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SERVICE DATE - APRIL 16, 1999

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33727]

New Hampshire and Vermont Railroad Company--Operation Exemption--Certain Lines of the State of New Hampshire

New Hampshire and Vermont Railroad Company (NHVT), a Class III rail carrier has filed a notice of exemption under 49 CFR 1150.41 to operate approximately 36 miles of certain rail lines owned by the State of New Hampshire by and through the New Hampshire Department of Transportation (subject lines).<sup>1</sup> The subject lines consist of a parcel or strip of railroad land of varying width, lying in Grafton and Coos Counties, NH, comprising a portion of railroad right-of-way known as the "Berlin Branch" and a portion of railroad right-of-way known as the "Groveton Branch": (a) from milepost 113.0 in Littleton, NH (shown as railroad Valuation Station 995+66 on plans for Federal Valuation Section 22, Map 19), to milepost 125.0 in Whitefield, NH (shown as railroad Valuation Station 1629+30 on plans for Federal Valuation Section 22, Map 31); (b) from milepost 125.0 in Whitefield, NH (shown as railroad Valuation Station 1629+30 on plans for Federal Valuation Section 22, Map 31), to milepost 130.9 in Jefferson (Waumbec Junction), NH (shown as railroad Valuation Station 325+03.2 on plans for Federal Valuation Section 24.2,

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<sup>1</sup> The parties state that NHVT and the State of New Hampshire, by its Department of Transportation, entered into an operating agreement on March 15, 1999, providing for NHVT's operation of the subject line.

Map 6 at the point of switch for the Maine Central Railroad connecting track); and (c) from milepost 130.9 in Jefferson (Waumbec Junction), NH (Valuation Station 325+03.2), to a point in Groveton (Northumberland), NH (shown as the Valuation Section 2715+83 on plans for Federal Valuation Section 22, Map 52 at the Whistle Post located South of the West Street crossing, such point being the point of intersection with the tracks of the St. Lawrence & Atlantic Railroad Company).<sup>2</sup>

The earliest the transaction could be consummated was March 25, 1999, the effective date of the exemption (7 days after the notice of exemption was filed). However, this transaction is related to STB Finance Docket No. 33728, the State of New Hampshire Department of Transportation--Acquisition Exemption--New Hampshire and Vermont Railroad Company, in which the State of New Hampshire has filed a notice of exemption with respect to its purchase of these lines from NHVT. Because the exemption in STB Finance Docket No. 33728 was not scheduled to take effect until on or after March 30, 1999, the exemption in STB Finance Docket No. 33727 could not have been consummated prior to March 30, 1999.

If the notice 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.

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<sup>2</sup> NHVT certifies that its annual revenue will not exceed those that would qualify it as a Class III rail carrier and that its annual revenues are not projected to exceed \$5 million.

STB Finance Docket No. 33727

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33727, 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 David H. Anderson, Attorney at Law, 288 Littleton Road, Suite 21, Westford, MA 01886.

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Decided: April 8, 1999.

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

Vernon A. Williams

Secretary