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SERVICE DATE – FEBRUARY 25, 2008

SURFACE TRANSPORTATION BOARD

DECISION

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

BOSTON AND MAINE CORPORATION–ABANDONMENT EXEMPTION–IN  
MERRIMACK COUNTY, NH

Decided: February 22, 2008

Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) (collectively, applicants) jointly filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service for B&M to abandon, and for ST to discontinue service over, approximately 0.96 miles of railroad known as the Concord and Claremont Branch, extending from milepost 0.9 to milepost 1.86 in Concord, Merrimack County, NH. Notice of the exemption was served and published in the Federal Register on January 25, 2008 (73 FR 4668).<sup>1</sup> The exemption is scheduled to become effective on February 26, 2008.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on February 1, 2008. In the EA, SEA indicated that it had not heard from the State Historic Preservation Office (SHPO) and, therefore, had not been able to consider the SHPO’s opinion before determining if the rail line may be eligible for listing in the National Register of Historic Places (National Register). Accordingly, SEA had recommended in the EA that BNSF be required to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). SEA also recommended that BNSF be required to report back to SEA regarding the results of any consultations with the SHPO and the public, and that BNSF not be allowed to consummate the abandonment or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Board removes this condition.

Comments to the EA were due by February 19, 2008. In a letter dated February 4, 2008, the New Hampshire Division of Historical Resources indicated that the proposed abandonment

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<sup>1</sup> The notice served and published on January 25, 2008, embraced STB Docket No. AB-355 (Sub-No. 36X), Springfield Terminal Railway Company–Discontinuance of Service Exemption–in Merrimack County, NH, in which Springfield Terminal Railway Company was granted an exemption to discontinue service over the line.

would not affect any known historic properties listed in or eligible for inclusion in the National Register. Therefore, SEA now has recommended that the section 106 historic preservation condition previously recommended in the EA not be imposed.

There are no remaining environmental or historic preservation issues that have been raised by any party or identified by SEA. Therefore, a Finding of No Significant Impact under 49 CFR 1105.10(g) will be made pursuant to 49 CFR 1011.7(b)(9).

It is ordered:

1. Abandonment of the involved rail line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.
2. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary