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SERVICE DATE - SEPTEMBER 13, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33794]

Boston and Maine Corporation and Springfield Terminal Railway Company—Trackage Rights
Exemption—Milford-Bennington Railroad Company

Milford-Bennington Railroad Company (MBR) has agreed to grant overhead trackage rights to Boston and Maine Corporation and Springfield Terminal Railway Company (B&M/ST) between approximately milepost N-16.36, in Wilton, NH, and approximately milepost 19.67, in Lyndeboro, NH.¹

The parties report that they intend to consummate the transaction on or about September 3, 1999. The earliest the transaction can be consummated is September 6, 1999, the effective date of the exemption (7 days after the exemption was filed).

The purpose of the trackage rights is to allow B&M/ST to serve a customer in Milford, NH.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk and Western Ry. Co.--Trackage Rights--BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc.-Lease and Operate, 360 I.C.C. 653 (1980).

¹ While the verified notice of exemption states that the term of the trackage rights agreement will be for two years from August 20, 1999, trackage rights approved under the class exemption normally remain effective indefinitely regardless of any durational contract provisions. Before B&M/ST can discontinue its operations over the rail lines, it must obtain appropriate authority under 49 U.S.C. 10903 from the Board.

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33794, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Robert B. Culliford, Esq., Iron Horse Park, North Billerica, MA 10862.

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

Decided: September 7, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary