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SERVICE DATE – SEPTEMBER 6, 2011

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 32 (Sub-No. 103X)]<sup>1</sup>

Boston and Maine Corporation–Abandonment Exemption–Middlesex County, Mass.

[Docket No. AB 355 (Sub-No. 39X)]

Springfield Terminal Railway Company–Discontinuance of Service Exemption–  
Middlesex County, Mass.

Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) (collectively, applicants) have jointly filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F–Exempt Abandonments and Discontinuances of Service for B&M to abandon, and for ST to discontinue service over, a 1.72-mile line of railroad known as the Watertown Branch extending from milepost 4.28 to milepost 6.0 in Middlesex County, Mass. The line traverses United States Postal Service Zip Codes 02471 and 02138.

Applicants have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf

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<sup>1</sup> The abandonment notice of exemption was inadvertently filed as Docket No. AB 1083X and the discontinuance of service notice of exemption was inadvertently filed as Docket No. AB 1084X. The correct docket numbers for these transactions are Docket No. AB 32 (Sub-No. 103X) and Docket No. AB 355 (Sub-No. 39X), respectively.

of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on October 6, 2011, unless stayed pending reconsideration.<sup>2</sup> Petitions to stay that do not involve environmental issues,<sup>3</sup> formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),<sup>4</sup> and

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<sup>2</sup> Pursuant to 49 C.F.R. § 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before an abandonment or discontinuance is to be consummated. Applicants indicated consummation date of October 5, 2011, but, because the verified notice was filed on August 17, 2011, the earliest this transaction may be consummated is October 6, 2011.

<sup>3</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See (continued . . . )

trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by September 16, 2011. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by September 26, 2011, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to applicants' representative: Robert B. Burns, Esq., Pan Am Railways, Iron Horse Park, North Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemptions are void ab initio.

Applicants have filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by September 9, 2011. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

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( . . . continued)

Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>4</sup> Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 C.F.R. § 1002.2 (f)(25).

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), B&M shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by B&M's filing of a notice of consummation by September 6, 2012, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at  
“WWW.STB.DOT.GOV.”

Decided: August 25, 2011.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.