

PAN AM RAILWAYS

IRON HORSE PARK
NO BILLERICA, MA 01862



ENTERED
Office of Proceedings
JAN - 7 2008
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Public Record

LEGAL DEPARTMENT
(978) 663-1029

22/208
22/209

FEE RECEIVED
JAN 7 2008
SURFACE
TRANSPORTATION BOARD

January 3, 2008

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S W
Washington, DC 20423-0001

RE Boston & Maine Corporation and Springfield Terminal Railway Company –
Abandonment and Discontinuance of service – Over the Concord & Claremont
Branch – Merrimack County, New Hampshire – Docket No AB 32 (Sub No
102X) and Docket No AB 355 (Sub No 36X)

Dear Secretary Williams

Enclosed for filing in the above captioned proceeding, please find an original and
ten copies of the Verified Notice of Exemption dated January 3, 2008, filed on behalf of
the Boston & Maine Corporation and the Springfield Terminal Railway Company
Additionally, please find a check in the amount of \$6,400.00 representing the appropriate
fee for filing

Should you have any questions in regard to this filing, please contact the
undersigned at (978) 663-1029. Thank you in advance for your assistance with this
matter

Sincerely,

Michael Q. Geary
Staff Attorney
Pan Am Railways

Enclosures - Original and 10 copies

FILED

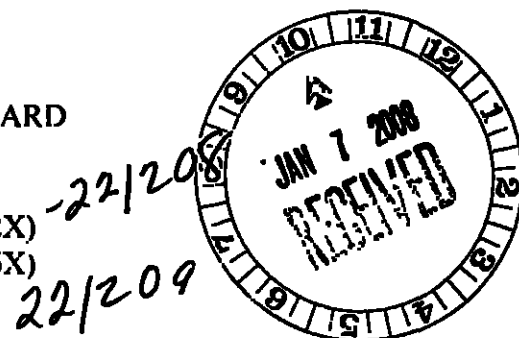
JAN - 7 2008

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO AB 32 (Sub No 102X)

DOCKET NO AB 355 (Sub No 36X)



BOSTON & MAINE CORPORATION
SPRINGFIELD TERMINAL RAILWAY COMPANY
-ABANDONMENT AND DISCONTINUANCE OF SERVICE-
CONCORD & CLAREMONT BRANCH, MERRIMACK COUNTY,
NEW HAMPSHIRE

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 Concord & Claremont Branch in Concord, New Hampshire, extending from milepost 0.9 to milepost 1.86 in Merrimack County. 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 February 27,
2008

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

- (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 (B&M) and discontinue (ST) 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

Michael Q. Geary, Esq
Boston & Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

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

Zip Code 03301

(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, 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 the carrier of its statutory obligation to protect the interests of employees See 49 C F R § 1152 50(c) Accordingly, PT 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 December 14, 2007 A certification is attached

8 Verification

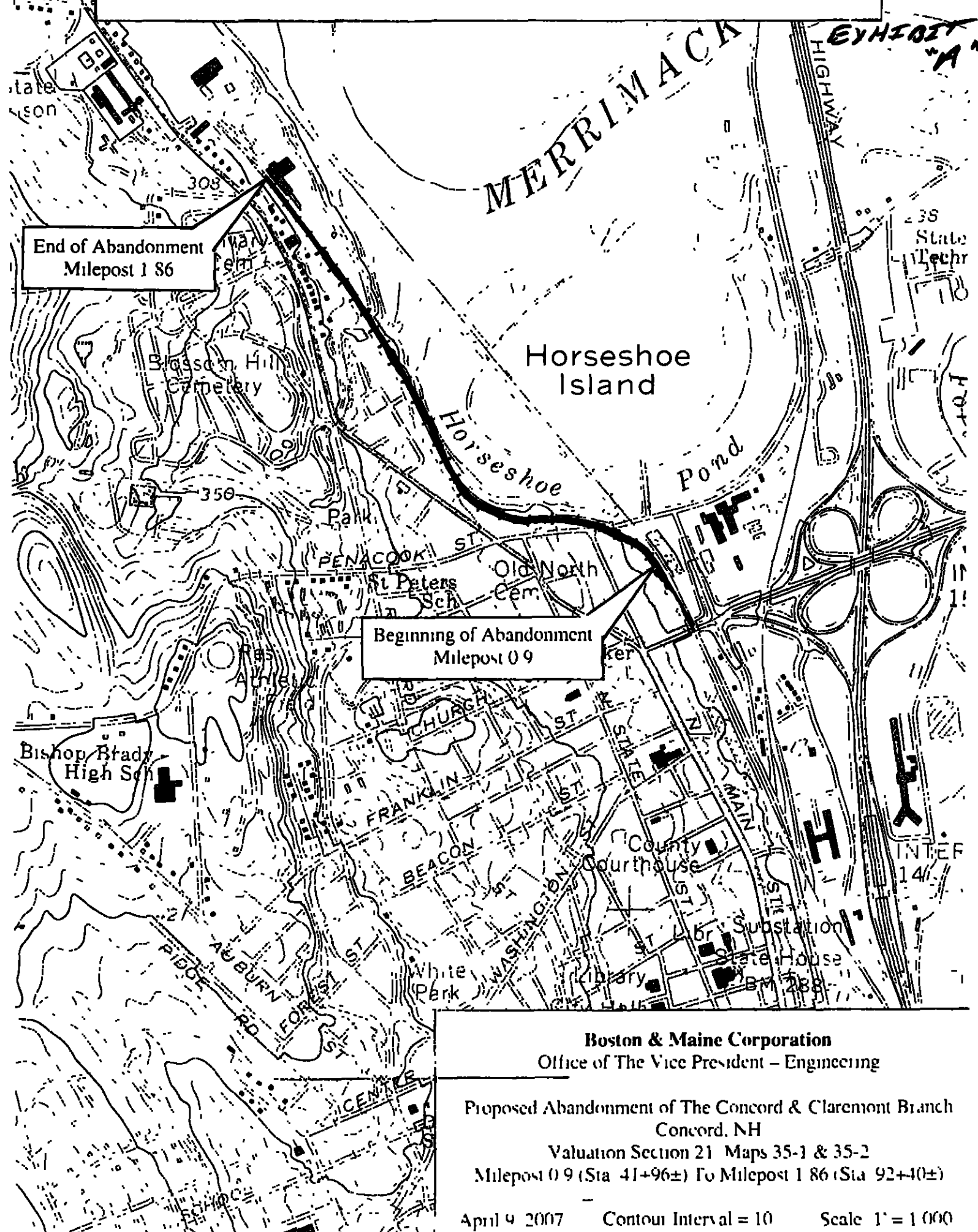
The required verification is set forth as Exhibit F to this Notice of Exemption

Respectfully submitted,



Michael Q Geary
Staff Attorney
Boston & Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862
Dated January 3, 2008

Abandonment Plan – Concord & Claremont Branch



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. 102X) and Docket No. 355 (Sub No. 36X) (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.


Michael Q. Geary

Dated January 3, 2008

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 November 30, 2007, I caused to be served by FedEx overnight delivery service, the notice required by 49 C F R Section 1152 50(d)(1), upon.

Commissioner Charles O'Leary
Department of Transportation
State of New Hampshire
John O Morton Building
7 Hazen Drive
Concord, New Hampshire 03302-0483

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

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

Gail Kimball
Chief of Forest Service
U S Department of Agriculture
201 14th Street
Washington, DC 20250

Dated January 3, 2008


Michael Q. Geary
Staff Attorney

CONCORD & CLAREMONT BRANCH
ENVIRONMENTAL/HISTORICAL REPORT

Docket No. AB 32 (Sub No. 102X)

Docket No. AB 355 (Sub No. 36X)

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 0.96 mile portion of the so-called "Concord & Claremont 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 (2) years ago

3) Land Use:¹

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

¹ The Applicants attach to this Environmental/Historical Report as an Appendix all correspondence received from federal, state, and local authorities and agencies in response to the Applicants' request for comments regarding the proposed abandonment/discontinuance of service

ii) Based on consultations with the U.S. Department of Agriculture Natural Resources Conservation Service the Applicants believe that the proposed action will have no effect or adverse impact on any prime agricultural land

iii) This action is outside the boundary of the New Hampshire coastal zone

iv) The 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 the Applicants to eliminate their potential responsibility for costly and energy consuming maintenance operations for an unused portion of the Line.

iv) The proposed action will not cause a diversion from rail to motor carrier in excess of the threshold levels set forth at 49 C.F.R. § 1105.7 (e)(4)(iv)(A) or (B)

5) Air:

The proposed action will not result in any of the increases set forth at 49 C.F.R. § 1105.7 (e)(5)

6) Noise:

The proposed action will not result in or exceed any of the thresholds set forth at 49 C.F.R. § 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) The 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 the 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) The Applicants believe no national or state parks or forests will be affected by the proposed action.

9) Water:

i) The Applicants contemplate no action inconsistent with federal, state and/or local water quality standards.

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

iii) Permits under section 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:

A topographical map is attached hereto as Exhibit "A"

2) Description of the Right-of-Way:

The portion of Line at issue is approximately 0.96 miles in length. The width of the right-of-way is mostly 66 feet wide with a change of 82.5 feet and 132 feet widths in a few locations. The area is urban and generally level. The attached topographic map indicates the Line's topography.

3) Photographs of Railroad Structures:

The Applicants know of no significant railroad structures on the Line that are 50 years or older. The Applicants have made written request for comments from the New Hampshire Historical Commission with regard to the anticipated effect of the proposed action on historical 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. The Line historically 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 and discontinuance of service 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, archeological 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, fill or other environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

III CERTIFICATE OF SERVICE:

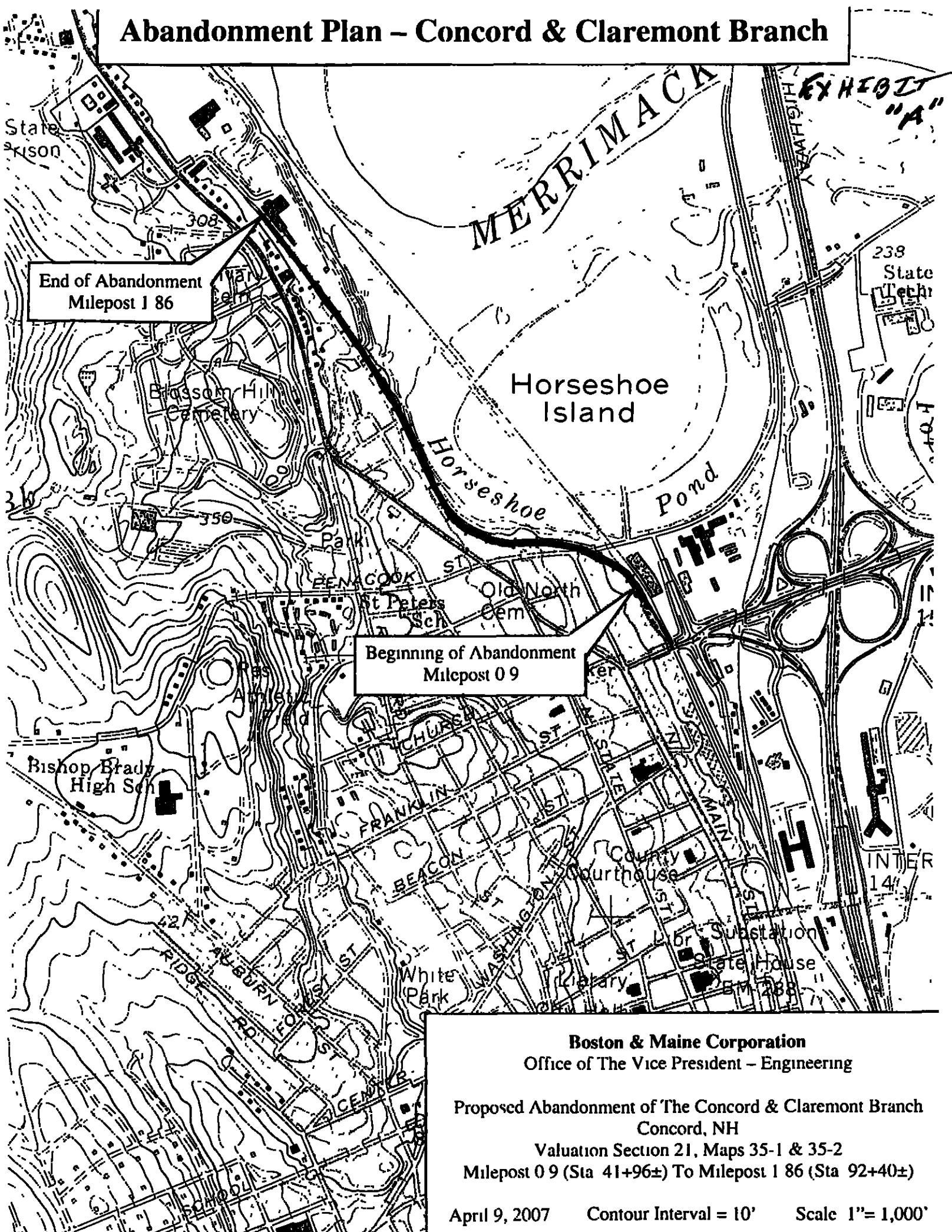
This certifies that the Applicants will serve copies of this Environmental/Historical Report upon and, prior to such service, consulted, or attempted to consult, with parties identified on the attached Service List



Michael Q Geary

Dated: November 13, 2007

Abandonment Plan - Concord & Claremont Branch



Boston & Maine Corporation
Office of The Vice President - Engineering

Proposed Abandonment of The Concord & Claremont Branch
Concord, NH

Valuation Section 21, Maps 35-1 & 35-2
Milepost 09 (Sta 41+96±) To Milepost 186 (Sta 92+40±)

April 9, 2007 Contour Interval = 10' Scale 1" = 1,000'

CONCORD & CLAREMONT BRANCH
SERVICE LIST ENVIRONMENTAL/HISTORICAL REPORT
DOCKET NO.: AB 32 (SUB NO. 102X)
AB 355 (SUB NO. 36X)

New Hampshire Office of State Planning
Intergovernmental Review Process
57 Regional Drive, #3
Concord, NH 03301-8519

NH Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

New Hampshire Coastal Program
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Mr. Thomas Aspell, Jr
City Manager
41 Green Street
Concord, NH. 03301

EPA New England, Region 1
1 Congress Street
Suite 1100
Boston, MA 02114-2023

US Fish and Wildlife Service
New England Field Office
70 Commercial Street
Suite 300
Concord, NH 03301-5087
ATTN. Mr. Anthony Tur

**U S Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA. 01742-2751**

**National Park Service
Northeast Region
US Custom House
200 Chestnut Street
Fifth Floor
Philadelphia, PA 19106**

**Natural Resources Conservation Service
USDA
Federal Building
2 Madbury Road
Durham, NH. 03842**

**NGS Information Services, NOAA, N/NGS12
National Geodetic Survey SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282**

**New Hampshire Division of Historic Resources
19 Pillsbury Street
2nd Floor
Concord, NH. 03301-3570**

APPENDIX



United States Department of the Interior

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



October 24, 2007

<u>Reference</u>	<u>Project</u>	<u>Location</u>
	Railroad abandonment, AB 32 (Sub 101X) AB 355 (Sub 35X)	Southington, CT
	Railroad abandonment, AB 32 (Sub 102X) AB 355 (Sub 36X)	Concord, NH

Michael Geary
Pan Am Railways
Iron Horse Park
No Billerica, MA 01862

Dear Mr. Geary:

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.

In order to curtail the need to contact this office in the future for updated lists of federally-listed or proposed threatened or endangered species and critical habitats, please visit the Endangered Species Consultation page on the New England Field Office's website:

www.fws.gov/northeast/newenglandfieldoffice/EndangeredSpec-Consultation.htm

In addition, there is a link to procedures that may allow you to conclude if habitat for a listed species is present in the project area. If no habitat exists, then no federally-listed species are present in the project area and there is no need to contact us for further consultation. If the above conclusion cannot be reached, further consultation with this office is advised. Information describing the nature and location of the proposed activity that should be provided to us for further informal consultation can be found at the above-referenced site.

Thank you for your coordination Please contact us at 603-223-2541 if we can be of further assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Anthony P. Tur". The signature is fluid and cursive, with the first name being the most prominent.

Anthony P Tur
Endangered Species Specialist
New England Field Office

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 November 15, 2007, a copy of the Environmental/Historical Report was served upon the parties listed below, by first-class mail, certified, postage prepaid.


Michael Q. Geary
Dated 01/03/08

New Hampshire Office of State Planning
Intergovernmental Review Process
57 Regional Drive, #3
Concord, NH 03301-8519

NH Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

New Hampshire Coastal Program
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Mr. Thomas Aspell, Jr.
City Manager
41 Green Street
Concord, NH 03301

EPA New England, Region 1
1 Congress Street
Suite 1100
Boston, MA 02114-2023

US Fish and Wildlife Service
New England Field Office
70 Commercial Street
Suite 300
Concord, NH 03301-5087
ATTN: Mr. Anthony Tur

U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

National Park Service
Northeast Region
US Custom House
200 Chestnut Street
Fifth Floor
Philadelphia, PA 19106

Natural Resources Conservation Service
USDA
Federal Building
2 Madbury Road
Durham, NH 03842

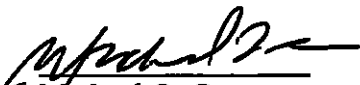
NGS Information Services, NOAA,
N/NGS12
National Geodetic Survey SSMC-3,
#9202
1315 East-West Highway
Silver Spring, MD 20910-3282

New Hampshire Division of Historic
Resources
19 Pillsbury Street
2nd Floor
Concord, NH 03301-3570

VERIFICATION

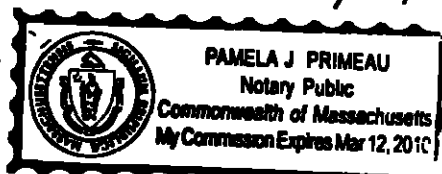
State of Massachusetts)
)
Middlesex County)

Michael Q Geary, being duly sworn, states that he is a Staff Attorney for the Boston & Maine Corporation and the Springfield Terminal Railway Company, that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No AB 32 (Sub No 102X) and AB 355 (Sub No. 36X) on behalf of the Boston & Maine Corporation and the Springfield Terminal Railway Company, that he has carefully examined all of the statements in the Notice of Exemption, and that all representations set forth therein are true and correct to the best of his knowledge, information and belief


Michael Q Geary

Subscribed and sworn to before me,
A Notary Public in and for the State
And County above named, this
3rd day of January, 2008

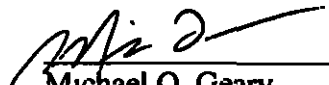

Notary Public
My Commission Expires 3/12/2010



CERTIFICATION REQUIRED

IN 49 C.F.R. SECTION 1105.12

In accordance with 49 C F R Section 1105 12, 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. 102X) and Docket No 355 (Sub No. 36X) I have published a notice in a newspaper of general circulation in each county in which the line is located before the date of the notice of exemption was filed (See attached tear sheet of the Concord Monitor)



Michael Q. Geary

Dated January 3, 2008

