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SERVICE DATE – MARCH 12, 2013

SURFACE TRANSPORTATION BOARD

DECISION

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

BOSTON & MAINE CORPORATION—ABANDONMENT EXEMPTION—IN
ROCKINGHAM COUNTY, N.H.

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

SPRINGFIELD TERMINAL RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN ROCKINGHAM COUNTY, N.H.

Decided: March 8, 2013

This decision reopens this proceeding to remove the Section 106 historic preservation condition previously imposed.

Boston & Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) (collectively, applicants) 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. Notice of the exemption was served and published in the Federal Register on September 29, 2011 (76 Fed. Reg. 60,599-600). The exemption became effective on October 29, 2011.

By decision served on October 28, 2011, at the request of the Board's Office of Environmental Analysis (OEA), the proceeding was reopened and the exemption was made subject to a condition that B&M consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning any salvage activities that could disturb or destroy any geodetic station markers. In addition, the exemption was made subject to a condition that B&M: (1) 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 that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA), has been completed; (2) report back to OEA regarding any consultations with the New Hampshire Division of Historic Resources (State Historic Preservation Office or SHPO) and the public; and (3) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed the condition.

In a Supplemental Final Environmental Assessment dated January 9, 2013, OEA states that, since the issuance of the above-mentioned decisions, it has received correspondence from B&M¹ and the SHPO. In a December 10, 2012 letter to the SHPO, PanAm stated an intention to convey title to the rail line to the State of New Hampshire and agreed to include in the sales documents a statement of significance for the National Register-eligible Hampton Branch and the language, “any future undertakings shall enter into consultation with the Division and concerned Towns in order to identify possible adverse effects to the line, if changes to the line are proposed.” In a letter dated December 18, 2012, the SHPO stated that with the statement of significance and the recommended language in the sales documents, it views the undertaking (i.e., the proposed abandonment) as having “no adverse effect” on historic properties or districts.

For the foregoing reasons, OEA recommends that the Section 106 historic preservation condition be removed. Accordingly, based on OEA’s recommendation, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.²

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the October 28, 2011 decision is removed.
3. This decision is effective on its service date.

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

¹ Pan Am Railways (PanAm), as owner of B&M, wrote the letter to the SHPO on behalf of B&M.

² The National Geodetic Survey condition remains in effect.