newport, N. H.
Mr. Maloy	Sunapee, N. H.
Mr. Higgins (2)	Claremont Jct., N. H.
Mr. Haynes	Claremont, N. H.
Mr. Collins (2)	

Contract #49666-C

HEREWITH FOR YOUR INFORMATION AND FILE, COPY OF THE FOLLOWING

Contract #49666-C

BETWEEN

Concord, N.H., Contoocook, N.H., Warner, N.H., Melvin, N.H.,
Bradford, N.H., Newbury, N.H., Mt. Sunapee, N.H., Sunapee.,
N.H., Newport, N.H., Northville, N.H., Claremont, N.H.,
Claremont Jct., N. H.
Boston & Maine Railroad

AND

DESCRIPTION

Posting affidavit of notice covering discontinuance of trains
#3802 & 3807 (weekdays) & trains #3858 & 3859 (Sundays)

LOCATED AT

Between Concord & Claremont Jct., N. H.

DATED

Feb. 18, 1953

W. J. BURNS.

CLERK OF CORPORATION

G. E. Boydey
SUPERVISOR OF CONTRACTS

PLEASE ACKNOWLEDGE RECEIPT ON FORM BELOW

Concord, N. H., February 18, 1953

To All Concerned

I hereby certify that 2 copies of attached notice were posted at Stations on the Claremont Branch on February 17, 1953 as follows:

<u>Station</u>	<u>Time</u>
Concord, N. H.	10.15 AM
Contoocook, N. H.	10.45 AM
Warner, N. H.	11.00 AM
Melvin, N. H.	11.15 AM
Bradford, N. H.	11.30 AM
Newbury, N. H.	12.00 Noon
Mt. Sunapee, N. H.	12.05 PM
Sunapee, N. H.	12.15 PM
Newport, N. H.	12.45 PM
Northville, N. H.	2.15 PM
Claremont, N. H.	2.45 PM
Claremont Jct., N. H.	3.45 PM

(Sgd.) Henry H. Livingston, Jr.

County of Merrimack
State of New Hampshire

Subscribed and sworn to before me this 18th day of
February, 1953.

(Sgd.) Grace D. Grant (SEAL)
Notary Public

B O S T O N A N D M A I N E R A I L R O A D

NOTICE OF CHANGE OF SERVICE
CLAREMONT BRANCH

Notice is hereby given that on and after March 9, 1953, passenger train service on Train Nos. 3802 and 3807 heretofore operating on weekdays, and Train Nos. 3858 and 3859 heretofore operating on Sundays, between Concord, N.H., and Claremont Jct., N.H., will be discontinued.

The operation of said trains has been authorized to be discontinued by order of the New Hampshire Public Service Commission in its order dated February 13, 1953.

R. F. COWAN
PASSENGER TRAFFIC MANAGER

Date Posted:

Boston, March 18, 1953

Mr. Archibald:

Referring to your letter of March 13 in connection with the possibility of abandonment of a portion of the Claremont Branch.

The extent of the territory which your figures cover is not stated but we assume that it would be the entire branch east of Newport, including the stub to Emerson. There is no question but that the traffic now being handled is not sufficient to make this line profitable but whether or not this is sufficient to convince the Commission that we should be permitted to abandon it is something else again. From Mr. Rourke's letter of March 16 we should judge that the line from Bradford to Emerson via Contoocook can be served from the Claremont end as economically as it was previously and there is some question in our mind as to whether our immediate attempt should not be to eliminate the stretch of track from Stonehill to Contoocook where no industry whatever would be affected and where the only issue would seem to be the restoration of one round trip of rail passenger service between Concord and Claremont Jct.

One thing which has disturbed us for sometime is whether we would be able to completely abandon freight service into communities such as Henniker, Warner and Bradford in view of the fact that in previous abandonments we have provided substitute service by truck at a small additional cost over the rail rate in effect prior to the abandonment. If we were forced into giving truck service into these various communities on the Claremont Branch the same as we now give into Marlboro, Ashburnham and a few other so-called B&MT freight stations, the cost of this service would, in our opinion, reduce substantially our savings from the abandonment of rail service.

If we obtained authority to abandon the line from Stonehill to Contoocook it does not seem as though this

HCA--2

would in any way prejudice us in connection with further abandonment of other portions of the line at some future date.

Copy to
Mr. Rourke
Mr. Glacy
Mr. Edgar

P. J. Mullaney

→ Mr. Phillips
Mr. Jackson
Mr. Petersen
Mr. Reynolds

RA
Mr. Bixler
Mr. R. E. Baker
Mr. Maloy

Mr. Hitchings
P. J. Mullaney

ORR AND RENO
95 NORTH MAIN STREET
CONCORD, NEW HAMPSHIRE

DUDLEY W. ORR
ROBERT H. RENO
EUGENE C. STRUCKHOFF
CHARLES H. TOLL, JR.
MALCOLM McLANE

FRANCIS W. JOHNSTON
COUNSEL

TELEPHONE 546

April 9, 1953

Richard Jackson, Esq.
Boston and Maine Railroad
North Station
Boston, Massachusetts

Re: Claremont Branch

Dear Dick:

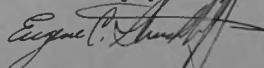
Some time ago, I spoke with you about the possibility of making an attempt to eliminate all passenger train service over the Claremont Branch, in view of the recent destruction of the bridge. As you know, the Commission's order in the Claremont case provides that we are to keep figures for a reasonable time and that we may re-petition for complete discontinuance at the end of such time. I believe that insofar as the Commission is concerned, they might consider a petition brought at this time as being reasonable in view of the fact that the rebuilding of the bridge is going to cost over fifty thousand dollars. As we are going to be able to come in on January 1, 1954 and get the passenger service discontinued at that time, it would seem somewhat wasteful to put the Railroad to an additional expense of over fifty thousand dollars to operate until that date.

I imagine that the construction on the bridge will not be commenced for several weeks at least. By that time, branch residents will have seen that the bus operation is satisfactory. An offer of an additional bus in place of the train might at that point have appeal for our former protestants. I cannot believe that Judge Shaw and Bill Phinney would be so unreasonable as to refuse to seriously consider such a proposal.

It appears at this time that Col. Baker has been quite persuasive in his attempt to forestall opposition in the Manchester-Lawrence proceeding. I believe that such an educational program along the Claremont Branch might produce favorable results and possibly obtain us our objective without the necessity of protracted hearings before the P. U. C.

In short, it is our opinion that if it is advantageous to completely discontinue the passenger service at this time, that we should at least make the preliminary overtures to see if we might be able to accomplish that objective without running into substantial opposition.

Sincerely yours



Eugene C. Struckhoff.

ECS:jk.

A 141-10-N-17

April 10, 1953

Eugene C. Struckhoff, Esq.
Orr and Reno
95 North Main Street
Concord, New Hampshire

Dear Gene: Re: Claremont Branch

I have your letters of April 9 in connection with the Manchester-Lawrence, the Portsmouth and the Claremont Branch situations. Thanks for the compliment on the Manchester-Lawrence matter; I will return it on the basis of the information I received concerning your conduct of the Portsmouth rehearing.

As to the Claremont situation, I discussed the possible discontinuance with Red Edgar who told me that the Railroad would feel obliged to reconstruct the bridge in any event since we are not in a position to recommend abandonment of our operations Westerly of that bridge on the line to Henniker and (for the present at least) for the service of certain shippers in Warner and Bradford.

Your concern, however, is proper and I trust that all people interested in the case are viewing present operations with a very close eye.

Sincerely,

R. Jackson
General Attorney

RJ:emj

APR 10 1953

Boston, Mass., June 11, 1953

Mr. Riley:

The New Hampshire Public Utilities Commission in their decision allowing a partial curtailment of passenger train service on the Claremont Branch has ordered the management to keep a running record of all operating costs and revenues in such a manner that system averages will not have to be computed in a determination of any future proceeding relative to passenger service on this Branch.

The service, trains nos. 3803 and 3808 which has been inoperative due to a fire on Bridge #8.06 was restored on Wednesday June 10 and the normal equipment will consist of rail motor car No. 181 and trailer No. 1081.

We have been delegated to maintain a running record of the expense of operating this passenger service. Will you, therefore, please arrange to have forwarded to us and in the same form as like data is presently being furnished in connection with passenger operation on the Portsmouth Branch the following:

- A. Wage allowance to each member of the train and engine crew including constructive allowances if any, as well as payments under the guarantee rule.
- B. Daily fuel issues of gasoline
- C. Maintenance and inspection of the power and equipment and to cover running repairs only.
- D. Cleaning, Heating, Lubrication, etc.

CC: Mr. Glacy
Mr. Rourke
Mr. Archibald
Mr. Bixler
→ Mr. Jackson
Mr. Hitchings

Jim Peterson

A141-10N-17

BOSTON AND MAINE RAILROAD

June 11, 1953

Messrs. H. C. Archibald	C. F. Heard
A. S. Baker	S. B. Hitchings
H. E. Bixler	R. Jackson ✓
C. R. Clements	P. J. Mullaney
T. J. Clifford	J. M. Petersen
W. E. Corcoran	G. A. Pickett
P. C. Dunn	J. F. Riley
R. M. Edgar	F. W. Rourke
H. N. Foster	F. R. Spofford
E. Struckhoff	

Re: Claremont Branch

Inasmuch as train service to be performed by Trains 3803 and 3808 has been restored effective Wednesday, June 10, 1953, it becomes necessary for the Railroad to comply with Order No. 6189 of the Public Utilities Commission of New Hampshire dated February 13, 1953 with respect to passenger train service on this Branch which reads, in part, as follows:

"That the said Boston and Maine Railroad shall provide economical and attractive equipment, keeping accurate accounts of costs incurred and income received from the operation of this Branch Passenger Service for such period as the Commission may determine is reasonable and adequate to test this one-train operation."

Therefore in order for the Railroad to prepare the necessary Statement of Actual Monthly Operating Revenues and Out-of-Pocket Expenses of the above mentioned passenger trains, will each of the addressees of this letter be governed by the same instructions as outlined in my letters dated March 18 and March 25, 1953 in connection with similar statement designed to furnish Actual Revenues and Expenses for the Portsmouth Branch.

The first statement to be prepared by Mr. Petersen will be for the period June 10, 1953 through June 30, 1953 and the second and following statements will be for the calendar month of July and each calendar month thereafter; said statements to be furnished to the Retirement Committee and the Sub-Committee handling the Portsmouth Branch and Claremont Branch Passenger Discontinuance Problems.

G. F. Glacy
G. F. Glacy
Vice President

Boston, Mass.

July 10, 1953

Mr. J. M. Peterson
Bureau of Statistics

4

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of June 1953 account operation of passenger train service on the above branch.

Σ

R. T. Damon
General Claim Agent

who

CC to R. Jackson
Law Department

A. 141-10 N-17

Boston, Mass.

July 10, 1953

Mr. J. M. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of June 1953 account operation of passenger train service on the above branch.



R. T. Dutton
General Claim Agent

whe

CC to R. Jackson
Law Department

RT. D. L.

Boston, Mass.

August 10, 1953

Mr. J. M. Peterson;
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of July 1953 account of operation of passenger train service on the above branch.

^C
R. T. Damon
General Claim Agent

wo

CC: R. Jackson
Law Department

A 141-10 N-17

Boston, Mass.

August 10, 1953

Mr. J. M. Peterson;
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of July 1953 account of operation of passenger train service on the above branch.

R. T. Damon
General Claim Agent

wo

CC: R. Jackson
Law Department

Boston, Mass.

September 14, 1953

Mr. J. M. Peterson:
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of August 1953 as the result of passenger train operation on the above branch.

R. T. Damon
General Claim Agent

ws

CC: Mr R Jackson ✓
Law Dept.

BOSTON, October 14, 1953

Mr. J. M. Peterson
Bureau of Statistics

Re: Claremont Branch

4
I wish to advise that an expense of \$150.00 was incurred by this Department during the month of September 1953 for injury sustained by Harry B. Johnson, a minor, at Concord, N.H. on August 25, 1953.

Release in the above amount was executed on October 5, 1953. This settlement represents partial amputation of the boy's right little finger due to a defective window in a coach of Train #3803.

General Claim Agent

WC/MK

C

CC-Mr. R. Jackson
Law Department

A 141-10 N-17

BOSTON, October 14, 1953

Mr. J. M. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that an expense of \$150.00 was incurred by this Department during the month of September 1953 for injury sustained by Harry B. Johnson, a minor, at Concord, N.H. on August 25, 1953.

Release in the above amount was executed on October 5, 1953. This settlement represents partial amputation of the boy's right little finger due to a defective window in a coach of Train #3803.



R. T. D.

General Claim Agent

WC/MK

CC-Mr. R. Jackson
Law Department

BOSTON, November 13, 1953

Mr. J. W. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this Department during the month of August 1953, as the result of passenger train operations on the above Branch.

WC/MK

General Claim Agent
C

CC-Mr. R. Jackson

A 141-10-N-17

BOSTON, November 13, 1953

Mr. J. M. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this Department during the month of ^{Oct.}~~August~~ 1953, as the result of passenger train operations on the above Branch.

R. P. D.
General Claim Agent

RA
WC/MK

CC-Mr. R. Jackson

Boston, Mass., October 22, 1953

Mr. Glacy
 Mr. Rourke
 Mr. Mullaney
 Mr. Edgar:

In accordance with Mr. Glacy's letter of June 11 and in compliance with Order #6189 dated February 13, 1953 by the Public Utilities Commission of the State of New Hampshire, I am enclosing statements of revenues and out-of-pocket expenses for the operation of Claremont Branch passenger trains 3803 and 3808 for June, July and August, 1953, together with a cumulative report for the three periods.

The attached reports are similar to those issued for the Portsmouth Branch passenger trains.

During August it was necessary to use a Diesel locomotive in place of motor car account of break-down of motor car on one day and also to use a conventional Diesel operated train because of special playground party handled between Concord and Mt. Sunapee August 25. The cost of this Diesel service in place of motor car operation has been included and the small amounts covering have been compiled from system averages.

It will be noted, except for the passenger proportion of the Maintenance of Way Expense, the operation of these two trains reflects only a small difference between revenues and expenses.

Copy to Mr. Archibald
 Mr. Spofford
 Mr. A.S. Baker
 Mr. Bixler
 Mr. Bloss
 Mr. Heard

Mr. Hitchings
 Mr. Jackson
 Mr. Riley
 Mr. Struckhoff

J. M. Peterson

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expenses of Passenger
Trains Nos. 3803 and 3808 on Claremont Branch

Period of June 10 - 30, 1953 Inclusive
(18 Days)

	<u>Actual</u>	<u>Average Per Day</u>
<u>REVENUES:</u>		
Passenger	\$ 557.44	\$ 30.97
Baggage	1.35	.08
Mail	726.35	40.35
Express	200.70	11.15
Other Passenger-Train (Newspapers)	3.93	.22
Milk	1.49	.08
Miscellaneous	---	---
 Total Operating Revenues	 <u>\$1491.26</u>	 <u>\$ 82.85</u>
 <u>OUT-OF-POCKET EXPENSES:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$ 264.44	\$ 14.69
Train Enginemen	329.03	18.28
Train Fuel	227.18	12.62
Trainmen	552.70	30.71
Train Supplies and Expenses	59.91	3.33
Other Expenses (Detail below)		
Maintenance of Way-Passenger Proportion	<u>2533.69</u>	<u>140.76</u>
 Total Out-of-Pocket Operating Expenses	 <u>\$3966.95</u>	 <u>\$220.39</u>
 Net Out-of-Pocket Loss from Railway Passenger Service Operations	 <u>\$2475.69</u>	 <u>\$137.54</u>

Number of Passengers Carried	614	34
Number of Trips - 18 each train	36	2

Crew Wages include Payroll Taxes
*-Does not include Classified Shop Repairs

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expense of Passenger
Trains 3803 and 3808 on Claremont Branch

Month of July, 1953
(27 Days)

<u>REVENUES:</u>	<u>Actual</u>	<u>Average per Day</u>
Passenger	\$ 981.62	\$ 36.36
Baggage	2.03	.07
Mail	1046.03	38.74
Express	369.90	13.70
Other Passenger-Train (Newspapers)	5.88	.22
Milk	2.24	.08
Miscellaneous	---	---
Total Operating Revenues	<u>\$2407.70</u>	<u>\$ 89.17</u>
 <u>OUT-OF-POCKET EXPENSES:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$ 535.50	\$ 19.83
Train Enginemen	487.07	18.04
Train Fuel	347.32	12.86
Trainmen	818.64	30.32
Train Supplies and Expenses	102.45	3.80
Other Expenses (Detail below)		
Maintenance of Way-Passenger Proportion	<u>3863.16</u>	<u>143.08</u>
Total Out-of-Pocket Operating Expenses	<u>\$6154.14</u>	<u>\$227.93</u>
 Net Out-of-Pocket Loss from Railway Passenger Service Operations	 <u>\$3746.44</u>	 <u>\$138.76</u>

Number of Passengers Carried	1,150	43
Number of Trips - 27 each train	54	2

Crew Wages include Payroll Taxes
*-Does not include Classified Shop Repairs

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expenses of Passenger
Trains Nos. 3003 and 3008 on Claremont Branch

Month of August, 1953
(26 Days)

	<u>Actual</u>	<u>Average Per Day</u>
REVENUES:		
Passenger		
Baggage	\$1,323.38x	\$ 50.90
Mail	---	---
Express	997.15	38.35
Other Passenger-Train (Newspapers)	356.20	13.70
Milk	5.91	.23
Miscellaneous	.65	.02
	---	---
Total Operating Revenues	<u>\$2,683.29</u>	<u>\$103.20</u>
OUT-OF-POCKET EXPENSES:		
*-Passenger-Train Cars-Maintenance and Inspection	\$1,014.31	\$ 39.01
Train Enginemen	495.42	19.06
Train Fuel	318.55	12.25
Trainmen	809.40	31.13
Train Supplies and Expenses	94.88	3.65
Other Expenses (Detail below)		
Maintenance of Way-Passenger Proportion	3184.58	122.48
Claim paid for injury to passenger	150.00	5.77
Repairs-Diesel Loco. used Aug. 13 a/c breakdown of motor car	21.52	.83
Repairs Diesel Loco. used Aug. 25 a/c playground party	33.40	1.29
Fuel for these Diesels	26.70	1.03
Car repairs on 6 coaches-playground party	56.02	2.15
Total Out-of-Pocket Operating Expenses	<u>\$6,204.78</u>	<u>\$238.65</u>
Net Out-of-Pocket Loss from Railway Passenger Service Operations	<u>\$3,521.49</u>	<u>\$135.45</u>

Number of Passengers Carried	2,110xx	81
Number of Trips - 26 each train	52	2

x-Includes revenue from playground party Aug. 25
xx- " 940 passengers - 470 each train
playground party

Crew Wages include Payroll Taxes
*-Does not include Classified Shop Repairs

BOSTON AND MAINE RAILROAD

STATEMENT OF ACTUAL OPERATING REVENUES AND OUT-OF-POCKET EXPENSES OF PASSENGER
TRAINS NOS. 3803 AND 3808 ON CLAREMONT BRANCH

MONTH OF SEPTEMBER, 1953
(26 Working Days)

	<u>Actual</u>	<u>Average Per Day</u>
<u>REVENUES:</u>		
Passenger	\$ 593.80	\$ 22.84
Baggage	---	---
Mail	953.56	36.67
Express	347.36	13.36
Other Passenger-Train (Newspapers)	5.91	.23
Milk	.65	.03
Miscellaneous	---	---
 Total Operating Revenues	 <u>\$1901.28</u>	 <u>\$ 73.13</u>
 <u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$ 521.35	\$ 20.05
Train Enginemen	462.89	17.80
Train Fuel	325.32	12.51
Trainmen	813.43	31.29
Train Supplies and Expenses	100.50	3.87
Other Expenses (Detail below)		
Maintenance of Way Passenger Proportion 39.96%	<u>3078.10</u>	<u>118.39</u>
 Total Out-of-Pocket Operating Expenses	 \$5301.59	 \$203.91
 Net Out of-Pocket Loss from Railway Passenger Service Operations	 \$3400.31	 \$130.78
 Number of Passengers Carried	664	26
" " Trips-26 each train	52	2

Crew Wages include Payroll Taxes
*-Does not include Classified Shop Repairs

November 20, 1953

information as to passengers handled.

Dates	Trains			
	#3803		#3808	
	Passengers	Revenue	Passengers	Revenue
June 10 - 30	15.7	\$ 13.36	18.4	\$ 17.61
July 1 - 31	(1) 23.6	20.09	19.0	16.27
Aug. 1 - 31	(2) 43.9	27.69	(3) 37.2	23.21
Sept. 1 - 30	14.2	11.96	11.4	10.88

- (1) Includes 7 -13 Concord-Melvin - Party of 40
 7 -27 " " " " 37)
 If excluded would reduce average passengers to 20.7
- (2) Includes 8 -10 Concord-Melvin - party of 33)
 8 -25 Concord-Mt. Sunapee- " " 471)
 If excluded would reduce average passengers to 23.6
- (3) Includes 8 -25 Mt. Sunapee - Concord - Party of 469
 If excluded would reduce average passengers to 18.4

Note from above considerable numbers of passengers carried and the average daily deficit above rail of only \$4.99. The expenses for W. of W. & S. allocated on a ton mile basis amount to almost the entire deficit.

We have not had an opportunity to study the economics of abandonment or its possible limits in any detail. However, we are of the opinion that this should be developed before any decision as to further handling.

H. C. Archibald
 Chairman Retirement Committee

Enc.

CC Messrs. Rourke
 Glacy
 Phillips
 A.S. Baker
 Spofford

Same enclosures.

H.C.A.

CC Messrs. Smith / H.C.A. Cowan
 Jackson Hitchings
 Foster Heard
 Petersen Bixler
 Spofford (3)

Data Sheet for September only.

H.C.A.

A 141-10 N-17 Mr. Jackson

FRS-20c

Boston, Mass., November 20, 1953

Mr. Edgar:

Regarding Claremont Branch.

In our letter of October 30, 1953 to Mr. Sughrue, copy attached for your convenience, attention was directed to the fact, excluding costs of maintenance of way and structures, the revenue and costs above the rail only showed a deficit of less than a thousand dollars. Also expressed opinion that consideration might well be given to handling as a line abandonment case with the I.C.C. In any event such handling would eventually be necessary.

Additional revenue and cost figures are now available. Herewith detail sheets for June 10 to 30, July and August and summary sheet for period June 10 to August 31. Also supplementary sheet for September.

CLAREMONT BRANCH

Actual Operating Revenues and Out-of-Pocket Expenses
Passenger Trains #3803 and #3808

Description	June 10	July	August	September	Total	Average Per Day
	June 30					
Revenues	1,491.26	2,407.70	2,683.29	1,901.28	8,483.53	87.46
Expenses						
Train	1,433.26	2,290.98	3,020.20	2,223.49	3,967.93	92.45
W. of W. & S.	2,533.69	3,863.16	3,184.58	3,078.10	12,659.53	130.51
Total	3,966.95	6,154.14	6,204.78	5,301.59	21,627.46	222.96
Net Out-of-Pocket Loss	2,475.69	3,746.44	3,521.49	3,400.31	13,143.93	135.50
Number Passengers	614	1150	2110*	664	4538*	47
Number Trains	36	54	52	52	194	2

* Includes - 940 passengers - 470 each train.
Excursion for playground party.

Passenger Traffic Department has supplied the following

BOSTON, December 14, 1953

Mr. J.M. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this Department during the month of November 1953 as the result of passenger train operations on the above Branch.

WC/MK

General Claim Agent

CC-Mr. R. Jackson

4

A 141-10 W-17

BOSTON, December 14, 1953

Mr. J.M. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this Department during the month of November 1953 as the result of passenger train operations on the above Branch.

WC/MK

R. T. Damon
General Claim Agent
e

CC-Mr. R. Jackson

A 141-10-N-17
Mr. Jackson

FRS-20a

Boston, Mass., December 23, 1953

Mr. Rourke
Mr. Mullaney

As directed by Mr. Edgar we have developed a preliminary study of operations and savings on the Claremont Branch.

Forwarded herewith are copies of certain data as listed below with comments.

1. Carload Freight - Originating or Terminating on line.
 No overhead traffic involved.
 Total cars in and out for 1946 to 1953 (extended from 10 months) 8 year and 5 year average.
 Note decrease in Traffic and that in almost all cases the 1952 and 1953 traffic is much below both averages.
- 2 - Less Carload Freight - Same as above.
- 3 - Scheme "A" - Proposed abandonment - Stone Hill to Emerson and Newport.
 Change in freight service at Concord based on Mr. Rourke's letter of March 16, 1953.
 Passenger train revenues and expenses are based on an extension of current study.
 Freight revenues are based on an allocation of estimated revenues based on 1953 traffic at 1952 System Averages.
 Maintenance costs are based on maintenance factors for structures and on current study for track. This latter will probably be considerably low on a longer period of study.
- 4 - Scheme "B" - Proposed abandonment - Stone Hill to Emerson and Claremont.
 Comments above for Scheme "A" apply.
 Further saving would be made if present Bellows Falls - Claremont Jct. - Windsor and return - (A1) could be extended to Claremont without excessive overtime and present Claremont Jct. - Newbury Local were abolished.
- 5 - Summary - Segments of Line - Expenses and Revenues.
 Note that revenues allocated to line on the mileage pro rata plus formula accepted by the I.C.C. have been shown for 5 year average. Best year 1946 to date, 1952 and 1953 traffic.
 Except for segment Newport to Claremont which shows a profit on basis of best year traffic, all of the rest of the line operation would be at a loss.

December 23, 1953

We would appreciate your comments and recommendations for the information of the Retirement Committee in developing our recommendations to management.

It is our intention to hold a meeting of the Retirement Committee in the near future for a discussion of this matter.

H.C.A.
H. C. Archibald
Chairman Retirement Committee

CC Messrs.	Edgar	Smith	Bixler
	Glacy	Heard	Hitchings
	Phillips	Jackson	Currier
	A.S. Baker	Foster	Spofford (6)
	R. Baker	Peterson	

SCHEME "A" - CLAREMONT BRANCH

DISCONTINUE PASSENGER SERVICE.

ABANDON AND REMOVE - Stone Hill to Contoocook
 Contoocook to Emerson
 Contoocook to Newport

FRIGHT SERVICE CHANGES

Abolish present Concord Local - running

Concord - Canaan - 3 days per week
 Concord - Emerson - Bradford - 3 days per week
 2 side trips to Pennacook

Set up extra crew to run -

Concord - Stone Hill - Halcyon - 3 days per week.

Extend present White River Jct. - Danbury Local to run -

White River Jct. - Andover - 6 days per week

.

EFFECT ON NET REVENUE

Revenue Loss	Passenger Train	\$ 26,550.	
1953 Traffic - Freight - Allocable to Line		36,946.	
	Assume all revenue lost		\$ 63,496.
Savings			
	Passenger Train Operation	\$ 28,900.	
	Freight Train Operation	13,070.	
	Agencies	14,700.	
	Track & Structures - Maint. & Depr.	107,954.	164,624.
	Net Annual Benefit		\$ 101,128.

NON-RECURRING BENEFIT

Estimated Original Cost - Bradford - Newport	\$ 414,833.
(Land Excluded) Concord - Emerson - Bradford	1,166,091.
	\$ 1,580,924.
Net Salvage Value - Bradford - Newport	\$ 48,551.
Concord - Emerson - Bradford	98,284.
	146,835.
Net charge to Operating	\$ 1,434,089.
Income Tax Benefit @ 52%	\$ 745,726.
Total Benefit	\$ 892,561.

Boston, Mass.
 December 23, 1953

SCHEME "B" - CLAREMONT BRANCH

DISCONTINUE PASSENGER SERVICE

ABANDON AND REMOVE - Stone Hill to Contoocook
 Contoocook to Emerson
 Contoocook to ~~Newport~~ Claremont.

FREIGHT SERVICE CHANGES

Abolish present Concord Local - running

Concord - Canaan - 3 days per week
 Concord - Emerson - Bradford - 3 days per week
 2 side trips to Penacook

Set up Extra Crew to run -

Concord - Stone Hill - Halcyon - 3 days per week

Extend present White River Jct. - Danbury - Local - to run
 White River Jct. - Andover - 6 days per week

.

EFFECT ON NET REV NUE

Revenue Loss - Passenger Train	\$ 26,550.	
1953 Traffic - Freight - Allocable to Line	<u>60,996.</u>	
		\$ 87,546.
Savings		
Passenger Train Operation	\$ 28,900.	
Freight " "	15,450.	
Agencies	19,600.	
Track & Structures - Maint. & Depr.	<u>135,885.</u>	
		\$ 199,835.
Net Annual Benefit		\$ 112,289.

NON-RECURRING BEN FIT

Estimated Original Cost - Bradford - Newport (Land Excluded)	\$ 414,833.	
Concord-Emerson-Bradford	1,166,091.	
Newport - Claremont	<u>388,809.</u>	
		\$ 1,969,733.
Net Salvage Value - Bradford - Newport	\$ 48,551.	
Concord - Emerson - Bradford	98,284.	
Newport - Claremont	<u>37,300.</u>	
		184,135.
Net Charge to Operating		\$ 1,785,598.
Income Tax Benefit @ 52%	\$ 928,511.	
Total Benefit		\$ 1,112,646

Boston, Mass.
 December 23, 1953

CLAREMONT BRANCH

CARLOADS

Average

<u>Station</u>	<u>1946</u>	<u>1947</u>	<u>1948</u>	<u>1949</u>	<u>1950</u>	<u>1951</u>	<u>1952</u>	<u>1953</u>	<u>8 Yrs.</u>	<u>5 Yrs.</u>
<u>CLAREMONT JCT. - NEWBURY LOCAL FREIGHT</u>										
Newbury	0	0	0	1	0	0	0	0	.12	.2
Sunapee	<u>55</u>	<u>59</u>	<u>50</u>	<u>50</u>	<u>36</u>	<u>16</u>	<u>13</u>	<u>17</u>	<u>37.0</u>	<u>26.4</u>
Sub-Total	55	59	50	51	36	16	13	17	37.1	26.6
Newport	1047	1038	935	662	551	520	462	420	704.4	523.
Claremont	<u>4635</u>	<u>4395</u>	<u>3800</u>	<u>2862</u>	<u>3078</u>	<u>3163</u>	<u>2256</u>	<u>2587</u>	<u>3347.</u>	<u>2789.2</u>
Sub-Total	5682	5433	4735	3524	3629	3683	2718	3007	4051.4	3312.2
TOTAL	5737	5492	4785	3575	3665	3699	2731	3024	4088.5	3338.8

CONCORD - EMERSON - BRADFORD LOCAL FREIGHT

Emerson	25	42	65	19	25	28	33	33	33.8	27.6
Henniker <i>50 Newbury</i>	377	215	183	140	156	151	141	136	187.4	144.8
Henniker Jct.	28	51	30	32	29	24	15	0	26.1	20.0
W. Hopkinton	-	428	423	355	432	285	173	161	282.1	281.2
Sub-Total	430	736	701	546	642	488	362	330	529.4	473.6
Bradford <i>50 Newbury</i>	273	274	281	233	175	190	195	112	216.6	181.0
Warner <i>24</i>	133	148	149	150	103	133	147	125	136.0	131.6
Sub-Total	406	422	430	383	278	323	342	237	352.6	312.6
Contoocook	546	134	97	63	38	25	26	41	121.3	38.6
TOTAL	1382	1292	1228	992	958	836	730	608	1003.3	824.8
<u>GRAND TOTAL</u>	7119	6784	6013	4567	4623	4535	3461	3632	5091.8	4163.6

Note -

1953 Figures are 10 months figures expanded to a year.

1952 System Average

B&M Revenue per car \$ 100.19
Average miles per car 156.6

Bo. ton, Mass.
December 23, 1953

CLAR. MONT BRANCH

L.C.L. (TCMS)

<u>Station</u>	<u>1946</u>	<u>1947</u>	<u>1948</u>	<u>1949</u>	<u>1950</u>	<u>1951</u>	<u>1952</u>	<u>1953</u>	<u>Average</u>	
									<u>8 Yrs.</u>	<u>5 Yrs.</u>
<u>CLAR MONT JCT. - NE BURY LOCAL FREIGHT</u>										
Newbury	6	4	4	12	7	1	1	0	4.4	4.2
Sunapee	<u>112</u>	<u>107</u>	<u>95</u>	<u>84</u>	<u>58</u>	<u>48</u>	<u>31</u>	<u>51</u>	<u>73.3</u>	<u>54.4</u>
Sub-Total	118	111	99	96	65	49	32	51	77.6	58.6
Newport	1404	747	820	1128	515	293	247	259	676.6	488.4
Claremont	<u>7622</u>	<u>8564</u>	<u>10621</u>	<u>5590</u>	<u>3642</u>	<u>4446</u>	<u>3079</u>	<u>2978</u>	<u>5817.8</u>	<u>3947.0</u>
Sub-Total	9026	9311	11441	6718	4157	4739	3326	3237	6494.4	4435.4
TOTAL	9144	9422	11540	6814	4222	4788	3358	3288	6572.0	4494.0
<u>CONCORD - EMERSON - BRADFORD LOCAL FREIGHT</u>										
Emerson	-	3	20	5	6	6	4	1	5.6	4.4
Henniker	59	98	88	92	55	52	37	6	60.9	48.4
Henniker Jct.	0	0	0	0	0	0	0	0	0	0
W. Hopkinton	-	9	30	26	13	23	10	6	14.6	15.6
Sub-Total	59	110	138	123	74	81	51	13	81.1	68.4
Bradford	88	72	98	70	42	36	44	35	60.6	45.4
Warner	<u>119</u>	<u>108</u>	<u>68</u>	<u>60</u>	<u>36</u>	<u>70</u>	<u>73</u>	<u>81</u>	<u>76.9</u>	<u>64.0</u>
Sub-Total	207	180	166	130	78	106	117	116	137.5	109.4
Concord	103	201	150	125	81	61	40	41	100.3	69.6
TOTAL	369	491	454	378	233	248	208	170	318.9	247.4
<u>GRAND TOTAL</u>	9513	9913	11994	7192	4455	5036	3566	3458	6890.9	4741.4

Note -

1953 Figures are 10 months expanded to a year.

1952 System Averages

B&W Revenue per ton \$ 14.68

Boston, Mass.
December 23, 1953

CLAREMONT BRANCH

SUMMARY - - SEGMENTS OF LINE

EXPENSES AND REVENUES

	<u>Bradford Newport</u>	<u>Cantocook Emerson</u>	<u>Cantocook Bradford</u>	<u>Stone Hill Emerson Bradford</u>	<u>Newport Claremont</u>
<u>Track & Structures</u>					
	<u>EXPENSES</u>				
Track Maintenance	\$ 23,250.	\$ 16,180.	\$ 25,220.	\$ 56,700.	\$ 20,220.
Structures "	3,560.	3,631.	7,127.	14,192.	4,809.
" Depreciation	1,568.	2,310.	3,823.	8,384.	2,902.
Sub-Total	\$ 28,678.	\$ 22,129.	\$ 36,170.	\$ 79,276.	\$ 27,931.
<u>Operations</u>					
Agencies	-	-	9,800.	14,700.	4,900.
Trt. Tr. & Eng. Crews	-	3,080.	5,100.	11,520.	-
Loco. Fuel & Repairs	-	958.	1,59.	3,590.	2,380.
Pass. Tr. Expenses	28,900.	-	-	-	-
Sub-Total	\$ 28,900.	\$ 4,038.	\$ 16,490.	\$ 29,810.	\$ 7,280.
Est. Annual Cost	\$ 57,578.	\$ 26,167.	\$ 52,660.	\$ 109,086.	\$ 35,211.
<u>Passenger</u>					
	<u>REVENUES</u>				
1953 Est.	26,550.	-	-	-	-
<u>Freight</u>					
5-Year Average	\$ 1,802.	25,040.	17,707.	48,452.	32,020.
Best Year	3,655.(1946)	40,272.(1947)	24,660.(1948)	80,345.(1946)	66,500.(1946)
1952 Traffic	903.	19,375.	19,324.	43,034.	26,850.
1953 Traffic	1,257.	17,409.	13,593.	34,190.	24,850.
<u>Est. Annual Loss</u>					
5-Year Average	\$ 29,226.	1,127.	\$ 34,953.	\$ 60,634.	\$ 3,191.
Best Year	27,373.(1946)	14,105.(1947)	28,000.(1948)	28,741.(1946)	Profit 31,239. (1946)
1952 Year	30,125.	6,792.	33,236.	66,052.	8,361.
1953 Year	29,771.	8,758.	39,067.	74,896.	10,361.

Boston, Mass.
December 23, 1953

Boston, Dec. 28, 1953

Mr. Archibald:

Referring to your letter of December 23 in connection with the Claremont Branch study:

There is one other feature which we believe should be considered and that is the possibility of selling the Branch to some outside interest for continued operation. We mention this particularly in view of the fact that the Claremont Railway which originates or terminates the larger part of the Claremont traffic would be very glad to turn its property over to an outside interest, and if this was done operation of that line might be integrated with the operation of our line between Concord and Claremont Jct. in such a manner that the whole operation would be profitable. Of course this would mean that we would have to give up some proportion of our revenue on traffic to or from Claremont but we might well retain revenue on a lot of the other business so that over a period of years we would be better off than under complete abandonment either between Concord and Newport or between Concord and Claremont. It would obviously be an easier case to handle if we asked authority from the I.C.C. to sell the line than to abandon it.

BB

There may not be anything to this thought but believe it should be discussed at the next meeting of the Retirement Committee.

Copy to
 Mr. Bourke
 Mr. Edgar
 Mr. Glacy

E. J. Hallaney

Mr. Phillips
 Mr. A. S. Baker
 Mr. R. B. Baker
 Mr. Smith

→ Mr. Jackson
 Mr. Foster
 Mr. Peterson
 Mr. Mixler
 Mr. Hitchings
 Mr. Currier
 Mr. Spofford

P. G. ...

Boston, Mass., January 11, 1954

Mr. Glacy
Mr. Rourke
Mr. Mullaney
Mr. Edgar

Supplementing my letter of October 22, 1953
I am enclosing statements of revenues and out-of-pocket
expenses for the operation of Claremont Branch trains
3803 and 3808 for September, October and November, 1953,
together with a cumulative report of the six months
June to November, inclusive.

Copy to Mr. Archibald
Mr. Spofford
Mr. A.S. Baker
Mr. Bixler
Mr. Bloss
Mr. Heard
Mr. Hitchings
Mr. Jackson *BLEAKNEY* ✓
Mr. Riley
Mr. Struckhoff
Mr. Foster

Jim Peterson

BOSTON AND MAINE RAILROAD

STATEMENT OF ACTUAL OPERATING REVENUES AND OUT-OF-POCKET EXPENSES OF PASSENGER
TRAINS NOS. 3803 AND 3808 ON CLAREMONT BRANCH

MONTH OF SEPTEMBER, 1953
(26 Working Days)

	<u>Actual</u>	<u>Average Per Day</u>
<u>REVENUES:</u>		
Passenger	\$ 593.80	\$ 22.84
Baggage	---	---
Mail	953.56	36.67
Express	347.36	13.36
Other Passenger-Train (Newspapers)	5.91	.23
Milk	.65	.03
Miscellaneous	---	---
 Total Operating Revenues	 <u>\$1901.28</u>	 <u>\$ 73.13</u>
 <u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$ 521.35	\$ 20.05
Train Enginemen	462.89	17.80
Train Fuel	325.32	12.51
Trainmen	813.43	31.29
Train Supplies and Expenses	100.50	3.87
Other Expenses (Detail below)		
Maintenance of Way Passenger Proportion 39.96%	3078.10	118.39
 Total Out-of-Pocket Operating Expenses	 <u>\$5301.59</u>	 <u>\$203.91</u>
 Net Out-of-Pocket Loss from Railway Passenger Service Operations	 <u>\$3400.31</u>	 <u>\$130.78</u>
 Number of Passengers Carried	664	26
" " Trips-26 each train	52	2

Crew Wages include Payroll Taxes
*-Does not include Classified Shop Repairs

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expenses of Passenger
Trains Nos. 3803 and 3808 on Claremont Branch

Month of October, 1953
27 Working Days)

	<u>Actual</u>	<u>Average Per Day</u>
<u>Revenues:</u>		
Passenger	\$ 494.09	\$ 18.30
Baggage	----	----
Mail	953.68	35.32
Express	360.72	13.36
Other Passenger-Train (Newspapers)	6.13	.23
Milk	.68	.02
Miscellaneous	----	----
 Total Operating Revenues	 <u>\$1815.30</u>	 <u>\$ 67.23</u>
 <u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$ 428.79	\$ 15.88
Train Enginemen	487.69	18.06
Train Fuel	345.67	12.80
Trainmen	844.67	31.29
Train Supplies and Expenses	178.01	6.59
Other Expenses (Detail below)		
Maintenance of Way Passenger Proportion 35.16%	<u>2913.74</u>	<u>107.92</u>
 Total Out-of-Pocket Operating Expenses	 <u>\$5198.57</u>	 <u>\$192.54</u>
 Net Out-of-Pocket Loss from Railway Passenger Service Operations	 <u>\$3383.27</u>	 <u>\$125.31</u>

Number of Passengers Carried
Number of Trips - 27 each train

509	19
54	2

Crew Wages include Payroll Taxes
*-Does not include Classified Shop Repairs

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and out-of-Pocket Expenses of Passenger
Trains Nos. 3803 and 3808 on Claremont Branch

Month of November, 1953
(25 Working Days)

	<u>Actual</u>	<u>Average Per Day</u>
<u>Revenues:</u>		
Passenger	\$ 407.81	\$ 16.31
Baggage	---	---
Mail	888.25	35.53
Express	337.50	13.50
Other Passenger-Train (Newspapers)	.63	.03
Milk	.70	.03
Miscellaneous	---	---
 Total Operating Revenues	 <u>\$1634.89</u>	 <u>\$ 65.40</u>
 <u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$1105.49	\$ 44.22
Train Enginemen	453.07	18.12
Train Fuel	323.72	12.95
Trainmen	803.23	32.13
Train Supplies and Expenses	160.84	6.43
Other Expenses (Detail below)		
Maintenance of Way-Passenger Proportion 40.41%	2270.91	90.84
 Total Out-of-Pocket Operating Expenses	 <u>\$5117.26</u>	 <u>\$204.69</u>
 Net Out-of-Pocket Loss from Railway Passenger Service Operations	 <u>\$3482.37</u>	 <u>\$139.29</u>

Number of Passengers Carried	408	16
Number of Trips - 25 each train	50	2

Crew Wages include Payroll Taxes
*-Does not include Classified Shop Repairs

A 141-10 N-17

AKB

BOSTON, January 13, 1954

Mr. J. M. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of December 1953 as the result of passenger train operations on the above Branch.

RTD
General Claim Agent

WC/MK

CC-Mr. R. G. Bleakney

A141-10 N-17 *last Dept 9 to*
Boston, Mass., January 20, 1954

Mr. H. C. Archibald:

Yesterday, Mr. A. S. Baker, Mr. Eugene C. Struckoff and I called on the New Hampshire Commission and talked with Commissioners Davison and Thornton. Messrs. Melvin and Doon of the Commission Staff also sat in on the discussion.

With respect to the Claremont Branch, I told them that it is our intention, subject to our Directors' approval, to go after an abandonment of the line. I told them we would seek to abandon at least from Bradford to Sunapee or Guild, but probably from Bradford to Newport, and that the only unresolved question is whether we would also abandon from Stone Hill to Emerson and Stone Hill through to Newport.

I assured them this decision to go after an abandonment in an I. C. C. proceeding was by no means to be construed as an attempt to by-pass the New Hampshire Commission, but the facts plainly indicated that the abandonment was what should be sought. The two Commissioners had no particular reaction to this and I think they were convinced it was the thing to do. Commissioner Thornton, however, said he was not clear in his own mind as to what extent the New Hampshire Commission was without jurisdiction in a case of this kind. I did not argue with him, but it is our contention, of course, it has none.

We should have an early meeting of the Retirement Committee for a concentrated discussion of this particular branch to get ourselves ready to have our petition filed with the I. C. C., which I hope we can do before the first of April.

I think that before the meeting it would be highly advisable to review as fully as possible the status of the proposed dam at Bennington, or any other point in that vicinity, having in mind that if plans are progressed and we lose the line from Bennington to Greenfield, we might want to continue the line from Stone Hill to Emerson and rebuild from Emerson to Hillsboro in order to get to the paper mill at Bennington.

R. M. Edgar

cc--Mr. R. Jackson
Mr. A. S. Baker

FRS-20

Boston, Mass., January 21, 1954.

Mr. Smith
Mr. Hitchings
Mr. Heard
Mr. Foster
Mr. Petersen
Mr. Dwyer
Mr. A. S. Baker
Mr. Bixler
Mr. Bleakney

There will be a meeting of the Retirement Committee at 1:30 P.M. on Thursday, January 23rd, in my office.

It is planned to discuss further procedure concerning proposed retirement of a portion of the Claremont Branch. Various station studies will also be considered.

H. C. Archibald
H. C. Archibald
Chairman-Retirement Committee

cc Mr. Rourke
Mr. Mullaney
Mr. Edgar
Mr. Glacy
Mr. Phillips.

From: George H. Hill
Publicity Manager
Boston and Maine Railroad
Boston, Mass.

(FOR RELEASE MONDAY A.M.PAPERS, JANUARY 11, 1954)

The new readjusted passenger fare schedule of the Boston and Maine Railroad recently approved by the Massachusetts Department of Public Utilities will be put into effect on Monday, January 18, it was announced today by Robert F. Cowan, Passenger Traffic Manager of the road.

Along with the Massachusetts fare schedule, the same plan will place into effect new Interstate reduced 12-ride and 20-ride tickets between Boston and any point on the Boston and Maine system. Under the new plan some of the points within 13 miles of Boston will have an increase of from one to four cents a ride, but the points over 13 miles will in most cases have a reduction in fare through the new 12-ride ticket.

Examples of the reduction in 12-ride tickets between Boston and various points are: Beverly 18.3 miles present price \$7.09, new schedule price \$5.70, a reduction of \$1.39 per 12-ride ticket; Newburyport 37.3 miles present price \$14.89, new schedule price \$11.40, a reduction of \$3.49 per 12-ride ticket; South Sudbury 19.7 miles present price \$7.65, new schedule price \$6.00, a reduction of \$1.65 per 12-ride ticket.

New twelve and twenty-ride monthly tickets will be available between Boston and long-distance points, such as Nashua, Dover, Manchester, and Concord, New Hampshire, and Kennebunk, Biddeford, and Portland, Maine. All of these long-distance points will have a low-rate ticket schedule with the reduction increasing with the mileage.

**Monitor & New Hampshire
Patriot (e)
CONCORD, N. H.
Independent
Circ. 10,773**

JAN 21 1954

Study Train To Henniker

Railroad Claims Losses On Concord to Newport Branch

A study of the Claremont branch between Concord and Newport, as well as between Concord and Henniker is being undertaken to determine what can be done to reduce or eliminate an annual loss from all operations approximating \$100,000, the state Public Utilities commission has been advised by representatives of the Boston and Maine railroad.

Railroad officials told the commission the study will include conferences with public officials, trade organizations and individual shippers operating in the several towns involved.

One Trip Only

Several years ago the railroad sought to discontinue passenger service on the line but, under an order of the Public Utilities commission, has operated a single round trip of train service daily since June 10, 1953. It has been lightly patronized, the railroad said.

The railroad told the state commission that use of freight service has declined substantially since World War II at every point on the line. It furnished figures as to use of its service in terms of carload freight on the lines involved in the study, showing 1,251 cars in 1947 and 729 cars in 1953, a reduction of 41 per cent. Figures were not stated for Concord, Claremont and Newport.

During the same period less-than-carloads freight handled on the same portions of the line has dropped, according to the railroad figures from 602 tons in 1947 to 22 tons in 1953.

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expenses of Passenger
Trains Nos. 3803 and 3804 on Claremont Branch

Month of December, 1953
27 Work Days

	<u>Actual</u>	<u>Average per Day</u>
<u>Revenues:</u>		
Passenger	\$ 444.57	\$ 16.47
Baggage	---	---
Mail	1,093.42	40.50
Express	329.84	12.21
Other Passenger-Train (Newspapers)	.81	.03
Milk	.81	.03
Miscellaneous	---	---
 Total Operating Revenues	 <u>\$1,869.45</u>	 <u>\$ 69.24</u>
 <u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars - Maintenance and Inspection	\$ 668.55	\$ 24.76
Train Enginemen	504.07	18.67
Train Fuel	344.12	12.74
#Trainmen	858.25	31.79
Train Supplies and Expenses	173.33	6.42
Other Expenses (Detail below)		
Maintenance of Way Passenger Proportion 41.99%	3,796.53	140.61
 Diesel Locomotive used December 14		
Repairs	21.92	.81
Fuel Oil	12.60	.47
 Total Out-of-Pocket Operating Expenses	 <u>\$6,379.37</u>	 <u>\$236.27</u>
 Net Out-of-Pocket Loss from Railway Passenger Service Operations	 <u>\$4,509.92</u>	 <u>\$167.03</u>
 Number of Passengers Carried	438	16
Number of Trips - 27 Each Train	54	2

#-Trainmen wages increased 5¢ per hour Dec.16

Crew wages include Payroll Taxes

*-Does not include Classified Shop Repairs

Boston, Mass., February 1, 1954

Messrs.	Dwyer	Bixler
	Petersen	Haynes
	Corcoran	Jackson
	Heard	Bleakney
	Willard	A. S. Baker
	Hitchings	Spofford
	Foster	

At the meeting of the Retirement Committee on January 28, 1954 it was agreed to start collecting information for "Return to Questionnaire" for proposed partial abandonment of the Claremont Branch.

Tentative limits of abandonment are Bradford to Newport and discontinuance of all passenger service.

Questions to be answered and assignments are as follows:

1. Complete statement of the purpose of the application.
Engineering Department - Mr. Spofford.
2. When, by whom and for what purpose the line was constructed and its proprietary history.
Law Department - Mr. Bleakney
Engineering Dept. - Mr. Restall, Mr. Spofford.
3. A copy of the applicant's general balance sheet, of the latest date available, and a copy of the applicant's income account for each of the last five calendar years, and for that portion of the current year for which the information is available.
Accounting Dept. - Mr. Dwyer
4. The present state of maintenance of the line.
Engineering Dept. - Mr. Spofford
5. The estimated salvage value of the line, with a general statement of the basis of the estimate.
Engineering Dept. - Mr. Spofford
6. The names of all railroads with which the line connects for interchange of traffic and the points of such interchange.
Freight Traffic Dept. - Mr. Heard

February 1, 1954

7. A brief description of the present train service on the line, and of important changes made in the past five years.
Passenger Traffic Dept. - Mr. Hitchings
Operating Dept. - Mr. Haynes
8. The names of all stations on the line, stated in order with mile post numbers, with approximate population of each, and the authority for the information, showing for each place the name of all other railroads by which it is served, or its distance by highway from the nearest other railroad. Distinguish non-agency stations.
Passenger Traffic Dept. - Mr. Foster
Freight Traffic Dept. - Mr. Heard
9. The approximate population of the territory served by the line, explaining how the limits of this territory are defined.
Passenger Traffic Dept. - Mr. Foster
10. A detailed statement of the location and nature of the highways available for movement of the traffic now handled by the line, and of the common carrier track and bus service on such highways, if any.
Public Relations - Mr. A.S.Baker
Freight Traffic Dept. - Mr. Heard
11. The nature of the industries in the tributary territory (such as farming, mining, lumbering, manufacturing, etc.) how long established and the extent to which each is dependent upon the line for transportation, State location and other facts concerning the most important plants served.
Freight Traffic Dept. - Mr. Heard
12. The passenger traffic handled on the line in each of the last two calendar years, and for that part of the current year for which information is available, giving separately the number of local and connecting line passengers (if the latter designation is applicable), and the revenue from each class.
Passenger Traffic Dept. - Mr. Hitchings
13. The freight tonnage handled by the line for each of the last two calendar years, showing the number of cars and the tonnage of carload freight classified by principal commodities, and the tonnages of less than carload freight. Show in separate statements (a) local freight originated at and destined to points on the line, (b) freight moved between points on the line and points beyond it, and (c) freight neither originated

February 1, 1954

at or destined to points on the line (overhead or bridge traffic - Freight Traffic Dept. - Mr. Heard.

14. (1) If the line to be abandoned is less than the entire mileage operated by the applicant, a statement showing the effect of the proposed abandonment on the net railway operating income of the applicant. The statement should include for each of the last two calendar years and for that part of the current year for which the information is available.
- (a) The applicant's railway operating revenue from traffic handled locally between point on the line proposed to be abandoned.
 - (b) The applicant's railway operating revenue from traffic originating on or destined to points on the line proposed to be abandoned and also handled in other parts of the applicant's lines of railroad.
 - (c) An estimate in detail of the total operating revenue that should be assigned to the line proposed to be abandoned and a statement of the reasons for such assignment.

Freight Traffic Dept. - Mr. Heard
Passenger Traffic Dept. - Mr. Hitchings.
 - (d) The expense of operating the line proposed to be abandoned, stated by appropriate primary accounts so far as possible and otherwise approximated, with a full statement of the method used.

Accounting Dept. - Mr. Corcoran
Engineering Dept. - Mr. Spofford
 - (e) Railway Tax accruals with method of apportionment.

Engineering Dept. - Mr. Spofford
 - (f) Other items entering into the applicant's income account and assignable to the line proposed to be abandoned, with method of assignment.

Accounting Dept. - Mr. Corcoran

February 1, 1954

(g) The cost of moving the traffic on the line proposed to be abandoned beyond the limits of said line on other parts of the applicant's lines, with method of determination.

Freight Traffic Dept. - Mr. Heard.

14. (2) If the applicant's line is operated as a part of a system under common control and management, a statement for the same period as required in Paragraph (1) showing the effect of the proposed abandonment on the net railway operating income of the system and the unit member thereof. This statement should show the revenues accruing to the system and its unit members from traffic moving to and from the line proposed to be abandoned and the costs of handling such traffic. The method of determining such costs also should be shown.

Not applicable.

15. If the volume of freight or passenger traffic of the line has decreased during recent years, any reasons therefor.

Freight Traffic Dept. - Mr. Heard.

16. If the line is operated as a joint facility and abandonment of the applicant's operation only is proposed, state fully the facts as to operation by others and the extent to which it will supply the place of the operation it is proposed to abandon.

Not applicable.

17. State what effort has been made to dispose of the line so as to insure its continued operation, and what, if any, transportation service will remain or may be substituted for that proposed to be discontinued.

Passenger Traffic Dept. - Mr. Hitchings
Freight Traffic Dept. - Mr. Heard

18. A summary of the reasons for application.

Public Relations - Mr. A.S. Baker
Engineering Dept. - Mr. Spofford

February 1, 1954

There will be a meeting of the Retirement Committee on Thursday, February 18, 1954.

Persons assigned above should be prepared to report on progress and estimated date of completion of the various assignments.



H. C. Archibald
Chairman Retirement Committee

CC Messrs. Rourke
Mullaney
Glacy
Phillips
Edgar

Struckoff

FRS-20m

Boston, Mass., February 1, 1954

Messrs.	Dwyer	Bixler
	Petersen	Haynes
	Corcoran	Jackson
	Heard	Bleakney
	Willard	A. S. Baker
	Hitchings	Spofford
	Foster	

At the meeting of the Retirement Committee on January 28, 1954 it was agreed to start collecting information for "Return to Questionnaire" for proposed partial abandonment of the Claremont Branch.

Tentative limits of abandonment are Bradford to Newport and discontinuance of all passenger service.

Questions to be answered and assignments are as follows:

1. Complete statement of the purpose of the application.
Engineering Department - Mr. Spofford.
2. When, by whom and for what purpose the line was constructed and its proprietary history.
Law Department - Mr. Bleakney
Engineering Dept. - Mr. Restall, Mr. Spofford.
3. A copy of the applicant's general balance sheet of the latest date available, and a copy of the applicant's income account for each of the last five calendar years, and for that portion of the current year for which the information is available.
Accounting Dept. - Mr. Dwyer
4. The present state of maintenance of the line.
Engineering Dept. - Mr. Spofford
5. The estimated salvage value of the line, with a general statement of the basis of the estimate.
Engineering Dept. - Mr. Spofford
6. The names of all railroads with which the line connects for interchange of traffic and the points of such interchange.
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February 1, 1954

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Passenger Traffic Dept. - Mr. Foster
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February 1, 1954

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February 1, 1954

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H. A. Archibald
Chairman Retirement Committee

CC Messrs. Rourke
Mullaney
Glacy
Phillips
Edgar

Struckoff

RWB

Mr. Archibald
For my -

ORR AND RENO
FOUR SCHOOL STREET
CONCORD, NEW HAMPSHIRE

February 11, 1954

C

Mr. H. C. Archibald
Boston and Maine Railroad
North Station
Boston, Massachusetts

O

Re: Claremont Branch

Dear Arch:

MA

P

I have received your memorandum dated February first with respect to the Claremont Branch. In it, you stated that there will be a meeting of the retirement committee on Thursday, February 18, 1954, at which persons assigned to prepare specific material will be ready to report on their work.

Y

I am wondering if you wish me to be present at this meeting. If it is intended that I will be participating in this case, I would like to attend the meeting to keep current, if you consider it appropriate.

Sincerely yours,

ECS:jk.

Eugene C. Struckhoff.

BOSTON, February 12, 1954

Mr. J. M. Peterson
Bureau of Statistics

4

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of January 1954 as the result of passenger train operations on the above Branch.

General Claim Agent

WC:MK

CC-Mr. R. G. Bleakney, Jr.
Attorney

223

BOSTON, February 12, 1954

Mr. J. M. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of January 1954 as the result of passenger train operations on the above Branch.

RTD
General Claim Agent

WC:MK

CC-Mr. R. G. Bleakney, Jr.
Attorney

BOSTON, February 25, 1954

MEMORANDUM FOR FILE:

Re: Claremont Branch

The Claremont Branch from Concord to Bradford was built by the Concord to Claremont Railroad. This Railroad was incorporated under Chapter 659 of the Acts of 1848 of New Hampshire, under which it was empowered to build a Railroad from Concord to Claremont. No minimum service requirements appear in the Charter. The Charter was void as to parts of the line which were not built within five years. Since only the section from Concord to Bradford was built within the five year period, the section from Bradford to Claremont was built under a new Charter. This Charter provision is contained in Chapter 4315 of the Acts of 1866 of New Hampshire which incorporates the Sugar River Railroad, authorizes it to purchase the Concord and Claremont Railroad and authorizes it to construct a rail line from Bradford to Claremont. This Charter also has no minimum service requirements.

R. G. BLEAKNEY, Jr.
Attorney

RGB/MK

File A 141-10417
RWB

BOSTON, February 25, 1954

MEMORANDUM FOR FILE:

Re: Claremont Branch

The Claremont Branch from Concord to Bradford was built by the Concord to Claremont Railroad. This Railroad was incorporated under Chapter 659 of the Acts of 1848 of New Hampshire, under which it was empowered to build a Railroad from Concord to Claremont. No minimum service requirements appear in the Charter. The Charter was void as to parts of the line which were not built within five years. Since only the section from Concord to Bradford was built within the five year period, the section from Bradford to Claremont was built under a new Charter. This Charter provision is contained in Chapter 4315 of the Acts of 1866 of New Hampshire which incorporates the Sugar River Railroad, authorizes it to purchase the Concord and Claremont Railroad and authorizes it to construct a rail line from Bradford to Claremont. This Charter also has no minimum service requirements.

R. G. BLEAKNEY, Jr.
Attorney

RGE/MK

A 141-10 N-17 Mr. Blackney
RMB
Boston, Mass., February 24, 1954

Mr. Edgar:

At the meeting of the Retirement Committee on Thursday, February 18, 1954 there was a general discussion of the proposed service changes and line abandonment on the Claremont Branch.

Mr. Struckoff sat with the committee. At his request Mr. Jackson joined the committee in the afternoon.

The situation was developed as follows:-

1. Passenger train revenues less above-the-rail out-of-pocket costs only indicate merely a small loss - based on actual revenues and costs.

June 10 - Dec. 31, 1953

Revenues	-	\$	13,803.17
Train costs only	-		16,681.95
Deficit		\$	<u>2,878.78</u>

2. Supplementary Passenger revenue would eliminate this deficit.
3. Only saving to be made would be from abandonment of portion of line and elimination of maintenance of way expenditures.

Estimated saving on mileage basis (from actual expenditures 1952-1953)

Bradford - Newport \$ 26,800.

Mr. Struckoff and Mr. Jackson are of the opinion that with a proposal to abandon only a small portion of the line of road, the situation differs radically from the Plymouth-Blackmount case where the proposal was to abandon all but a small portion. They are of the opinion that it would be necessary to petition the New Hampshire Public Utility Commission to eliminate passenger service between Concord and Bradford and between Claremont Jct. and Newport, which might or might not be granted.

It is expected that we would meet strident opposition based on our allegedly heinous design to cut an important East-west connection, abandon a valuable detour line in case of flood or emergency, discourage passenger business by seeking to eliminate a self supporting passenger service, all to make an unimportant saving in maintenance costs at the expense of the well being of the people of New Hampshire. An examination of the revenues and costs of the rest of the line would show that we were accepting a loss from freight operation about three times as great as the saving sought to be made.

February 24, 1954

Particularly in view of the small saving to be made Mr. Struckoff and Mr. Jackson are doubtful if we would succeed in obtaining I.C.C. approval for the proposed abandonment Bradford-Newport. Further, it might well be that the N.H.P.U.C. would require the operation of passenger service Concord to Bradford and Claremont Jct. to Newport.

After considerable discussion the committee is of the opinion that we should seek a plan carrying the maximum benefit.

Disregarding passenger service the situation is as follows:-

Claremont-Newport

1953 Revenue Allocation		\$ 24,850.
Maintenance of Way & Structures	27,931.	
Agency - Newport	4,900.	
Loco. Fuel & Repair	2,380.	
		<u>35,211.</u>
Estimated Annual Loss		\$ 10,361.

The Operating Department is currently progressing a study of the possibility of handling work at Claremont Jct. and Claremont with the Bellows Falls - Windsor local and eliminating the crew headquartered at Claremont Jct. It appears that service could not be extended beyond Claremont. If such a change appears practical the cost of the Claremont Jct. crew less any overtime for the Main Line Crew would be a proper cost to be added to those shown above for operation from Claremont to Newport.

Concord - Contoocook - Emerson - Bradford

1953 Revenue Allocation		\$ 34,190.
Maintenance of way and Structures	79,276.	
Operations	29,810.	
		<u>109,086.</u>
Estimated Annual Loss		\$ 74,896.

Concord - Contoocook - Emerson

Abandon west of Contoocook - Keep Henniker Branch. Retain Agency at Contoocook. Operate three days a week as at present.

Assume business now done at Warner and Bradford would be retained at Contoocook.

1953 Revenue Allocation		\$ 34,645.
Maintenance of Way and Structures	42,000.	
Operations	19,530.	
		<u>61,530.</u>
Estimated Annual Loss		\$ 26,885.

February 24, 1954

Assume retain only business at Contoocook and Henniker Branch

1953 Revenue Allocation	\$ 21,150.
Costs	<u>61,530.</u>
Estimated Annual Loss	\$ 40,380.

Traffic retained would probably be between these extremes.

Restore Hillsboro to Emerson

Operate as part of Hillsboro Branch to Emerson, Henniker and West Hopkinton.

A rough study of the Hillsboro Branch indicates a profitable operation from Nashua as far as Bennington. On the basis of 1953 Traffic operation Bennington to Hillsboro about breaks even.

Operation Hillsboro to West Hopkinton

1953 Revenue Allocation		\$ 17,445.
Maintenance of Way & Structures	\$ 21,600.	
Loco. Fuel & Repairs	2,340.	
Crew wages (Excess over 100 miles)	<u>2,500.</u>	<u>26,440.</u>
Estimated Annual Loss		\$ 8,995.

In 1944 it was estimated that the cost to restore line Hillsboro to Emerson would be \$256,400. I.C.C. cost index was 194 in 1944 and 323 in 1952. On this basis present cost to restore line would be in the vicinity of \$428,000.

Present Operation - Concord - Contoocook - Emerson - Claremont

1953 Revenue - Passenger Trains	\$ 26,550.	
Freight - Claremont - Newport	24,850.	
Concord - Emerson - Bradford	34,190.	
Bradford - Newport	<u>1,260.</u>	\$ 86,850.

Costs - Operation		
Passenger Trains	\$ 28,900.	
Frt. Tr. & Eng. Crews	11,520.	
Loco. Fuel & Repairs	5,970.	
Agencies	<u>19,600.</u>	65,990.

Maintenance of Way & Structures

1952 - 1953 Average Actual

69.82 x 1680

117,300.

183,290.

Estimated Annual Loss

\$ 96,440.

Mr. Edgar:

-4-

February, 24, 1954

Proposed Abandonment - Concord - Emerson - Claremont

Loss of Revenue	\$ 86,850.
Saving - Passenger Train Operation	\$ 28,900.
Freight " "	15,450.
Agencies	19,600.
Maintenance Track and Structures	<u>117,300.</u>
	<u>179,250.</u>
Estimated Annual Saving	92,400.
(Payroll Taxes, Depreciation, not included)	
Estimated Original Cost	\$1,969,733.
Net Salvage Value	<u>184,135.</u>
Net Charge to Operating	\$1,785,598.
Income Tax Benefit @ 50%	\$ 892,799.
Total Benefit - Non-Recurring	\$ 1,076,934.

The following propositions are submitted for consideration:-

1. No part of the line can be operated except with heavy losses east of Claremont.
2. Abandonment of parts of the line reduces losses but the remaining losses are very heavy.
3. Costs used in the study do not include all factors and may be considered to understate the actual long term costs considerably.
4. Revenues have been estimated on system averages. Nature of traffic is such that actual revenue to the line is probably less than stated.
5. Nature of traffic is such that in the event of abandonment a large amount would continue to move by rail with a consequent small impact on system revenues.
6. An approach to the N.H.P.U.C. affords little prospect of sympathetic consideration or relief.
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Concord - Contoocook - Emerson - Bradford
Claremont Jct. - Newport combined with Claremont
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-5-

February 24, 1954

The Retirement Committee is of the opinion that the questions raised and the propositions set out above call for renewed consideration as to policy. They request that Management advise as to further development of this matter.

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H. C. Archibald
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Glacy
Phillips
Smith
Bixler
A. S. Baker

H.C.A.
Jackson
Bleakney
Struckoff
Hitchings
Foster
Cowan
Heard

Willard
Dwyer
Petersen
Archibald
Spofford (10)

R9113

BOSTON, March 11, 1954

Mr. J. M. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of February 1954 as the result of passenger train operations on the above Branch.

R T Damon
General Claim Agent

WC;MK

CC-Mr. R. G. Bleakney, Jr.

K

BOSTON, March 11, 1954

Mr. J. M. Peterson
Bureau of Statistics

Re: Claremont Branch

I wish to advise that no expense was incurred by this department during the month of February 1954 as the result of passenger train operations on the above Branch.

General Claim Agent
C

WC;MK

CC-Mr. R. G. Bleakney, Jr.

Boston, Mass., April 15, 1954

Mr. Glacy
Mr. Rourke
Mr. Mullaney
Mr. Edgar:

I am enclosing statements of revenues and out-of-pocket expenses for the operation of Claremont Branch trains 3803 and 3808 for January and February and nine months June, 1953 to February, 1954 inclusive.

Copy to Mr. Archibald
Mr. Spofford
Mr. A. S. Baker
Mr. W. Haynes
Mr. Blose
Mr. Heard
Mr. Dwyer
Mr. Hitchings
Mr. Foster
Mr. Bleakney ✓
Mr. Riley
Mr. Struckhoff

Jan Peters

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expenses of Passenger
Trains Nos. 3803 and 3808 on Claremont Branch

Month of January, 1954
(26 Working Days)

<u>Revenues:</u>	<u>Actual</u>	<u>Average Per Day</u>
Passenger	\$ 348.20	\$ 13.39
Baggage	---	---
Mail	914.16	35.16
Express	349.24	13.43
Other Passenger-Train (Newspapers)	.78	.03
Milk	1.72	.07
Miscellaneous	---	---
Total Operating Revenues	<u>\$1614.10</u>	<u>\$ 62.08</u>
 <u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$1924.35	\$ 74.01
Train Enginemen	478.82	18.42
Train Fuel	351.55	13.52
Trainmen	844.10	32.47
Train Supplies and Expenses	154.34	5.94
Other Expenses (Detail below)		
Maintenance of Way Passenger Proportion 40.85%	2552.29	98.16
Emergency Expense a/c Failure Jan. 18 and 20		
Train Enginemen	\$83.49	
Trainmen	32.87	
Diesel Loco. Repairs	36.40	
Diesel Fuel	<u>35.50</u>	
Total Emergency	<u>188.26</u>	<u>7.24</u>
Total Out-of-Pocket Operating Expenses	<u>\$6493.71</u>	<u>\$249.76</u>
Net Out-of-Pocket Loss from Railway Passenger Service Operations	<u>\$4879.61</u>	<u>\$187.68</u>
 Number of Passengers Carried	 335	 13
Number of Trips - 26 each train	52	2

Grew Wages include Payroll Taxes
*Does not include Classified Shop Repairs

April 14, 1954

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expenses of Passenger
Trains Nos. 3803 and 3808 on Claremont Branch

Month of February, 1954
(24 Working Days)

	Actual	Average Per Day
<u>Revenues:</u>		
Passenger	\$ 357.01	\$ 14.87
Baggage	---	---
Mail	849.74	35.41
Express	334.46	13.94
Other Passenger-Train (Newspapers)	.74	.03
Milk	.60	.02
Miscellaneous	---	---
 Total Operating Revenue	 <u>\$1542.55</u>	 <u>\$64.27</u>
 <u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$ 405.30	\$16.89
Train Enginemen	435.75	18.16
Train Fuel	312.84	13.03
Trainmen	828.42	34.52
Train Supplies and Expenses	204.97	8.54
Other Expenses (Detail below)		
Maintenance of Way Passenger Proportion 38.33%	<u>2444.64</u>	<u>101.86</u>
 Total Out-of-Pocket Operating Expenses	 <u>\$4631.92</u>	 <u>\$193.00</u>
 Net Out-of-Pocket Loss from Railway Passenger Service Operations	 <u>\$3089.37</u>	 <u>\$128.73</u>
 Number of Passengers Carried	325	14
Number of Trips - 24 each train	48	2

Crew Wages include Payroll Taxes

*-Does not include Classified Shop Repairs

April 14, 1954

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expenses of Passenger
Trains Nos. 3803 and 3808 on Claremont Branch

Period of June 10, 1953 to February 28, 1954 Inclusive
(226 Working Days)

	Actual	Average Per Day
<u>Revenues:</u>		
Passenger	\$ 5,507.92	\$ 24.57
Baggage	3.38	.01
Mail	8,422.34	37.27
Express	2,985.92	13.21
Other Passenger-Train (Newspapers)	30.72	.14
Milk	9.54	.04
Miscellaneous	---	---
Total Operating Revenues	<u>\$16,959.82</u>	<u>\$ 75.04</u>
<u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$ 6,868.08	\$ 30.39
Train Enginemen	4,133.81	18.29
Train Fuel	2,896.27	12.82
Trainmen	7,172.84	31.74
Train Supplies and Expenses	1,229.23	5.44
Other Expenses (Detail below)		
Maintenance of Way - Passenger Proportion	26,637.64	117.87
Claim Paid for Injury to Passenger	150.00	.66
Repairs - Diesel Loco. 8/13-8/25 and 12/14 account breakdown	76.84	.34
Fuel for these Diesels	39.30	.17
Car Repairs - 6 coaches playground party	56.02	.25
Emergency Expenses 1/18 and 1/20 a/c breakdown	188.26	.83
Total Out-of-Pocket Operating Expenses	<u>\$ 49,448.29</u>	<u>\$218.80</u>
Net Out-of-Pocket Loss from Railway Passenger Service Operations	<u>\$ 32,488.47</u>	<u>\$143.76</u>
Number of Passengers Carried	6,553	29
Number of Trips	452	2

Crew Wages include Payroll Taxes
*--Does not include Classified Shop Repairs

April 15, 1954

BOSTON, April 21, 1954

Mr. J.M. Peterson:

Re: Claremont Branch

4

I wish to advise that no expense was incurred by this Department during the month of March 1954 as a result of passenger train operations on the above Branch.

WC:MK

General Claim Agent
C

CC-Mr. R. G. Bleakney, Jr.

BOSTON, May 12, 1954

Mr. J. M. Peterson:

Re: Claremont Branch

I wish to advise that no expense was incurred
by this department during the month of April 1954 as a result
of passenger train operations on the above Branch.

WC:MK

General Claim Agent

c

CC-Mr. R. G. Bleakney, Jr.

Boston, Mass., May 26, 1954

Mr. Glacy
Mr. Rourke
Mr. Mullaney
Mr. Edgar
Mr. Bixler

I am enclosing statement of revenues and
out-of-pocket expenses for passenger service on the
Claremont Branch for the month of March, 1954.

Jim Peterson

Copy to Mr. Archibald
Mr. Spofford
Mr. A.S. Baker
Mr. W. Haynes
Mr. Bloss
Mr. Heard
Mr. Dwyer
Mr. Hitchings
Mr. Foster
Mr. Bleakney
Mr. Riley
Mr. Struckhoff

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expenses of Passenger
Trains Nos. 3803 and 3808 on Claremont Branch

Month of March, 1954
(27 Working Days)

	<u>Actual</u>	<u>Average Per Day</u>
<u>Revenues:</u>		
Passenger	\$ 330.76	\$ 12.25
Baggage	---	---
Mail	963.19	35.67
Express	376.28	13.94
Other Passenger-Train (Newspapers)	.84	.03
Milk	.68	.03
Miscellaneous	---	---
 Total Operating Revenues	 <u>\$1,671.75</u>	 <u>\$ 61.92</u>
 <u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$ 628.34	\$ 23.27
Train Enginemen	487.69	18.07
Train Fuel	345.25	12.79
Trainmen	865.93	32.07
Train Supplies and Expenses	226.33	8.38
Other Expenses (Detail below)		
Maintenance of Way Passenger Proportion-38.99%	3,123.66	115.69
 Total Out-of-Pocket Operating Expenses	 <u>\$5,677.20</u>	 <u>\$210.27</u>
 Net Out-of-Pocket Loss from Railway Passenger Service Operations	 <u>\$4,005.45</u>	 <u>\$148.35</u>
 Number of Passengers Carried	 312	 12
Number of Trips - 27 each train	54	2

Crew Wages include Payroll Taxes

*-Does not include Classified Shop Repairs

A14170
BOSTON, June 16, 1954

Mr. J.M. Peterson:

Re: Claremont Branch 4

I wish to advise that no expense was incurred by this department during the month of May 1954 as a result of passenger train operations on the above Branch.

General Claim Agent
c

WC:MK

CC-Mr. R. G. Bleakney, Jr.

Boston, Mass., June 14, 1954

Mr. Glacy
Mr. Bourke
Mr. Mullaney
Mr. Edgar
Mr. Bixler

I am enclosing statement of revenues and
out-of-pocket expenses for passenger service on the
Claremont Branch for the month of April, 1954.

Jim Peters

Copy to Mr. Archibald
Mr. Spofford
Mr. A.S. Baker
Mr. W. Haynes
Mr. Bloss
Mr. Heard
Mr. Dwyer
Mr. Hitchings
Mr. Foster
Mr. Bleakney ✓
Mr. Riley
Mr. Struckhoff

BOSTON AND MAINE RAILROAD

Statement of Actual Operating Revenues and Out-of-Pocket Expenses of Passenger
Trains Nos. 3803 and 3808 on Claremont Branch

Month of April, 1954
(26 Work Days)

	<u>Actual</u>	<u>Average per Day</u>
<u>Revenues:</u>		
Passenger	\$ 364.37	\$ 14.01
Baggage	---	---
Mail	945.76	36.38
Express	362.34	13.94
Other Passenger-Train (Newspapers)	1.25	.05
Milk	.86	.03
Miscellaneous	---	---
Total Operating Revenues	<u>\$1674.58</u>	<u>\$64.41</u>
<u>Out-of-Pocket Expenses:</u>		
*Passenger-Train Cars-Maintenance and Inspection	\$ 590.07	\$22.70
Train Enginemen	506.83	19.49
Train Fuel	295.77	11.38
Trainmen	855.39	32.90
Train Supplies and Expenses	221.36	8.51
Other Expenses (Detail below)		
Maintenance of Way Passenger Proportion 40.02%	<u>5623.37</u>	<u>216.28</u>
Total Out-of-Pocket Operating Expenses	<u>\$8092.79</u>	<u>\$311.26</u>
 Net Out-of-Pocket Loss from Railway Passenger Service Operations	 <u>\$6418.21</u>	 <u>\$246.85</u>
 Number of Passengers Carried	 377	 15
Number of Trips-26 trips each train	52	2

Crew Wages include Payroll Taxes

*-Does not include Classified Shop Repairs

June 14, 1954

A 141-10-N-17

BOSTON, July 12, 1954

Mr. J.M. Peterson:

Re: Claremont Branch

I wish to advise that no expense was incurred by this Department during the month of June 1954 as the result of passenger train operations on the above Branch.

WC/MK

General Claim Agent

CC-Mr. R. G. Bleakney, Jr.