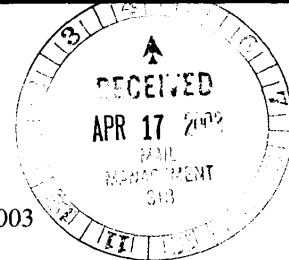




BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

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



April 15, 2003

VIA FEDERAL EXPRESS

207652

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

FEE RECEIVED

APR 17 2003

**SURFACE
TRANSPORTATION BOARD**

**Re: Springfield Terminal Railway Company --- Discontinuance of
Service --- Portion of Bemis Branch, Middlesex County, Massachusetts
Docket No. AB 355 (Sub No. 27X)**

Dear Secretary Williams:

Enclosed for filing in the above captioned proceeding is an original and ten copies of the **Verified Notice of Exemption** dated April 15, 2003. Additionally, please find a check in the amount of \$2700.00 representing the appropriate fee for filing.

Should you have any questions in regard to this filing, please contact the undersigned. Thank you for your assistance with this matter.

ENTERED
Office of Proceedings
APR 17 2003
Part of
Public Record

FILED
APR 17 2003
**SURFACE
TRANSPORTATION BOARD**

Respectfully submitted,

Katherine E. Potter
Attorney for Springfield
Terminal Railway Company

Enclosure

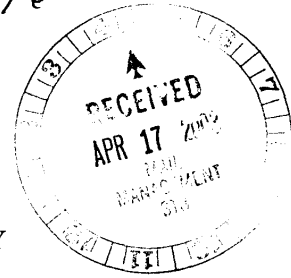
207652

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 355 (Sub No. 27X)

SPRINGFIELD TERMINAL RAILWAY COMPANY
-DISCONTINUANCE OF SERVICE-
PORTION OF BEMIS BRANCH, MIDDLESEX COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION



FEE RECEIVED

APR 17 2003

**SURFACE
TRANSPORTATION BOARD**

FILED

APR 17 2003

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

APR 1 2003

Part of
Public Record

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

Counsel for:
SPRINGFIELD TERMINAL
RAILWAY COMPANY

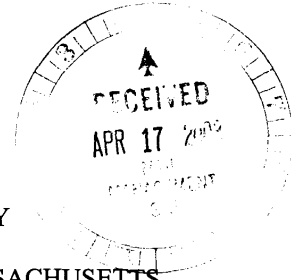
Dated: April 15, 2003

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 355 (Sub No. 27X)

SPRINGFIELD TERMINAL RAILWAY COMPANY
-DISCONTINUANCE OF SERVICE-
PORTION OF BEMIS BRANCH, MIDDLESEX COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION



Springfield Terminal Railway Company ("ST") files this Verified Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption seeks to discontinue operations by ST over a line of railroad known as the Bemis Branch in Waltham and Watertown, Massachusetts, extending from railroad milepost 8.83 to milepost 10.94, in Middlesex County¹. In accordance with the aforementioned regulations, ST makes 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 June 4, 2003.

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.

Springfield Terminal Railway Company

¹ ST acquired its leasehold interest in the Line from the Boston and Maine Corporation (the "B&M"), an affiliate of ST, 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). Twelve years later, in August of 2000, the B&M abandoned its interest in the Line. Boston and Maine Corporation – Abandonment – In Middlesex County, MA, Docket No. 32 (Sub No. 89), Decided August 11, 2000.

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

ST is a common carrier by railroad subject to the Interstate Commerce Act.

- (3) Relief sought.

ST seeks to 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.
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

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

Zip Codes 02451 and 02472.

- (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.

ST is unsure about the suitability of the Line for public non-rail purposes. Prior to the effective date of this discontinuance, title to the Line was or will be acquired by third parties.

4. The Level of Labor Protection.

ST understands that, in exempting the proposed 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, ST anticipates 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 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 Historic 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 ST's compliance with 49 C.F.R. 1105.11.

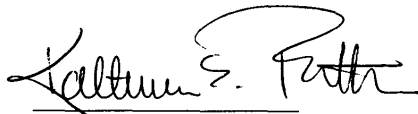
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published on April 8, 2003. 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
Springfield Terminal Railway Company
Iron Hors Park
North Billerica, MA 01862

Dated: April 15, 2003

EXHIBIT A

Mag 15.00
Mon Mar 31 13:52 2003
Scale 1:15,625 (at center)

1000 Feet

500 Meters

- Local Road
 US Highway
 Toll Highway
 Major Connector
 State Route
 Railroad
 Water
 River/Canal
 Intermittent River
 Proposed Abandonment

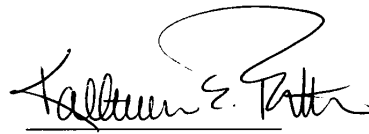


EXHIBIT B

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 subject of the Notice of Exemption in Docket No. AB 355 (Sub. No. 27X): (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 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: April 15, 2003

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:

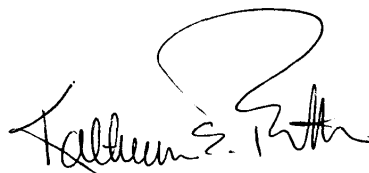
On April 1, 2003, I caused to be served by U.S. first-class mail, postage pre-paid, the notice required by 49 C.F.R. Section 1152.50(d)(1), upon:

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



Katherine E. Potter

Dated: April 15, 2003



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

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

FILE

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

April 1, 2003

To: Service List

**Re: Springfield Terminal Railway Company — Abandonment and
Discontinuance of Service — Over Portion of Bemis Branch —
Middlesex County, Massachusetts
Docket No. AB 355 (Sub No. 27X)**

Ladies and Gentlemen:

In accordance with the Surface Transportation Board's regulations at 49 CFR § 1152.50(d)(1), Springfield Terminal Railway Company hereby gives notice that on or about April 15, 2003 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 line of railroad known as the Bemis Branch (the "Line") in Waltham and Watertown, Massachusetts, extending from railroad milepost 8.83 to milepost 10.94, which traverses through United States Postal Service ZIP Codes 02451 and 02472, a distance of 2.11 miles, 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

BEMIS BRANCH SERVICE LIST
AB 355 (Sub No. 27X)

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

BEMIS BRANCH
ENVIRONMENTAL/HISTORICAL REPORT

Docket No. AB 355 (Sub No. 27X)

I. ENVIRONMENTAL REPORT

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

(1) **Proposed Action and Alternatives**

Springfield Terminal Railway Company ("ST") proposes to discontinue service over a portion of a line of railroad known as the Bemis Branch in Waltham and Watertown, Massachusetts, extending from railroad milepost 8.83 to railroad milepost 10.94, in Middlesex County. A map of the proposed discontinuance is attached.

ST acquired its leasehold interest in the Line from the Boston and Maine Corporation (the "B&M"), an affiliate of ST, in 1988, pursuant to a decision by the Interstate Commerce Commission.¹ Twelve years later, in August of 2000, the B&M abandoned its interest in the Line.² When the B&M filed its abandonment application, the relevant parties were notified of the proceeding and were provided the opportunity to participate in the drafting of the Environmental/Historical Report for this location. In preparation for this filing, ST notified the relevant parties and afforded them an opportunity to provide any comments in addition to or in lieu of those that were previously provided to the B&M.

¹ Finance Docket No. 30965; Delaware and Hudson Railway Company – Lease and Trackage Rights Exemption – Springfield Terminal Railway Company (Decided February 17, 1988).

For the purposes of this filing, ST intends to use a similar Environmental/Historical Report to the one used by the B&M in its abandonment proceeding. This proceeding arises from the same location and the Environmental/Historical Report will encompass the responses previously provided to the B&M, which are now a part of the abandonment application that has already been approved.

The B&M abandoned the Line due to the decrease in traffic over the line, the planned relocation of the major customer on the line, and the suitability of the area for private investment to promote the public benefit. Since the B&M abandoned the Line, there has been no request for service on the Line and the major customer did, in fact, relocate. Since there has been no business on the Line for at least two years, there is no reasonable alternative to a discontinuance of service by ST.

ST attaches to this Environmental/Historical Report as an Appendix all correspondence received from federal, state and local authorities and agencies regarding the proposed abandonment at this location that were provided in response to the B&M's request for comments. Additionally, ST attaches any additional comments that were provided in response to the request in this proceeding. This Environmental/Historical Report is based upon the information provided in both sets of responses.

(2) **Transportation System**

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

² Boston and Maine Corporation – Abandonment – In Middlesex County, MA, Docket No. AB 32 (Sub No. 89), Decided August 11, 2000.

(3) **Land Use**

(i) Based on available information, the proposed action will have no adverse effect on local land use plans.

(ii) Based on the available information, the proposed action will have no effect on any prime agricultural land.

(iii) This Environmental/Historical Report serves as actual notice of this proposal in accordance with 49 CFR § 1105.9.

(iv) Applicants are unsure whether the right-of-way is suitable for alternative public use under 49 U.S.C. 10906.

(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 ST to eliminate any potential responsibility for costly and energy-consuming maintenance operations for an unused portion of railroad 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) Based upon information provided by the United States Fish and Wildlife Service on March 21, 2000, ST knows of no endangered or threatened species or critical habitats that will be affected by the proposed action. The Service recently responded that their "original findings still stand."
- (ii) No national or state parks or forests will be affected by the proposed action.

(9) **Water**

- (i) ST is not contemplating any action inconsistent with federal, state and/or local water quality standards.
- (ii) ST does not believe the proposed action will require any permits under § 404 of the Clean Water Act. 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.

(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

The United States Department of the Interior Geological Survey topographic map is attached hereto identifying the location of the proposed action.

(2) Description of Right-of-Way

The portion of Line at issue is approximately 2.11 miles in length. The property lines vary in width from 30 feet wide to 83.5 feet wide in some locations. The attached topographic map indicates the Line's topography.

(3) Photographs of Railroad Structures

Photographs of two railroad structures located on the property that are at least 50 years old and of the surrounding area are attached.

(4) Construction Dates

The railroad structures were constructed in or about 1930. Applicant is not aware of any major alterations to these structures.

(5) History of Operations

The Line was constructed in the late 1840's and has historically served as part of a local system of branch lines. Access to the connection onto the Bemis Branch requires crossing Elm and Moody Streets, which are subject to heavy vehicular traffic. Additionally, the main line connecting to this branch line is used for daily commuter rail service.

(6) **Summary of Useful Documents**

The Applicant possesses 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 Applicant is unable to form an opinion as to the historical significance of the Line or the structures thereon. The Massachusetts Historical Commission was notified of the abandonment proceeding by the B&M and of this proceeding and asked to provide comment. At this time, no response has been received.

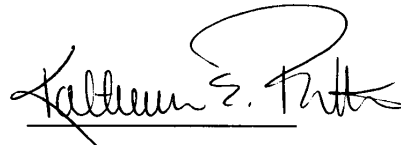
(8) **Description of Prior Subsurface Disturbance**

The Applicant knows 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 Applicant will serve copies of this Environmental/Historical Report upon and, prior to such service, consulted, or attempted to consult, with parties identified on the attached Service List:

This also certifies that the Applicant will serve a copy of this Environmental/Historical Report upon the Massachusetts Office of Coastal Zone Management providing actual notice of the proposal in accordance with 49 CFR § 1105.9.

A handwritten signature in black ink, appearing to read "Katherine E. Potter", written over a horizontal line.

Katherine E. Potter

Dated: April 15, 2003

**Environmental/Historical Report Service List
Bemis Branch AB 355 (Sub No. 27X)**

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 02214-2138

Suffolk County Commissioner
John W. McCormack Post Office &
Courthouse
90 Devonshire Street
Boston, MA 02109

Stephan Perkins
Office Director
Office of Environmental Stewardship
U.S. Environmental Protection
Agency
New England, Region 1
One Congress Street, 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

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

AB 355 (Sub No. 27X)

APPENDIX TO
ENVIRONMENTAL/HISTORICAL REPORT



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

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

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

March 21, 2003

To: Service List

Re: **AB 355 (Sub No. 27X)
Springfield Terminal Railway Company-- Abandonment and
Discontinuance of Service -- Over Portion of Bemis Branch --
Middlesex County, Massachusetts**

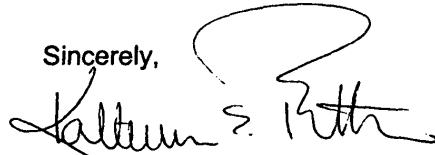
Ladies and Gentlemen:

On or about April 15, 2003, Springfield Terminal Railway ("ST") will file a petition with the Surface Transportation Board ("STB") seeking an exemption for the abandonment and discontinuance of service over a 2.11 mile segment of railroad known as the Bemis Branch between milepost 8.83 and milepost 10.94. The segment is located in Waltham and Watertown, Massachusetts. In the spring of 2000, the Boston & Maine Corporation (the "B&M"), an affiliate of ST, filed a similar application with the STB for the same line. As a result of that application, you were notified and provided the opportunity to participate in the drafting of the Environmental/Historical Report for this location. For the purposes of this filing, ST intends to use a similar Environmental/Historical Report, as it is the same location, which encompasses the responses you previously provided and is part of the B&M application that has already been approved by the STB.

However, should you have any additional comments, attached please find the 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,

A handwritten signature in cursive script, appearing to read "Katherine E. Potter", with a large, stylized flourish at the end.

Katherine E. Potter
Staff Attorney

Enclosure

**Environmental/Historical Report Service List
Bemis Branch AB 355 (Sub No. 27X)**

Donald Schmidt
Principal Land/Use Planner
Department of Housing and
Community Development
One Congress Street
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

Middlesex County Commissioner
Superior Court House
40 Thorndike Street
Cambridge, MA 02141

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

Andrew Major
Fish and Wildlife Biologist
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
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. Lattinville
Director of Architectural Review
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125



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

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

L11V - L71
1st Reg. 105

LAW DEPARTMENT
(978) 663-1029

February 29, 2000

To: Service List

Re: **Abandonment and Discontinuance of Service
over the of Bemis Branch
AB 32 (Sub No. 89X)**

Ladies and Gentlemen:

The Boston and Maine Corporation intends to file a Notice of Intent with the Surface Transportation Board regarding the abandonment of an approximate 2.11 mile segment line of railroad known as the Bemis Branch in Waltham and Watertown, Massachusetts. A map depicting the portion of the line to be abandoned is attached.

In connection with the Notice, federal regulations at 49 CFR §1105.7 and §1105.8 require that we prepare an Environmental/Historical Report after consulting with an 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, kindly forward any comments and any relevant information to me 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, I would appreciate your so notifying me in writing. Upon completion, I will send to your office a copy of the Environmental/Historical Report for review and comment.

Thank you for your cooperation. If you have any questions, please do not hesitate to call.

Sincerely,

Robert B. Culliford/pjp

Robert B. Culliford
Corporate Counsel

Enclosure

MASSACHUSETTS SERVICE LIST

Bemis Branch AB 32 (Sub No. 89X)
Environmental/Historical Report

Coastal Zone Management Program
Executive Office of Environmental Affairs
100 Cambridge Street - Room 2000
Boston, MA 02202

Director
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125

Robert S. Korpanty, P.E.
Senior Civil Engineer
Railroads for National Defense Program
Department of the Army
Military Traffic Management Command
Transportation Engineering Agency
720 Thimble Shoals Blvd. - Suite 130
Newport News, VA 23606-2574

Thomas Iurino
U.S. Department of the Interior
National Park Service
Land Resources Division
P.O. Box 37127 - Suite 540
Washington, D.C. 20013-7127

David Sherman
U.S. Department of Agriculture
Chief of Forest Service
P.O. Box 96090
Washington, D.C. 20090-6090

Department of Environmental Protection
Commonwealth of Massachusetts
1 Winter Street
Boston, MA 02108

State Clearinghouse
Department of Housing and
Community Development
One Congress Street, Suite 1001
Boston, MA 02114-2023

State Conservationist
USDA Soil Conservation Service
451 West Street
Amherst, MA 01002

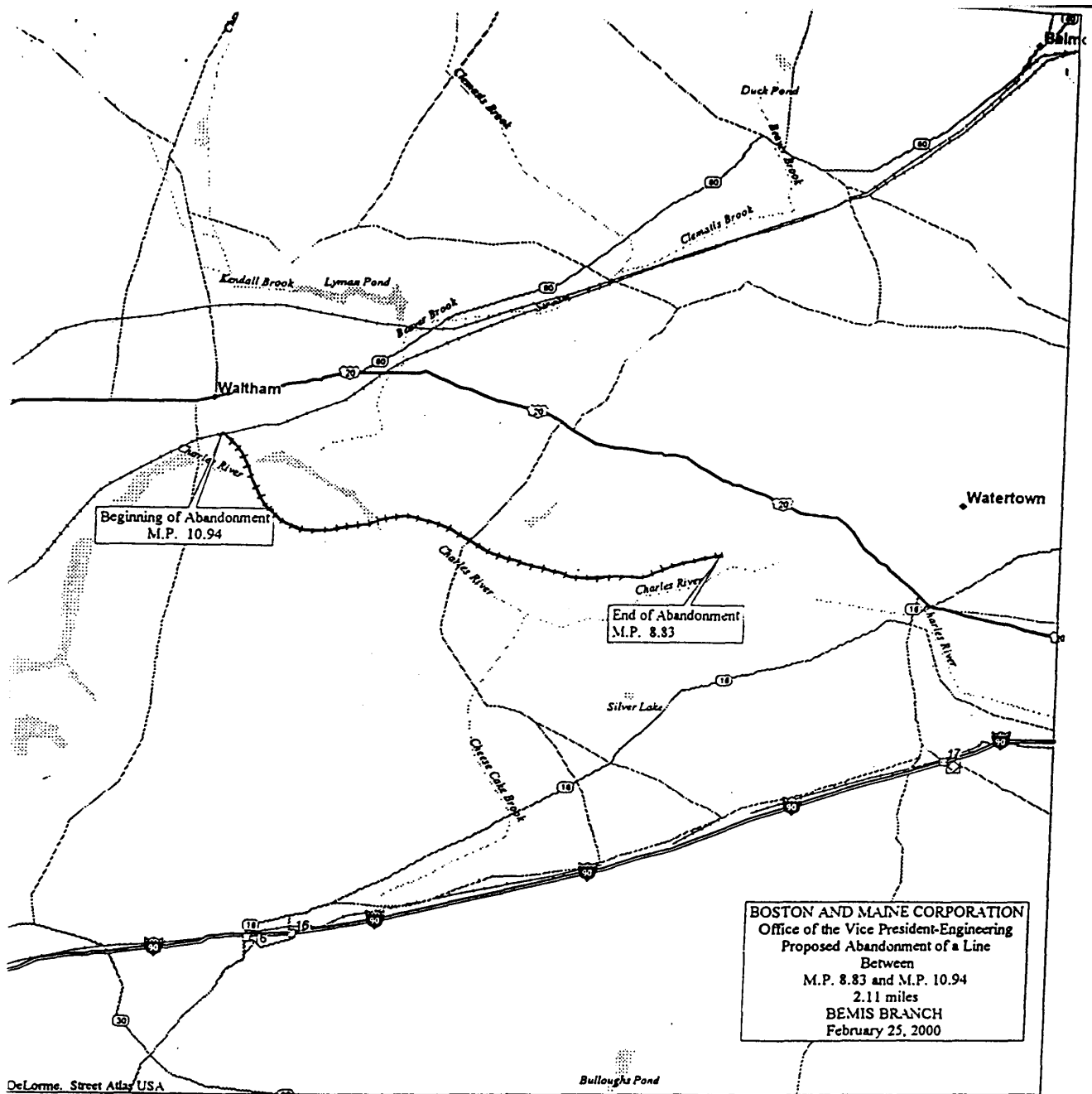
U.S. Environmental Protection Agency
Region I
J.F.K. Federal Building
Boston, MA 02203

Susanna L. Oettingen
U.S. Department of Interior
Fish & Wildlife Service
New England Field Office
22 Bridge Street - Unit 1
Concord, NH 03301-4886

David H. Killoy, P.E., C.D.G.
Chief, Permits & Enforcement Section
Department of Army
New England District, Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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

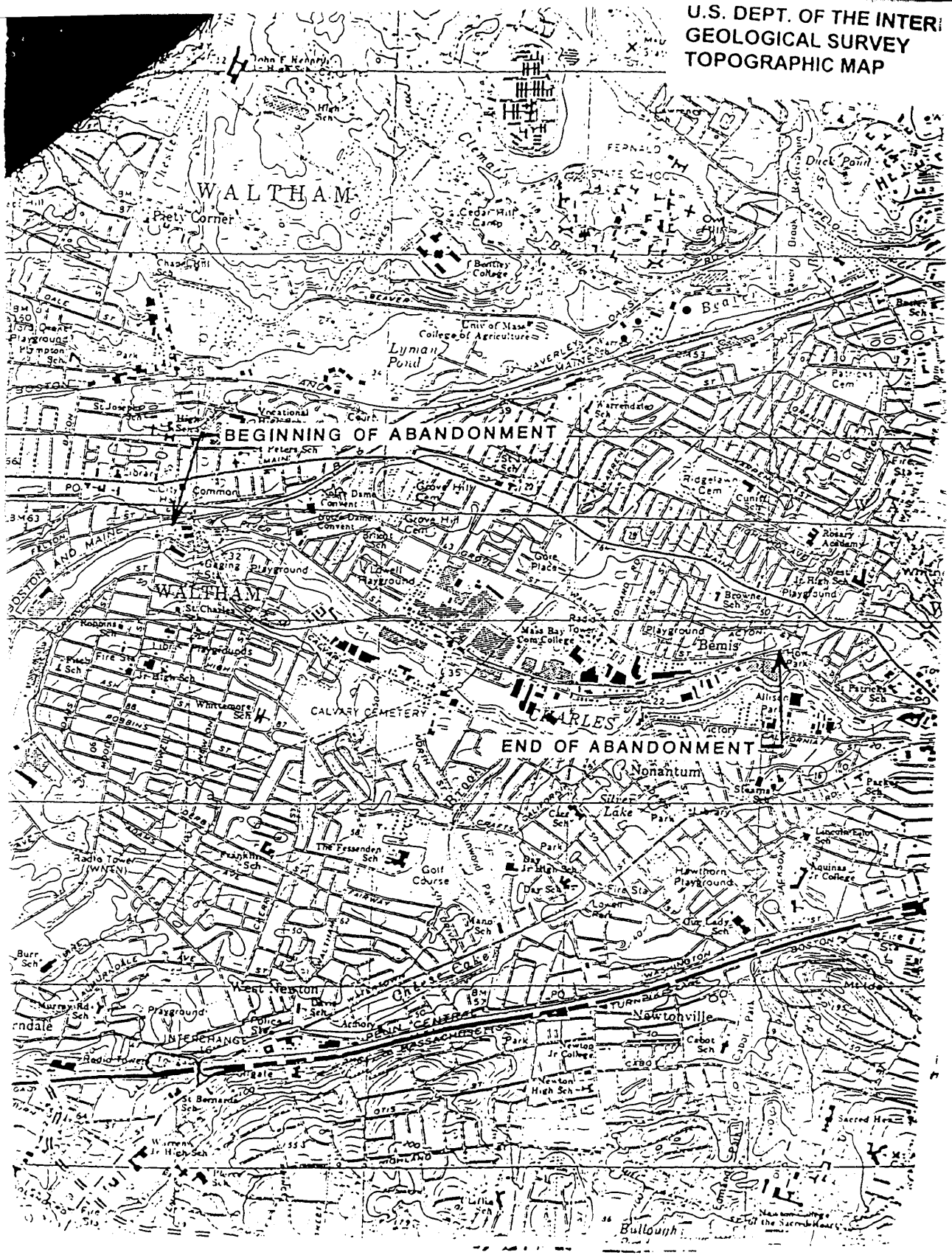
Middlesex County Commissioner
Superior Court House
40 Thorndike Street
Cambridge, MA 02141



00
 25 10:35 2000
 31,250 (at center)
 Feet
 Meters

- | | |
|-------------------------|----------------------|
| ◆ Exit/Lodging | Water |
| — US Highway | — River/Canal |
| — Toll Highway | — Intermittent River |
| — Major Connector | |
| — State Route | |
| ++ Proposed Abandonment | |
| ++ Railroad | |
| ◆ Small Town | |

U.S. DEPT. OF THE INTERIOR
GEOLOGICAL SURVEY
TOPOGRAPHIC MAP





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

March 13, 2000

Regulatory Branch
CENAE-CO-R-199801234

Robert B. Culliford
Boston & Maine Corporation
Iron Horse Park
No. Billerica, Massachusetts 01862

Dear Mr. Culliford:

This is in response to the proposed abandonment of the Bemis Branch in Waltham and Watertown, Massachusetts. Although the abandonment of the line may not require a permit, you should be aware that future reuse of the land may involve work within our jurisdiction. We do not have sufficient information to make a determination.

A Corps of Engineers permit is required under Section 10 of the Rivers and Harbors Act of 1899 for all work seaward of mean high water (MHW) in navigable waters of the United States. In New England, for purposes of Section 10, navigable waters of the United States are those subject to the ebb and flow of the tide and a few of the major waterways used to transport interstate or foreign commerce.

Permits are also required under Section 404 of the Clean Water Act for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. On the coastline our jurisdiction extends landward to the high tide line (HTL) (i.e., the highest predictable tide) or to the landward limit of any wetlands, whichever is more extensive. In interior waters our jurisdiction extends landward to the ordinary high water (OHW) mark or to the landward limit of any wetlands, whichever is more extensive.

Federal regulations define the term "wetlands" as "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions..." (Federal Register, November 13, 1986 33 CFR Part 328.3(b)). Wetlands generally include swamps, marshes, and bogs; however, forests and meadows that lack surface waters can also be wetlands. A wetland delineation done in accordance with the Massachusetts Department of Environmental Protection Handbook dated March 1995 is acceptable in most situations.

You do not need to submit an application to us if your project meets all the terms and conditions of "Category I" in the enclosed Federal permit known as the Massachusetts Programmatic General Permit (PGP). An application is required if your project is in Category II or Category III - Individual Permit (see PGP, Pages 13-15). Please use the enclosed ENG Form 4345 and reference your existing file number 199801234. Samples of the necessary plans are also enclosed. When preparing plans, please ensure that all pertinent features and labeling are legible.

Please note that the authorizations referred to above must be obtained before any work or filling is done in areas subject to Corps jurisdiction. Performing such work or filling without first obtaining Corps authorization could result in substantial penalties.

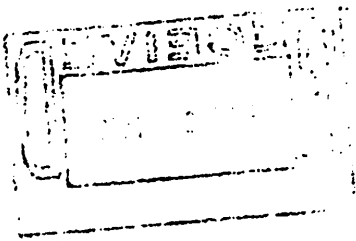
If you have any questions regarding this letter, please contact me at (978) 318-8338, (800) 343-4789, or (800) 362-4367 within Massachusetts.

Sincerely,



Karen Kirk Adams
Chief, Permits & Enforcement Section
Regulatory Branch

Enclosures





United States
Department of
Agriculture

Natural
Resources
Conservation
Service

19 Littleton Rd.
Suite 205
Westford, MA
01886-4133

tel: (978) 692-1904
fax: (978) 392-1305

March 6, 2000

Robert B. Culliford
Corporate Counsel

Boston & Maine Corporation
Maine Central Railroad Company
Springfield Terminal Railroad Company
Iron Horse Park
North Billerica, MA 01862

**Re: Abandonment and Discontinuation of Service
over the Bemis Branch
AB 32 (Sub No. 89X)**

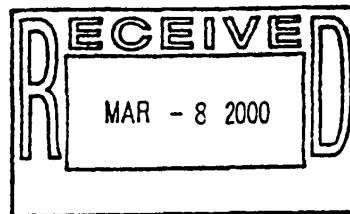
Mr. Culliford:

I do not believe that there are any adverse impacts to the agricultural resources caused by the planned abandonment of the 2.11 miles of railroad line.

There is no need to send me a copy of the completed Environmental / Historical Report.

Sincerely,

Dan Lenthall
District Conservationist





REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
MILITARY TRAFFIC MANAGEMENT COMMAND
TRANSPORTATION ENGINEERING AGENCY
720 THIMBLE SHOALS BOULEVARD, SUITE 130
NEWPORT NEWS, VIRGINIA 23608-2574

April 26, 2000

Office of Special Assistant
for Transportation Engineering

Boston and Maine Corporation
Maine Central Railroad Company
ATTN: Mr. Robert B. Culliford, Corporate Counsel
Iron Horse Park
North Billerica, Maine 01862

Dear Mr. Culliford:

Reference your February 29, 2000, letter regarding the abandonment of the Bemis Branch between Waltham and Watertown, Massachusetts.

We are responding to you as the Department of Defense agency responsible for civil rail line matters. Based on information currently in our possession, our analysis of the above mentioned abandonment indicates it does not involve a defense designated rail line. Therefore, we do not plan to object to the proposed abandonment.

If you have any questions, please call me at (757) 599-1163.

Sincerely,

Robert S. Korpanty, P.E.
Senior Civil Engineer, Railroads
Railroads for National Defense Program



U.S. Fish & Wildlife Service

FAX

New England Field Office

70 Commercial Street, Suite 300, Concord, NH 03301-5087

Phone: (603) 223-2541 FAX: (603) 223-0164

Date: 3/26/03

Total # pages (including this page):

4

To: K. Potter

From: M. Amaral

Subject:

In response to your att notice, our original findings still stand. (copy of our letter att)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New England Field Office
22 Bridge Street, Unit #1
Concord, New Hampshire 03301-4986



RE: Proposed Abandonment and Discontinuance of
Railroad Service, Waltham and Watertown, MA
(Bernis Branch - AB 32 - Sub No. 89X)

March 21, 2000

Robert Culliford
Boston & Maine Corporation
Maine Central Railroad Company
Iron Horse Park
North Billerica, MA 01862

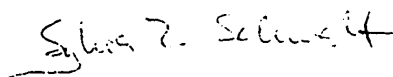
Dear Mr. Culliford:

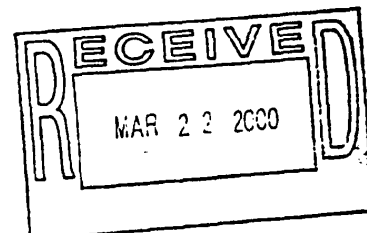
I have reviewed your request for information on endangered and threatened species and their habitats for the above referenced project. My comments are provided in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531-1543).

Based on the project description and location, it appears that no impacts to federally-listed species will occur. Should project plans change, or if additional information on the distribution of listed or proposed species becomes available, this determination may be reconsidered.

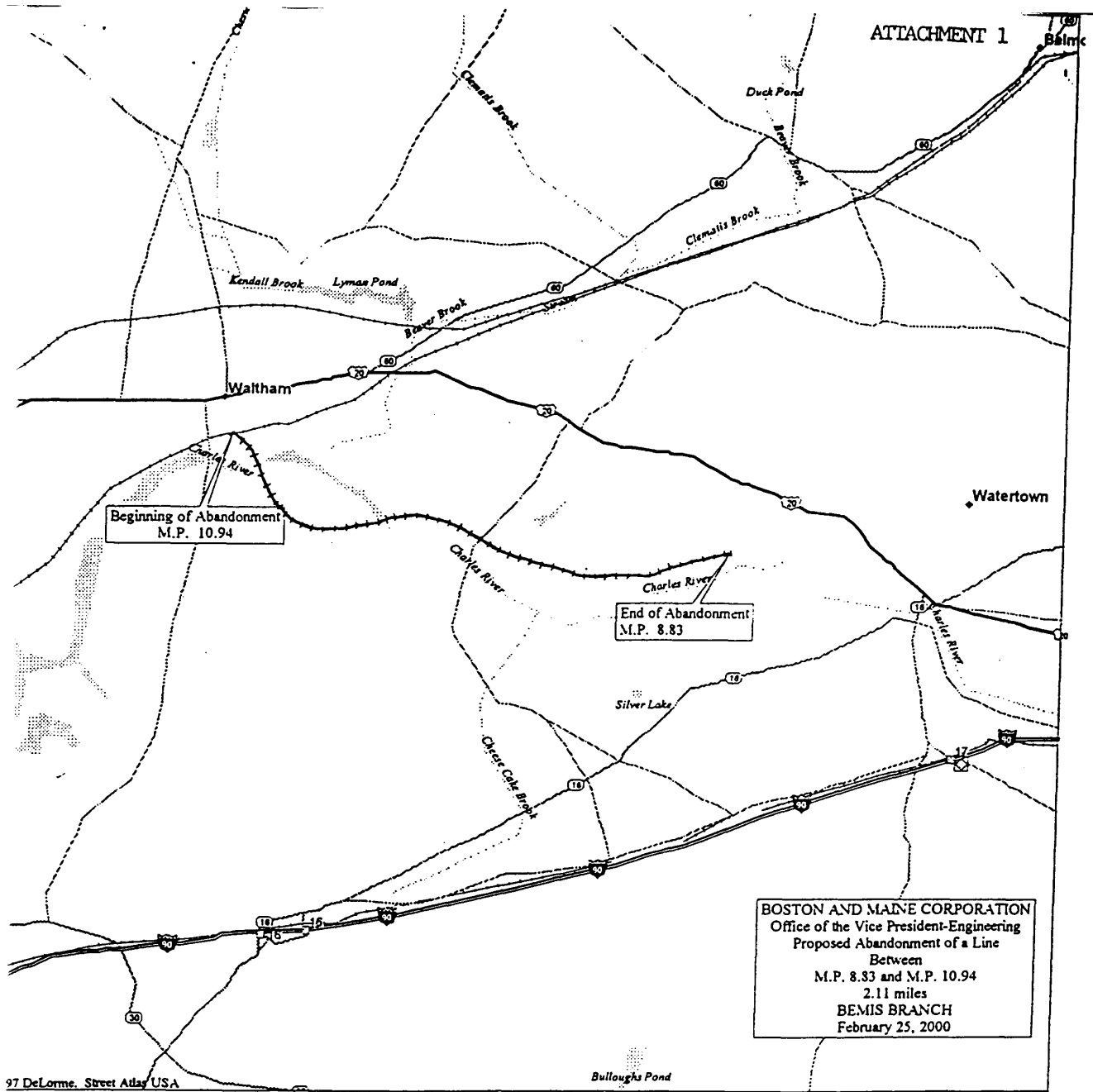
Thank you for your cooperation and please call Sylvia Schmidt at 603-225-1411 if we can be of further assistance.

Sincerely yours,


Susanna L. von Oettingen
Endangered Species Specialist
New England Field Office



ATTACHMENT 1



BOSTON AND MAINE CORPORATION
Office of the Vice President-Engineering
Proposed Abandonment of a Line
Between
M.P. 8.83 and M.P. 10.94
2.11 miles
BEMIS BRANCH
February 25, 2000

97 DeLorme, Street Atlas USA

14.00

b 25 10:35 2000

1:31,250 (at center)

0 Feet

30 Meters

- ◆ Exit/Lodging
- US Highway
- Toll Highway
- Major Connector
- State Route
- Proposed Abandonment
- Railroad
- ◆ Small Town
- Water
- River/Canal
- Intermittent River

Bridge 10.10 - Span 366.8' - built 1930







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 March 21, 2003, a copy of the Environmental/Historical Report was served upon the parties listed below, by first-class mail, postage prepaid:

Donald Schmidt
Principal Land/Use Planner
Department of Housing and
Community Development
One Congress Street
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

Middlesex County Commissioner
Superior Court House
40 Thorndike Street
Cambridge, MA 02141

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

Andrew Major
Fish and Wildlife Biologist
U.S. Department of Interior
Fish & Wildlife Service
70 Commercial Street - Suite 300
Concord, NH 03301-5087

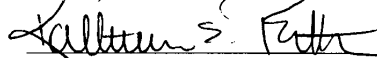
Larry Rosenberg
Chief, Public Affairs Office
New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

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

Brona Simon
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125

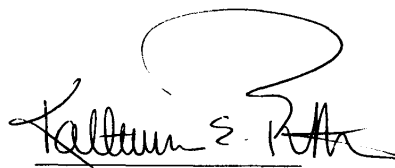

Katherine E. Potter

Dated: April 15, 2003

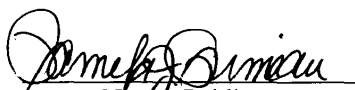
VERIFICATION

State of Massachusetts)
)
Middlesex County)

Katherine E. Potter, being duly sworn, states that she is a Staff Attorney for 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. 355 (Sub No. 27X) on behalf of 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
15th day of April, 2003.


Notary Public

My Commission Expires: March 12, 2010

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

NOTIFICATION

Springfield Terminal Railway Company gives notice that on or about April 15, 2003, 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 on a 2.11 mile line of railroad known as the Bernis Branch between railroad milepost 6.83 and railroad milepost 10.94, which traverses through United States Postal Service ZIP Codes 02451 and 02472 in Middlesex County, Massachusetts. The proceeding will be docketed as No. AB355 (Sub No. 273). No agency station is located along the line for which abandonment and discontinuance of service is sought.

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 raised 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, 1925 K Street, N.W., Washington, DC 20423 (See 49 C.F.R. 1104.1(a) and 1104.3(a)), and one copy must be serviced on applicant's representative (See 49 C.F.R. 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1572. Copies of any comments or request for conditions should be served on:

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

e Newspaper
newspaper one

I, Catherine Sheedy hereby certify that I am Co., publishers of the Boston Globe; that the above time Tuesday, April 8, 2003 and that it is charged

Boston, Mass April 8, 2003

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

03-08-2007

Ad Number 3RCT0150
Client: /Attn: Law Dept/
ID: notice of exemption
Classification: LEGAL NOTICES
Size: 2x46
Begin Date: 04/08/2003
End Date: 04/08/2003

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 04/08/2003 and ending 04/08/2003, appearing 1 time(s) in the Classification, LEGAL NOTICES.

Thank you!

Boston Globe Advertising
04/08/03 8:45 AM

NOTIFICATION

Springfield Terminal Railway Company gives notice that on or about April 15, 2003, 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 on a 2.11 mile line of railroad known as the Bernis Branch between railroad milepost 8.83 and railroad milepost 10.94, which traverses through United States Postal Service ZIP Codes 02451 and 02472 in Middlesex County, Massachusetts. The proceeding will be docketed as No. AB355 (Sub No. 270). No agency station is located along the line for which abandonment and discontinuance of service is sought.

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.

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

