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SERVICE DATE – SEPTEMBER 29, 2011

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 32 (Sub-No. 104X)]

Boston & Maine Corporation—Abandonment Exemption—in Rockingham, N.H.

[Docket No. AB 355 (Sub-No. 40X)]

Springfield Terminal Railway Company—Discontinuance of Service Exemption— in Rockingham, N.H.

Boston & 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 ST to discontinue service over approximately 10 miles of railroad known as the Hampton Branch in Rockingham County, N.H. The rail line extends from milepost 0.00 to milepost 10.0, and includes the cities of Portsmouth, Greenland, Rye, North Hampton, and Hampton. The Line traverses United States Postal Service Zip Codes 03801, 03840, 03842, 03862, and 03870.

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; 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 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. Applicants have further certified that 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 this exemption, any employee adversely affected by the discontinuance of service 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, this exemption will be effective on October 29, 2011, unless stayed pending reconsideration.¹ Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),³

¹ Originally, applicants indicated that the proposed consummation date was on or about October 28, 2011, but, because the verified notice was filed on September 9, 2011, the earliest this transaction may be consummated is October 29, 2011. On September 19, 2011, applicants' counsel filed a letter correcting the proposed consummation date.

² 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 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.

³ 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).

and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by October 11, 2011. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by October 19, 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, 1700 Iron Horse Park, North Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemption is void ab initio.

B&M has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. OEA will issue an environmental assessment (EA) by October 4, 2011. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, 395 E Street, S.W., 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.

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 29, 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: September 23, 2011.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.