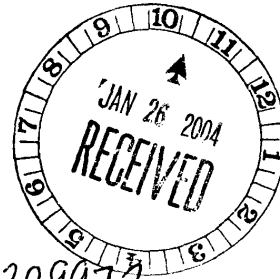


BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. 32 (Sub No. 97X) - 209977
DOCKET NO. AB 355 (Sub No. 29X) - 209978

BOSTON & MAINE CORPORATION
SPRINGFIELD TERMINAL RAILWAY COMPANY
-ABANDONMENT AND DISCONTINUANCE OF SERVICE-
TEWKSBURY BRANCH, MIDDLESEX COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

ENTERED
Office of Proceedings
JAN 28 2004
Part of
Public Record

FILED

JAN 27 2004

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED

JAN 27 2004

**SURFACE
TRANSPORTATION BOARD**

Katherine E. Potter, Esq.
Law Department
Iron Horse Park
North Billerica, MA 01862

Counsel for:
BOSTON & MAINE
CORPORATION

SPRINGFIELD TERMINAL
RAILWAY COMPANY

Dated: January 24, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 32 (Sub No. 97X)
DOCKET NO. AB 355 (Sub No. 29X)

BOSTON & MAINE CORPORATION
SPRINGFIELD TERMINAL RAILWAY COMPANY
-ABANDONMENT AND DISCONTINUANCE OF SERVICE-
TEWKSBURY BRANCH, MIDDLESEX COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

Boston & Maine Corporation (the "B&M") and the Springfield Terminal Railway Company ("ST") file this Verified Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption seeks to abandon and discontinue service by B&M and ST over a line of railroad known as the Tewksbury Branch in Tewksbury, Massachusetts, extending from railroad milepost 0.0 to milepost .75, in Middlesex County¹. In accordance with the aforementioned regulations, B&M and ST make the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this discontinuance is March 16, 2004.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.

3. Information required in Section 1152.22(a)(1-4), (7), (8) and (e)(4).

(a) General.

(1) Exact name of applicant.

Boston & Maine Corporation
Springfield Terminal Railway Company

¹ ST acquired its leasehold interest in the Line from the B&M in 1988 pursuant to a decision by the Interstate Commerce Commission. Finance Docket No. 30965; Delaware and Hudson Railway Company - Lease and Trackage Rights Exemption - Springfield Terminal Railway Company (Decided February 17, 1988).

- (2) Whether applicant is a common carrier by railroad subject to the Interstate Commerce Act.

B&M and ST are common carriers by railroad subject to the Interstate Commerce Act.

- (3) Relief sought.

B&M and ST seek to abandon and discontinue service over the line.

- (4) Detailed map of the line.

Map is attached hereto as Exhibit A

- (7) Name, title and address of representative of applicant to whom correspondence should be sent.

Katherine E. Potter, Esq.
Boston & Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

- (8) United States Postal Service Zip Codes that the line traverses.

Zip Code 01876

- (e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

B&M and ST are unsure about the suitability of the Line for public non-rail purposes. Prior to the effective date of this abandonment and discontinuance, title to the Line will be acquired by third parties.

4. The Level of Labor Protection.

B&M and ST understand that, in exempting the proposed abandonment and discontinuance, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. § 1152.50(c). Accordingly, B&M and ST anticipate that the Board will impose the conditions set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979), for the benefit of employees who may be adversely affected by the proposed abandonment and discontinuance.

5. Certificate of Compliance with the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historical Report.

The Environmental/Historical Report required by 49 C.F.R. 1105.7 and 1105.8 is attached as Exhibit D to this Notice of Exemption. Attached, as Exhibit E, is a certificate affirming B&M and ST's compliance with 49 C.F.R. 1105.11.

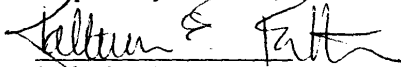
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published on January 16, 2004. An affidavit of publication from this newspaper is attached.

8. Verification

The required verification is set forth as Exhibit F to this Notice of Exemption.

Respectfully submitted,



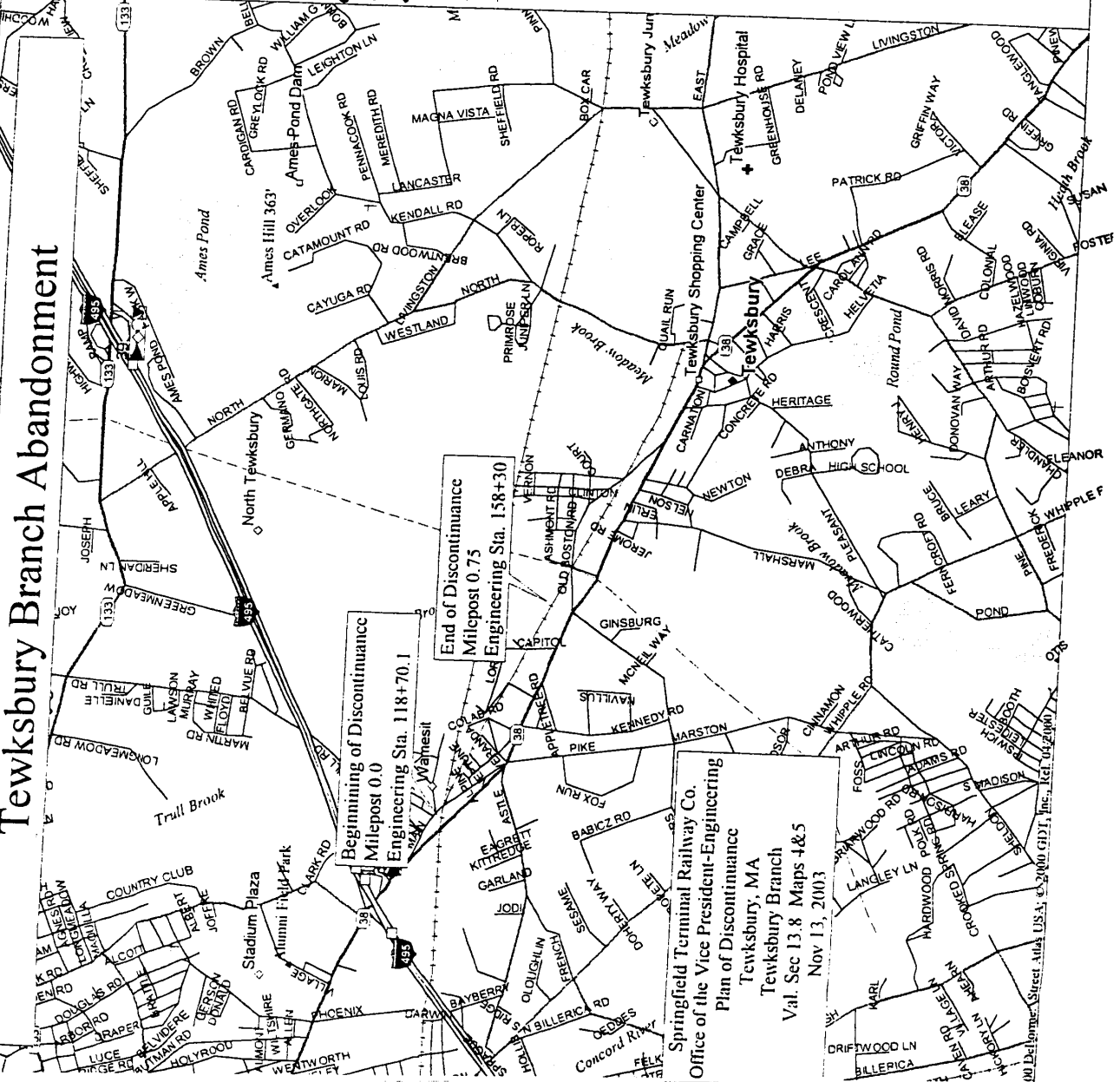
Katherine E. Potter
Staff Attorney
Boston & Maine Corporation
Springfield Terminal Railway Company
Iron Hors Park
North Billerica, MA 01862

Dated: January 24, 2004

Tewksbury Branch Abandonment

Mag 14.00
Thu Nov 13 11:50 2003
Scale 1:31,250 (at center)
2000 Feet
1000 Meters

- Local Road
- Exit/Gas
- Exit/Lodging
- Exit/Food
- Interstate/Limited Access
- Major Connector
- State Route
- Exit
- Utility/Pipe
- Railroad
- Point of Interest
- Small Town
- Summit
- Hospital
- Park/Reservation
- Exit/Other Services
- Locale
- Cemetery
- County Boundary
- Land
- Water
- River/Canal
- Intermittent River



Springfield Terminal Railway Co.
Office of the Vice President-Engineering
Plan of Discontinuance
Tewksbury Branch
Val. Sec 13.8 Maps 4&5
Nov 13, 2003

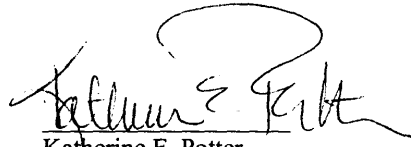
00 Delorme Street Atlas USA, © 2000 GDT, Inc. Not to Scale

EXHIBIT B

CERTIFICATION REQUIRED

IN 49 C.F.R. SECTION 1152.50(b)

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line, which is the subject of the Notice of Exemption in Docket No. AB 32 (Sub No. 97X) and Docket No. 355 (Sub. No. 29X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; and (2) there is no overhead traffic on the line; and (3) no formal complaint filed by a user of rail service on the line (or state or local agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of the Boston & Maine Corporation and the Springfield Terminal Railway Company by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.



Katherine E. Potter

Dated: January 23, 2004

EXHIBIT C

CERTIFICATE OF COMPLIANCE WITH
NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50 (d)(1)

In accordance with 49 C.F.R. Section 1152.50(d)(2), I hereby certify that:

On January 14, 2004, I caused to be served by U.S. first-class mail, postage pre-paid, the notice required by 49 C.F.R. Section 1152.50(d)(1), upon:

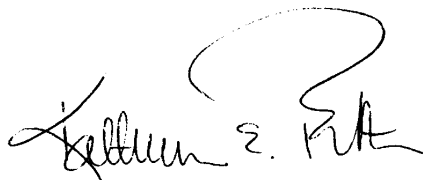
Brian Cristy
Director, Transportation Division
Commonwealth of Massachusetts
Department of Telecommunications
and Energy
One South Station
Boston, MA 02110

Office of Special Assistant for
Transportation Engineering
Railroads for National Defense Program
Military Traffic Management Command
Transportation Engineering Agency
720 Thimble Shoals Blvd. - Suite 130
Newport News, VA 23606-2574

Marie Rust
Regional Director
National Park Service, NE Region
Recreation Resources Division
U.S. Customs House
200 Chestnut St., 5th Floor
Philadelphia, PA 19106

Dale Bosworth
Chief of Forest Service
U.S. Department of Agriculture
P.O. Box 96090
Washington, DC 20090-6090

Dated: January 23, 2004


Katherine E. Potter



**BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY**

**IRON HORSE PARK
NO. BILLERICA, MASS. 01862**

FILE COPY

**LAW DEPARTMENT
(978) 663-1215
Fax (978) 663-1213**

January 14, 2004

To: Service List

**Re: Boston & Maine Corporation and Springfield Terminal Railway Company -
-Abandonment and Discontinuance of Service ---
Over Portion of Tewksbury Branch -
Middlesex County, Massachusetts
Docket No. AB 32 (Sub No. 97X)
Docket No. AB 355 (Sub No. 29X)**

Ladies and Gentlemen:

In accordance with the Surface Transportation Board's regulations at 49 CFR § 1152.50(d)(1), the Boston & Maine Corporation and the Springfield Terminal Railway Company hereby gives notice that on or about January 25, 2004 it intends to file with the Surface Transportation Board, Washington, D.C. 20423 a Notice of Exemption. Said Notice will seek permission for the abandonment and discontinuance of service on a portion of the so-called Tewksbury Branch (the "Line") in Tewksbury, Massachusetts, extending from railroad milepost 0.0 to milepost .75, which traverses through United States Postal Service ZIP Code 01876, a distance of $\frac{3}{4}$ of a mile, in Middlesex County, Massachusetts. A map depicting the Line is attached. If permitted by the Board, the exempt procedure permitted by Subpart F of 49 CFR § 1152 will be used.

Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting such documentation.

Sincerely,

Katherine E. Potter
Staff Attorney

Enclosure

TEWKSBURY BRANCH SERVICE LIST

AB 32 (Sub No. 97X)

AB 355 (Sub No. 29X)

Brian Cristy
Director, Transportation Division
Department of Telecommunications
and Energy
One South Station
Boston, MA 02110

Office of Special Assistant for
Transportation Engineering
Railroads for National Defense Program
Military Traffic Management Command
Transportation Engineering Agency
720 Thimble Shoals Blvd. - Suite 130
Newport News, VA 23606-2574

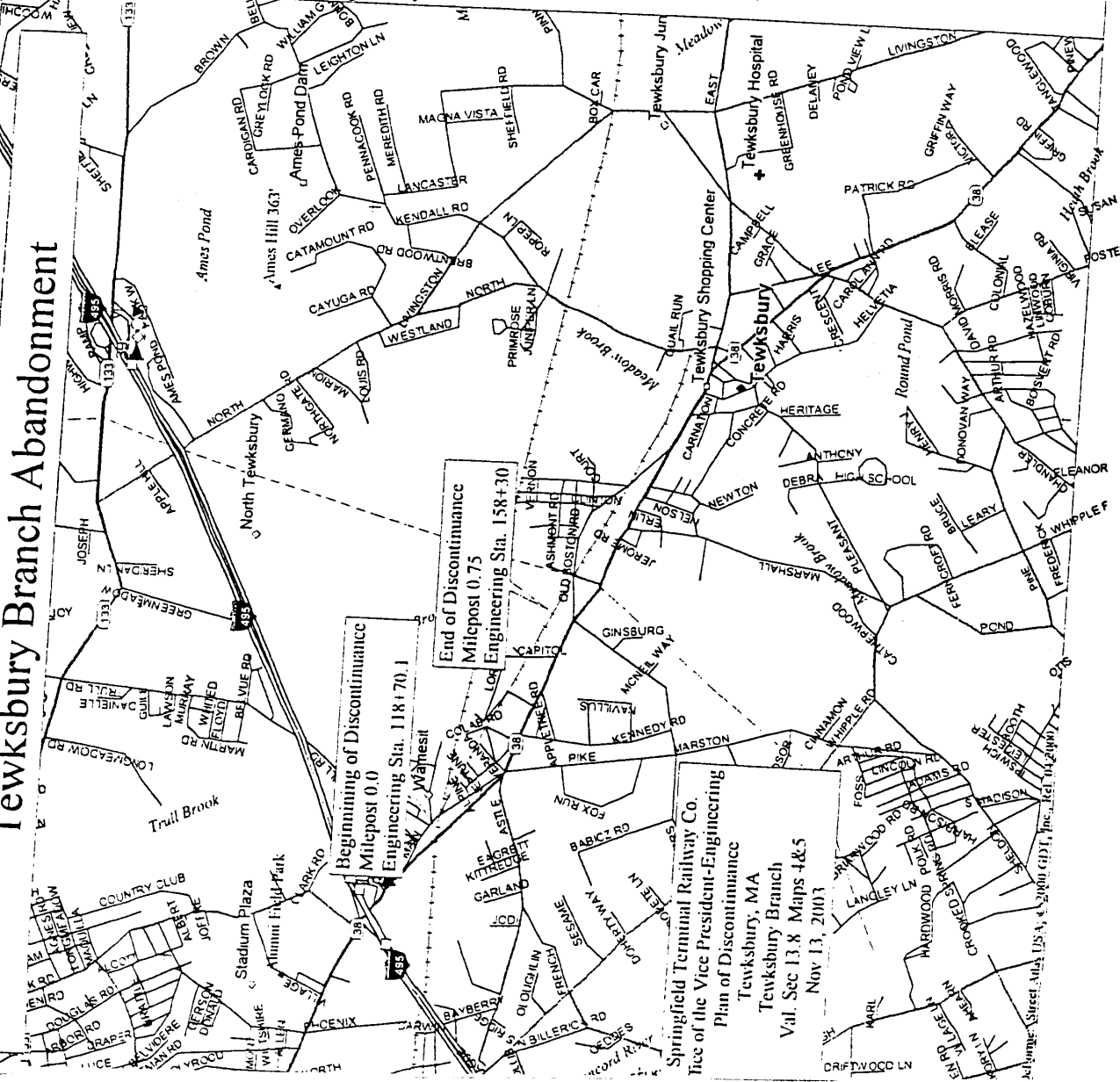
Marie Rust
Regional Director
National Park Service
U.S. Custom House
200 Chestnut St., 5th Floor
Philadelphia, PA 19106

Dale Bosworth
Chief of Forest Service
U.S. Department of Agriculture
P.O. Box 96090
Washington, DC 20090-6090

Tewksbury Branch Abandonment

Mag 14.00
Thu Nov 13 11:50 2003
Scale 1:31,250 (at center)
2000 Feet
1000 Meters

- Local Road
- Exit/Gas
- Exit/Lodging
- Exit/Food
- Interstate/Limited Access
- Major Connector
- State Route
- Exit
- Utility/Pipe
- Railroad
- Point of Interest
- Small Town
- Summit
- Hospital
- Park/Reservation
- Exit/Other Services
- Locale
- Cemetery
- County Boundary
- Land
- Water
- River/Canal
- Intermittent River



Springfield Terminal Railway Co.
Tewksbury Branch
Plan of Discontinuance
Vil. Sec 13 & 14 Maps 4&5
Nov 13, 2003

TEWKSBURY BRANCH
ENVIRONMENTAL/HISTORICAL REPORT

Docket No. AB 32 (Sub No. 97X)

Docket No. AB 355 (Sub No. 29X)

I. ENVIRONMENTAL REPORT

The following information is provided in accordance with 49 C.F.R.
§ 1105.7 (e):

(1) Proposed Action and Alternatives

The Boston and Maine Corporation ("B&M") and the Springfield Terminal Railway Company ("ST") (collectively the "Applicants") propose to abandon and discontinue service over a $\frac{3}{4}$ mile portion of the so-called "Tewksbury Branch" line of railroad (the "Line"). A map of the proposed abandonment and discontinuance has previously been provided to all parties receiving this report, and is attached as Exhibit A.

Due to the inability to generate traffic over the Line, there is no reasonable alternative to abandonment and discontinuance.

(2) Transportation System

There will be no substantial effect on existing regional or local transportation systems or patterns.

There is no passenger or freight traffic on the Line. Any traffic previously moving over the Line was rerouted more than two years ago. Prior to the effective date of this abandonment and discontinuance, portions of the Line will be acquired by third parties.

(3) Land Use

(i) The Applicants believe that the proposed action is consistent with and in furtherance of local land use plans.

(ii) The Applicants believe the proposed action will have no effect or adverse impact on any prime agricultural land.

(iii) This action is outside the boundary of the Massachusetts coastal zone.

(iv) In light of the fact that title to the Line proposed for abandonment and discontinuance will be sold to third parties, Applicants are unsure whether the right-of-way is suitable for alternative public use under 49 U.S.C. 10906. (See Item I (2) above).

(4) **Energy**

(i) The transportation of energy resources will not be affected by the proposed action.

(ii) The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

(iii) The proposed action will increase overall energy efficiency in that it will allow Applicants to eliminate their potential responsibility for costly and energy-consuming maintenance operations for an unused portion of line.

(iv) The proposed action will not cause a diversion from rail to motor carrier in excess of the threshold levels set forth at § 1105.7 (e)(4)(iv)(A) or (B).

(5) **Air**

The proposed action will not result in any of the increases set forth at § 1105.7 (e)(5).

(6) **Noise**

The proposed action will not result in or exceed any of the thresholds set forth at § 1105.7 (e)(6).

(7) **Safety**

(i) The proposed action will have no adverse effect on public health and safety.

(ii) No hazardous materials will be diverted to highway transportation.

(iii) No known hazardous waste sites or spills exist on the Line.

(8) **Biological Resources**

(i) Applicants know of no endangered or threatened species or critical habitats that will be affected by the proposed action. The Applicants requested comments from the U.S. Fish and Wildlife Service in this regard. The Service responded and has advised Applicants that "no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s)."

(ii) Applicants believe no national or state parks or forests will be affected by the proposed action.

(9) **Water**

(i) The Applicant contemplates no action inconsistent with federal, state and/or local water quality standards.

(ii) The Applicant does not believe the proposed action will require any permits under § 404 of the Clean Water Act. No salvage operations will be undertaken. No designated wetlands or 100-year flood plains will be affected by the proposed action.

(iii) Permits under § 402 of the Clean Water Act are not required for the proposed action. However, no salvage operations will be undertaken.

(10) **Proposed Mitigation**

Because no adverse environmental impacts are expected to result from the proposed action, no mitigation will be needed or is planned.

(11) **Additional Information for Rail Constructions**

The proposed action is not a rail construction proposal, so this section does not apply.

II. HISTORIC REPORT

The following information is provided in accordance with 49 C.F.R.

§ 1105.8 (d):

(1) Maps

A topographical map is attached hereto as Exhibit B.

(2) Description of Right-of-Way

The portion of Line at issue is approximately $\frac{3}{4}$ of a mile in length. The width of the right-of-way is, with occasional variations, approximately 66 feet. The attached topographic map indicates the Line's topography.

(3) Photographs of Railroad Structures

The Applicants knows of no significant railroad structures on the Line that are 50 years or older. The Applicants have made written request for comments from the Massachusetts Historical Commission with regard to the anticipated effect of the proposed action on historical resources. The Historical Commission has responded and advised the "this project is unlikely to affect significant historic or archaeological resources."

(4) Construction Dates

Not applicable.

(5) History of Operations

The Line was constructed in the late 1850's. Portions of the Line were acquired in the late 1840's and early 1850's with location rights in other areas. Remainder of right-of-way was acquired in early 1900's. It served as part of a local system of branch lines. No local or overhead traffic has moved over the Line for at least two years. The proposed abandonment will not affect carrier operations in the area.

(6) **Summary of Useful Documents**

The Applicants possess standard valuation maps of all portions of the Line, which indicate any and all culverts, bridges, and other structures that may exist.

(7) **Opinion as to Historical Significance**

The Applicants know of no significant structures on the Line (such as bridges, trestles, stations, tunnels, track supports, etc.) that are 50 years or older. The Applicants are not aware of any culturally significant locations, archaeological sites or unique landforms located along the Line or that will be affected by the proposed action.

(8) **Description of Prior Subsurface Disturbance**

The Applicants know of no prior subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

III. CERTIFICATE OF SERVICE

This certifies that the Applicants have served copies of this Environmental/ Historical Report upon and, prior to such service, consulted, or attempted to consult, with the following parties:

**Environmental/Historical Report Service List
Tewksbury Branch - AB 32 (Sub No. 97X); AB 355 (Sub No. 29X)**

Debra Jean, CDBG
Financial Assistant
Department of Housing and
Community Development
One Congress Street, 10th Floor
Boston, MA 02114

Bill Gaughan
Regional Director
Commonwealth of Massachusetts
Department of Environmental Protection
Northeast Regional Office
205 Lowell Street
Wilmington, MA 01887

Jane W. Mead
Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Coastal Zone Management Program
251 Causeway Street, Suite 900
Boston, MA 02114-2138

David Cressman
Town Manager
Town of Tewksbury
Town Hall
1009 Main Street
Tewksbury, MA 01876

Stephan Perkins
Office Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
New England, Region 1
1 Congress St., Suite 1100
Boston, MA 02114-2023

Michael Amaral
Endangered Species Specialist
New England Field Office
U.S. Department of Interior
Fish & Wildlife Service
70 Commercial Street - Suite 300
Concord, NH 03301-5087

Larry Rosenberg
Chief, Public Affairs Office
New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Regional Director
Northeast Region
National Park Service
U.S. Customs House
200 Chestnut St., 5th Floor
Philadelphia, PA 19106

Dan Lenthall
District Conservationist
USDA - NRCS
319 Littleton Road - Suite 205
Westford, MA 01886-4133

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA, N/NGS2
1315 East-West Highway
Silver Spring, MD 20910-3293

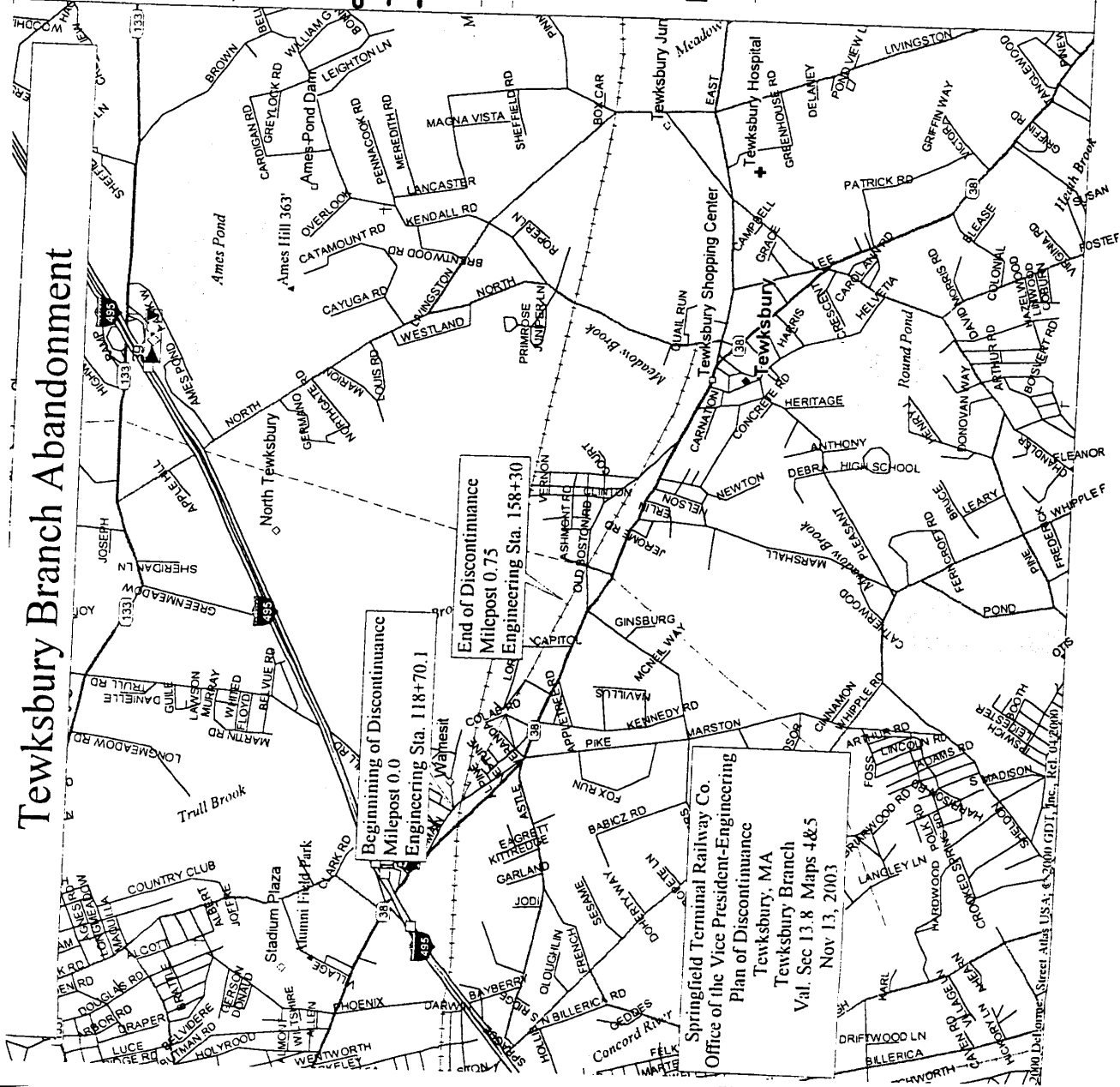
Ann M. Lattinville
Director of Architectural Review
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125

EXHIBIT A

Tewksbury Branch Abandonment

Mag 14.00
Thu Nov 13 11:50 2003
Scale 1:31,250 (at center)
2000 Feet
1000 Meters

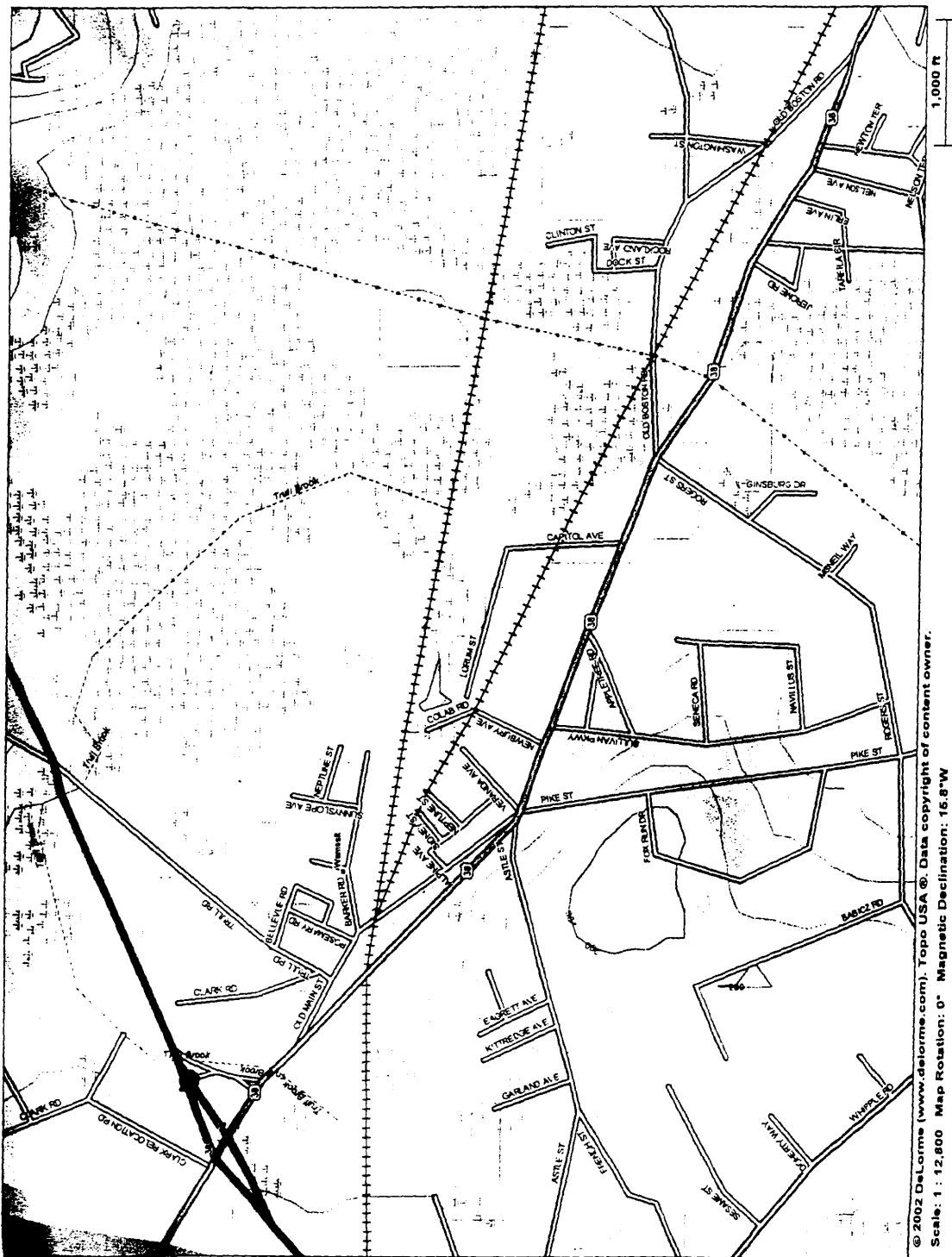
- Local Road
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- Exit/Lodging
- Exit/Food
- Interstate/Limited Access
- Major Connector
- State Route
- Exit
- Utility/Pipe
- Railroad
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- Small Town
- Summit
- Hospital
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- Exit/Other Services
- Locale
- Cemetery
- County Boundary
- Land
- Water
- River/Canal
- Intermittent River



Springfield Terminal Railway Co.
Office of the Vice President-Engineering
Plan of Discontinuation
Tewksbury, MA
Tewksbury Branch
Val. Sec 13.8 Maps 4&5
Nov 13, 2003

2000 Delorme Street Atlas USA, 43000 GDT, Inc. Ref. 04/2000

EXHIBIT B



APPENDIX TO
ENVIRONMENTAL/HISTORICAL REPORT



BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

RECEIVED

NOV 25 2003

MASS. HIST. COMM

LAW DEPARTMENT
(978) 663-1215

To: Service List

Re: Tewksbury Branch Abandonment and Discontinuance of Service
AB 32 (Sub No. 97X)
AB 355 (Sub No. 29X)

Ladies and Gentlemen:

November 24, 2003

After review of MHC files and the materials you submitted, it has been determined that this project is unlikely to affect significant historic or archaeological resources.

Eric S. Johnson 12/3/03
Eric S. Johnson Date
Archaeologist/Preservation Planner
Massachusetts Historical Commission RC. 16163

The Boston and Maine Corporation and the Springfield Terminal Railway Company hereby give notice of their intention to file a Notice of Exemption with the Surface Transportation Board regarding the abandonment and discontinuance of a segment of the Tewksbury Branch railroad line. The segment is approximately $\frac{3}{4}$ of a mile in length and is located in Tewksbury, Massachusetts. A map depicting the portion of the line to be abandoned is attached.

In connection with the Notice of Exemption, federal regulations at 49 CFR §1105.7 and §1105.8 require that we prepare an Environmental/Historical Report after consulting with and gathering information from your office regarding the anticipated impact of the proposed action on environmental and historical resources. Your input is welcome. Because time is of the essence, however, kindly forward any comments and any relevant information to the undersigned at your earliest convenience, and in any event, no later than two weeks from receipt of this letter.

If you know of no adverse effect that the proposed abandonment and discontinuance of service will have, and/or do not object to the proposed action, please



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087



December 17, 2003

Reference:	<u>Project</u>	<u>Location</u>
	Railway abandonment	Tewksbury, MA

Katherine Potter
Boston & Maine Corporation
Iron Horse Park
No. Billerica, MA 01862

Dear Ms. Potter:

This responds to your recent correspondence requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your coordination. Please contact us at 603-223-2541 if we can be of further assistance. **In the future, please keep in mind that we have 30 days from receipt of requests to reply. Moreover, sending your requests to our Regional Office in Hadley, Massachusetts will only further delay your response, as they will forward your request to this office for processing.**

Sincerely yours,

Michael J. Amaral
Endangered Species Specialist
New England Field Office



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

DEC 3 2000

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of the Boston and Maine Corporation and the Springfield Terminal Railway Company for approximately 3/4 of a mile of the Tewksbury Branch railroad line located in Tewksbury, Middlesex County, Massachusetts, STB Docket No. - AB-32 (Sub-No. 97X), STB Docket No. AB-355 (Sub-No. 29X), has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 1 geodetic station marker have been identified that may be affected by the proposed abandonment; a listing of this marker is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for this geodetic marker, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
N/NGS1x1 - C. Crow
Katherine E. Potter, Boston & Maine Corporation,
Maine Central Railroad Company,
Springfield Terminal Railway Co.



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THE BOSTON AND MAINE CORPORATION AND
THE SPRINGFIELD TERMINAL RAILWAY COMPANY
IN TEWKSBURY, MIDDLESEX COUNTY, MASSACHUSETTS

STB DOCKET NO. AB-32 (SUB-NO. 97X)

STB DOCKET NO. AB-355 (SUB-NO.29X)

1 GEODETIC CONTROL MARK IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
MY0329	Q 1	N423727	W0711552



National Geodetic Survey - News Flash!



GEODETIC DATA AVAILABLE FREE ON THE INTERNET

Are you interested in getting the most current position, height, and descriptive information for all the geodetic control points in the National Spatial Reference System? Are you interested in getting this information immediately, free of cost, and whenever you want it? With an Internet connection, this information is yours to download.

The National Geodetic Survey's (NGS) data sheet contains position, height, and descriptive information for approximately 750,000 control points throughout the United States. The data sheet provides:

- ▶ The geodetic coordinates and the orthometric height for each point
- ▶ The horizontal and vertical datums on which the information is based
- ▶ State plane coordinates and Universal Transverse Mercator coordinates
- ▶ Modeled geoid height, ellipsoidal height, modeled gravity, and Laplace correction
- ▶ A description of the station's location and how to reach it

To obtain this information, set your Web browser to
http://www.ngs.noaa.gov/products_services.html

For more information contact:

NOAA, National Geodetic Survey, N/NGS12
1315 East-West Highway, Station 09202
Silver Spring, MD 20910

Telephone: (301) 713-3242; Fax: (301) 713-4172
Monday through Friday, 7:00 a.m. - 4:30 p.m., Eastern Time

<http://www.ngs.noaa.gov>



NGS: Tying America Together



BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY

FILE COPY

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

LAW DEPARTMENT
(978) 663-1215
FAX (978-663-1213

December 26, 2003

To: Service List

Re: **Tewksbury Branch Abandonment and Discontinuance of Service**
AB 32 (Sub No. 97X)
AB 355 (Sub No. 29X)

Ladies and Gentlemen:

On or about January 15, 2004, the Boston & Maine Corporation (the "B&M") and the Springfield Terminal Railway Company ("ST") will file a notice with the Surface Transportation Board ("STB") seeking an exemption for the abandonment and discontinuance of service over approximately $\frac{3}{4}$ of a mile portion of railroad track known as the Tewksbury Branch between milepost 0.0 and milepost .75 (the "Line"). The Line is located in Middlesex County, Massachusetts. Attached is an Environmental/Historical Report describing the proposed action and any expected environmental/historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about STB's environmental review process, please contact the Section of Environmental Analysis (SEA), 1925 K Street, NW, Washington, DC 20423, telephone (202) 565-1526 and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA would be appreciated within three (3) weeks. Additionally, please provide a copy of any comments to the undersigned at the above address.

Your comments will be considered by STB in evaluating the environmental/historical preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned at (978) 663-1215 or by mail at the above address.

Sincerely,

Katherine E. Potter
Staff Attorney

Enc.

EXHIBIT E

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11 AND 1105.7(b)

In accordance with 49 C.F.R. Section 1105.7(b), I hereby certify that on December 26, 2003, a copy of the Environmental/Historical Report was served upon the parties listed below, by first-class mail, postage prepaid:

Debra Jean, CDBG
Financial Assistant
Department of Housing and
Community Development
One Congress St., 10th Floor
Boston, MA 02114

Bill Gaughan
Regional Director
Commonwealth of Massachusetts
Department of Environmental Protection
Northeast Regional Office
205 Lowell Street
Wilmington, MA 01887

Jane W. Mead
Massachusetts Office of
Coastal Zone Management
251 Causeway Street, Suite 900
Boston, MA 02114-2138

David Cressman
Town Manager
Town of Tewksbury
Town Hall
1009 Main Street
Tewksbury, MA 01876

Stephan Perkins
Office Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
New England, Region 1
1 Congress St., Suite 1100
Boston, MA 02114-2023

Michael Amaral
Endangered Species Specialist
U.S. Department of Interior
Fish & Wildlife Service
70 Commercial Street - Suite 300
Concord, NH 03301-5087

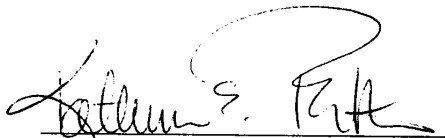
Larry Rosenberg
Chief, Public Affairs Office
New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Marie Rust
Regional Director
National Park Service
U.S. Custom House
200 Chestnut St., 5th Floor
Philadelphia, PA 19106

Dan Lenthall
District Conservationist
USDA - NRCS
319 Littleton Road - Suite 205
Westford, MA 01886-4133

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA, N/NGS2
1315 East-West Highway
Silver Spring, MD 20910-3293

Ann M. Latinville
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125



Katherine E. Potter

Dated: January 23, 2004

EXHIBIT F

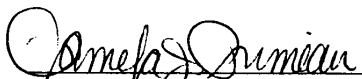
VERIFICATION

State of Massachusetts)
)
Middlesex County)

Katherine E. Potter, being duly sworn, states that she is a Staff Attorney for the Boston & Maine Corporation and the Springfield Terminal Railway Company; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB 32 (Sub No. 97X) and AB 355 (Sub No. 29X) on behalf of the Boston & Maine Corporation and the Springfield Terminal Railway Company; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.


Katherine E. Potter

Subscribed and sworn to before me,
a Notary Public in and for the State
and County above named, this
23rd day of January, 2004.


Notary Public

My Commission Expires: March 12, 2010

Ad Number 1ECT0050
Client:
ID: discontinue rail service
Classification: LEGAL NOTICES
Size: 2x50
Begin Date: 01/16/2004
End Date: 01/16/2004

SPRINGFIELD TERMINAL RAILW
IRON HORSE PARK
NO. BILLERICA, MA 01862

For inquiries regarding billing, please call: 617-929-2681. To place an ad: 617-929-1500

The Boston Globe

CERTIFIED

Below is your advertisement from THE BOSTON GLOBE, beginning 01/16/2004 and ending 01/16/2004, appearing 1 time(s) in the Classification, LEGAL NOTICES.

Thank you!

Boston Globe Advertising
01/16/04 10:06 AM

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

The Boston and Maine Corporation and the Springfield Terminal Railway Company give notice that on or about January 25, 2004, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a notice of exemption under 49 C.F.R. 1152 Subpart F - Exempt Abandonments permitting the abandonment and discontinuance of service over approximately ¼ of a mile portion of railroad track known as the Tewksbury Branch between milepost 0.0 and milepost .75 (the "Line"). The Line is located in Middlesex County, Massachusetts and traverses through United States Postal Service Zip Code 01876. The proceeding will be docketed as No. AB 32 (Sub No. 97X) and No. AB 355 (Sub No. 29X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-927-6211.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and ten (10) copies of any pleading that raises matters other than environmental issues (such as trail use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1104 3rd Street, N.W., Washington, DC 20423 (See 49 C.F.R. 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 C.F.R. 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use must be directed to the Board's Office of Congressional and Public Services at 202-565-1872. Copies of any comments or request for conditions should be served on:

Katherine E. Potter
Staff Attorney
Boston & Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

TO GLOBE NEWSPAPER CO., DR.

For Advertising in the BOSTON GLOBE

SPRINGFIELD TERMINAL RAIL
Iron Horse Park
North Billerica, MA 01862
Attn: Law Department

[illegible]

I, Catherine Sheedy hereby certify that I am *Classified Sales Representative* of the *Globe Newspaper Co.*, publishers of the *Boston Globe*; that the above advertisement has been inserted in said newspaper one time Friday, January 16, 2004 and that it is charged at the usual rates.

Catherine Sheedy

Boston, Mass January 16, 2004

Personally appeared before me *Catherine Sheedy* and made oath that the above statement subscribed to by her is true.....
Suffolk ss.

Notary Public
My Commission Expires

Commission Expires
03-08-2007

TO GLOBE NEWSPAPER CO., DR.

For Advertising in the BOSTON GLOBE

SPRINGFIELD TERMINAL RAILWAY COMPANY

Iron Horse Park

North Billerica, MA 01862

Attn: Law Department

LEGAL NOTICE

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

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Katherine E. Potter
Staff Attorney
Boston & Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

Newspaper
Newspaper one

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I, Catherine Sheedy hereby certify that I Co., publishers of the Boston Globe; that the time Friday, January 16, 2004 and that it is cl

Personally appeared before me Catherine Sheedy and made oath that the above statement subscribed to by her is true.....
Suffolk ss.

Ann C. Wiegner
Notary Public
My Commission Expires
03-08-2007