

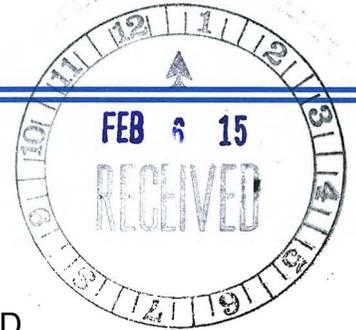


PAN AM RAILWAYS

IRON HORSE PARK
NO. BILLERICA, MA 01862

LEGAL DEPARTMENT
(978) 663-1215

237701



February 4, 2015

Ms. Cynthia T. Brown, Chief
Section of Administration/Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
February 6, 2015
Part of
Public Record

Re: STB Docket No. AB 32 (Sub No. 106X) – Boston and Maine Corporation – Discontinuance of Service – Manchester and Lawrence Branch – Essex County, MA – Verified Notice of Exemption

Dear Ms. Brown:

Enclosed for filing with the Board in the subject docket is an original and ten (10) copies of Boston and Maine Corporation's Verified Notice of Exemption for discontinuance of service over the Manchester and Lawrence Branch. Also enclosed is a check totaling \$3,800 for the filing fees.

Should you have any questions in regard to this filing, please do not hesitate to contact the undersigned at (978) 663-1215. Thank you in advance for your assistance in this matter.

Very truly yours,

Robert B. Burns
Legal Counsel
Springfield Terminal

Encl.

FEE RECEIVED
February 6, 2015
SURFACE
TRANSPORTATION BOARD

FILED
February 6, 2015
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NOS.:
AB 32 (Sub No. 106X)

BOSTON AND MAINE CORPORATION
--DISCONTINUANCE OF SERVICE--
MANCHESTER AND LAWRENCE BRANCH, ESSEX COUNTY,
MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

Robert B. Burns, Esq.
Law Department
Iron Horse Park
North Billerica, MA 01862

Counsel for:
BOOSTON AND MAINE CORPORATION

Dated: February 3, 2015

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NOS.:
AB 32 (Sub No. 106X)

BOSTON AND MAINE CORPORATION
-DISCONTINUANCE OF SERVICE-
MANCHESTER AND LAWRENCE BRANCH, ESSEX COUNTY,
MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

Boston and Maine Corporation (the "B&M") files this Verified Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption seeks to discontinue service by B&M over a line of railroad known as the Manchester and Lawrence Branch ("M&L Branch") in Lawrence, MA extending from milepost 0.00 to milepost 1.4 (the "Line") in Essex County, Massachusetts. In accordance with the aforementioned regulations, B&M makes the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this discontinuance is on or about February 3, 2015.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as **Exhibit B** to this Notice of Exemption.

3. Information required in Section 1152.22(a) (1-4), (7), (8) and (e) (4).

(a) General.

(1) Exact name of applicant.

Boston and Maine Corporation

- (2) Whether applicant is a common carrier by railroad subject to the Interstate Commerce Act.

B&M is a common carrier by railroad subject to the Interstate Commerce Act.

- (3) Relief sought.

B&M seeks to discontinue service over the line.

- (4) Detailed map of the line.

Map is attached hereto as **Exhibit A**

- (7) Name, title and address of representative of applicant to whom correspondence should be sent.

Robert B. Burns, Esq.
Pan Am Railways
1700 Iron Horse Park
Billerica, MA 01862

- (8) United States Postal Zip Codes that the line traverses.

Zip Code(s): 01840 (Lawrence)

- (e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

B&M is unsure about the suitability of the Line for public non-rail purposes. As of the effective date of this discontinuance, B&M's intent is to no longer service the M&L Branch.

4. The Level of Labor Protection

Applicants understand that, in exempting the proposed discontinuance, the Board does not relieve the carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. § 1152.50(c). Accordingly, the Applicants anticipate that the Board will impose the conditions set forth in Oregon Short Line R. Co. –Abandonment- Goshen, 360 I.C.C. 91 (1979), for the benefit of employees who may be adversely affected by the proposed discontinuance.

5. Certificate of Compliance with the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as **Exhibit C** to this Notice of Exemption.

6. Environmental Report and Historical Report.

The Environmental /Historical Report required by 49 C.F.R.1105.7 and 1105.8 is attached as **Exhibit D** to this Notice of Exemption. Attached, as **Exhibit C**, is a certificate affirming B&M's compliance with 49 C.F.R. 1105.11, 1105.7 and 1105.8.

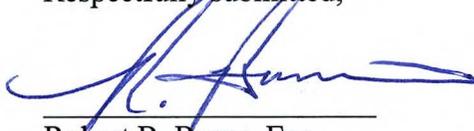
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published on January 23, 2014, in the Eagle Tribune. An affidavit/certification from this newspaper is attached as **Exhibit C**.

8. Verification.

The required verification is set forth as **Exhibit E** to this Notice of Exemption.

Respectfully submitted,



Robert B. Burns, Esq.
Law Department
Boston and Maine Corporation
Iron Horse Park
North Billerica, MA 01862

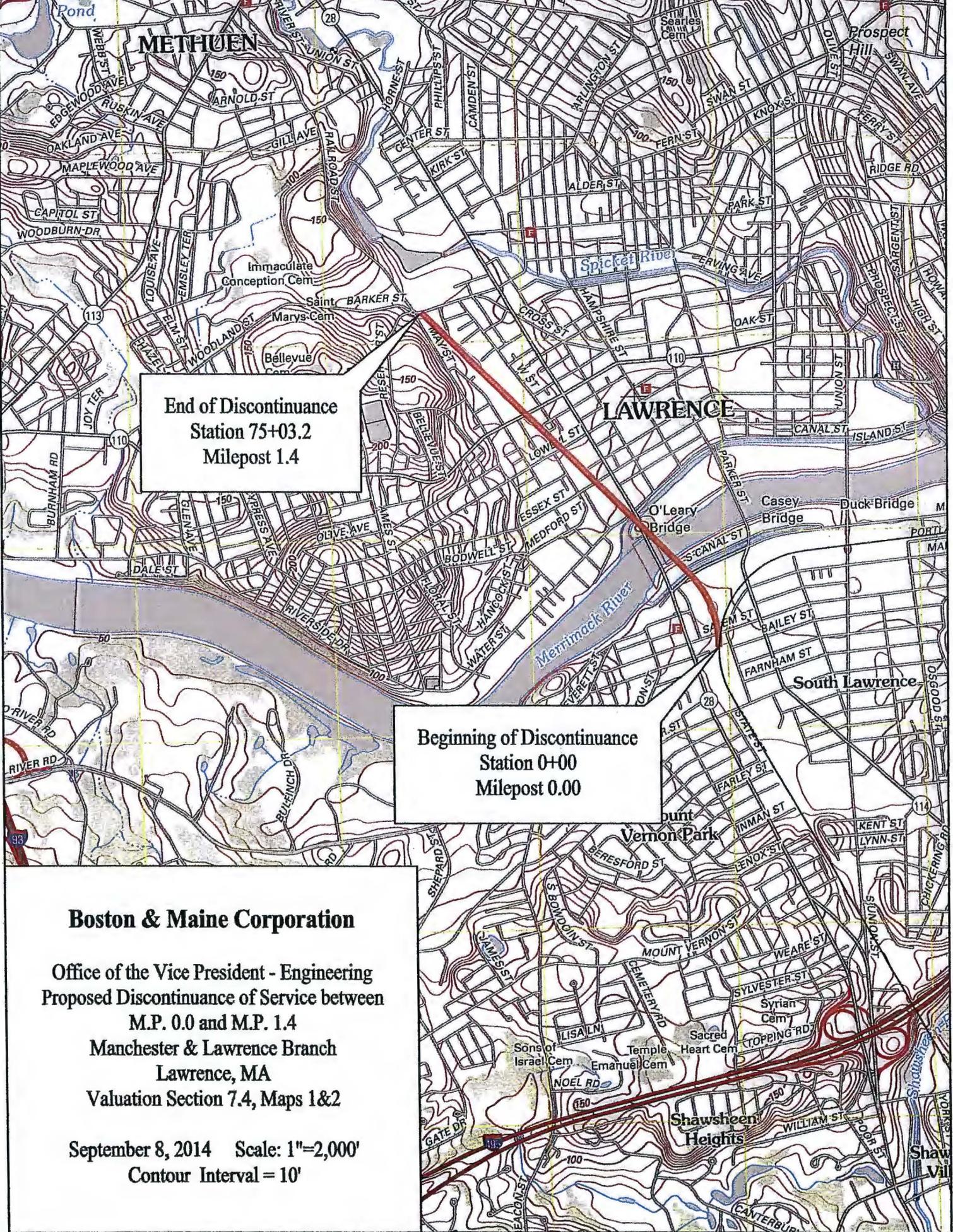
Counselor for:
Boston and Maine Corporation

Dated: February 3, 2015

Attachments: Exhibit A -- Map
Exhibit B -- Certificate of Compliance with 49 C.F.R. §1152.50(b)
Exhibit C -- Certificate of Compliance with 49 C.F.R. §1152.50(d)(1) and
§1105.7, §1105.8 and §1105.11.
Exhibit D -- Environmental/Historical Report
Exhibit E -- Verification

EXHIBIT A

[Map]



End of Discontinuance
 Station 75+03.2
 Milepost 1.4

Beginning of Discontinuance
 Station 0+00
 Milepost 0.00

Boston & Maine Corporation

Office of the Vice President - Engineering
 Proposed Discontinuance of Service between
 M.P. 0.0 and M.P. 1.4
 Manchester & Lawrence Branch
 Lawrence, MA
 Valuation Section 7.4, Maps 1&2

September 8, 2014 Scale: 1"=2,000'
 Contour Interval = 10'

EXHIBIT B

CERTIFICATION REQUIRED
IN 49 C.F.R. SECTION 1152.50(b)

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line, which is the subject of the Notice of Exemption in Docket No. AB 32 (Sub No. 106X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; and (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 is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of the Springfield Terminal Railway Company by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.



Robert B. Burns, Esq.

Dated: February 3, 2015

**CERTIFICATE OF COMPLIANCE WITH
NOTICE REQUIREMENTS OF
49 C.F.R. §1152.50(d)(1)
AND
49 C.F.R. §1105.11
AND
49 C.F.R. §1105.7
AND
49 C.F.R. 1105.8**

In accordance with 49 C.F.R. Section 1152.50 (d) (2), I hereby certify that:

(A) On January 22, 2015, at least 10 days prior to the date of filing of the Notice of Exemption to which this certificate is attached, I caused to be served by U.S. first class mail, postage pre-paid, the notice required by 49 C.F.R. Section 1152.50(d)(1), upon the following: (I) the Public Service Commission (or equivalent agency) in the State(s) where the line will be abandoned or the service of trackage rights discontinued; (ii) Department of Defense (Military Traffic Management Command Transportation Engineering Agency, Railroads for National Defense Program); (iii) National Park Service, Recreation Resources Division; and (iv) U.S. Dept. of Agriculture, Chief of Forest Service.

(B) On January 6, 2015, I complied with all the requirements of the provisions of 49 C.F.R. §1105.7 and §1105.8, and §1105.11 as set-forth therein, including but not limited to, by serving (at least 20 days prior to filing the Notice of Exemption) a copy of the Environmental/Historical Report upon the parties listed in §1105.7(b), and/or the appropriate State Historic Preservation Officer(s), as required by §1105.11, via First Class Mail, postage prepaid.

(C) In accordance with 49 C.F.R. § 1105.7(c), I hereby certify that with respect to the line, which is the subject of the Notice of Exemption filed herewith, and pursuant to 49 C.F.R. 1105.12, I have published a notice in a newspaper of general circulation in each county in which the line is located before the date of the Notice of Exemption was filed (see attached Affidavit of Publication).

Dated: February 3, 2015


Robert B. Burns

January 23, 2015

AFFIDAVIT

I, Katie Sullivan, hereby certify that I am employed by the publishers of the Eagle Tribune, and the following legal notice:

**Discontinuation of Service 01840
was advertised as a legal notice in the Eagle Tribune
on January 23, 2015**

Katie Sullivan

**Katie Sullivan
Sales Assistant**

January 23, 2015

**State of Massachusetts
County of Essex**

**Then, personally appeared before me, Katie Sullivan
and declared that the statements in the foregoing were true to
the best of her ability and belief.**

Jane A. Carver

Notary Public
Comm. Exp: 3/9/18



ing them back the difference. Also, beware when responding to classified ads that ask you to send shipping cost. Possible scam!

Legals

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

Boston and Maine Corporation, a subsidiary of Pan Am Railways, hereby give notice that on or about January 29, 2015 it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption under 49 CFR 1152.50(d)(1) — Exempt Discontinuances - permitting the discontinuance of service of the Manchester & Lawrence Branch, a 1.4 mile line of railroad between railroad milepost 0.00 to milepost 1.4, which traverses through United States Postal Service ZIP Codes: 01840, Lawrence, MA Essex County, Massachusetts. The proceeding will be docketed as No. AB - 32 (Sub No. 106X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board - Washington, DC 20423 or by calling that office at (202) 245-0245.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (866) 254-1792. Copies of any comments or requests for conditions should be served on the applicant's representative.

ROBERT B. BURNS, ESQ.
LEGAL COUNSEL
BOSTON & MAINE CORPORATION
1700 IRON HORSE PARK
NORTH BILLERICA, MA 01862
ET - 1/23/15

you may be entitled to the of the Servicemembers Civil Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at **Three Peaberton Square, Boston, MA 02111** on or before February 23, 2015 or you will be forever barred from claiming that you are entitled to the benefits of said Act.

Witness, JUDITH C. CUTLER
Chief Justice of this Court on January 6, 2015

Attest:

Deborah J. Patterson
Recorder
201402-05

ET - 1/23/15

THE COMMONWEALTH OF MASSACHUSETTS LAND COURT DEPARTMENT OF THE TRIAL COURT

(SEAL)

**2015 MISC. 15SM001
ORDER OF NOTICE**

To:

Angel Mejia; Brunilda Mejia and to all persons entitled to benefit of the Servicemembers Civil Relief Act, 50 U.S.C. App. § 5411, et seq.

PNC Bank, National Association, claiming to have an interest in a First Mortgage covering real property located at 21 Long Terrace, given by Angel Mejia and Brunilda Mejia to National City Mortgage a division of National City Bank, dated August 15, 2006, recorded with the Essex County (Northern District) Registry of Deeds at Book 10351, Page 145 as affected by a loan modification agreement recorded with said Registry at Book 13168, Page 266, has/have filed in this court a complaint for determination of Defendant's/Defendants' status.

If you now are, or recently have been, in the active military service of the United States of America, then you may be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at **Three Peaberton Square, Boston, MA 02111** on or before February 23, 2015 or you will be forever barred from claiming that you are entitled to the benefits of said Act.

Witness, JUDITH C. CUTLER
Chief Justice of this Court on January 6, 2015

Attest:

Deborah J. Patterson
Recorder
201411-0789-TE

ET - 1/23/15

MANCHESTER AND LAWRENCE BRANCH
ENVIRONMENTAL/HISTORICAL REPORT

Docket No. AB 32, Sub No. 106X

I. ENVIRONMENTAL REPORT

The following information is provided in accordance with 49 C.F.R. § 1105.7 (e):

(1) **Proposed Action and Alternatives**

The Boston and Maine Corporation (the “Applicant”) propose to discontinue service over an approximate 1.4 mile portion of the so-called “Manchester & Lawrence Branch” line of railroad (the “Line”) located in the City of Lawrence, Middlesex County, Massachusetts. A map of the proposed discontinuance has previously been provided to all parties receiving this report, and is attached as Exhibit A hereto.

Due to the inability to generate traffic over the Line, there is no reasonable alternative to discontinue service.

(2) **Transportation System**

There will be no substantial effect on existing regional or local transportation systems or patterns.

There is no passenger or freight traffic on the Line. Any traffic previously moving over the Line was rerouted well more than two years ago.

(3) **Land Use**¹

- (i) The Applicants believe that the proposed action is consistent with and in furtherance of local land use plans.
- (ii) The Applicants believe the proposed action will have no effect or adverse impact on any prime agricultural land.
- (iii) This action is outside the boundary of the Massachusetts coastal zone.
- (iv) Applicants are unsure whether the right-of-way is suitable for alternative public use under 49 U.S.C. 10906.

(4) **Energy**

- (i) The transportation of energy resources will not be effected by the proposed action.
- (ii) The proposed action will have no effect on the movement and/or recovery of recyclable commodities.
- (iii) The proposed action will increase overall energy efficiency in that it will allow Applicants to eliminate their potential responsibility for costly and energy-consuming maintenance operations for this unused portion of line.
- (iv) The proposed action will not cause a diversion from rail to motor carrier in excess of the threshold levels set forth at § 1105.7 (e)(4)(iv)(A) or (B).

(5) **Air**

The proposed action will not result in any of the increases set forth at § 1105.7 (e)(5).

¹ The Applicants attach to this Environmental/Historical Report as an Appendix, all correspondence received from federal, state, and local authorities and agencies in response to the Applicants' request for comments regarding the proposed discontinuance of service.

(6) **Noise**

The proposed action will not result in or exceed any of the thresholds set forth at § 1105.7 (e) (6).

(7) **Safety**

(i) The proposed action will have no adverse effect on public health and safety.

(ii) No hazardous materials will be diverted to highway transportation.

(iii) No known hazardous waste sites or spills exist on the Line.

(8) **Biological Resources**

(i) Applicant knows of no endangered or threatened species or critical habitats that will be affected by the proposed action. The Applicants previously requested comments from the New England Region, U.S. Fish and Wildlife Service in this regard. The Service has responded to Applicant by stating, "... no federally listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area."

(ii) Applicant believes no national or state parks or forests will be affected by the proposed action.

(9) **Water**

(i) The Applicants contemplate no action inconsistent with federal, state and/or local water quality standards.

(ii) The Applicants do not believe the proposed action will require any permits under § 404 of the Clean Water Act. No salvage operations are expected to be undertaken by applicant. There are no known swampy conditions located in the area of Mile Post 0.00 & Mile Post 1.4. There are no indications of environmental

contamination. No designated wetlands or 100-year flood plains will be affected by the proposed action.

(iii) It is not expected that permits under § 402 of the Clean Water Act will be required for the proposed action. Applicant has no knowledge whether rail salvage operations may be undertaken by the owner of the property, Massachusetts Bay Transportation Authority, at this time.

(10) **Proposed Mitigation**

Whereas no adverse environmental impacts are expected to result from the proposed action, no mitigation will be needed or is planned.

(11) **Additional Information for Rail Constructions**

The proposed action is not a rail construction proposal, therefore this section does not apply.

II. HISTORIC REPORT

The following information is provided in accordance with 49 C.F.R. § 1105.8 (d):

(1) **Maps**

A map of the line is attached hereto as Exhibit A.

(2) **Description of Right-of-Way**

The portion of Line at issue is approximately 1.4 miles in length. The width of the right-of-way varies slightly but is primarily 82.5 feet in width in the vast majority of locations. The attached topographic map indicates the Line's topography.

(3) **Photographs of Railroad Structures**

The Applicants know of a bridge structure on the Line that is 50 years or older but is not listed in the National Register of Historic Places. The Applicants have

requested comments from the Massachusetts Historic Commission (“MHC”) in regard to the anticipated effect of the proposed action on historical resources. The Historical Commission has not responded

(4) **Construction Dates**

The Applicant knows of no construction planned for the site.

(5) **History of Operations**

No local or overhead traffic has moved over the Line for well over two years.

The proposed discontinuance will not effect carrier operations in the area.

(6) **Summary of Useful Documents**

The Applicant knows of no sites or structures on the Line that are 50 years or older or that are listed on the National Register of Historic Places at this time.

(7) **Opinion as to Historical Significance**

The Applicants know of a bridge structure on the Line that is 50 years or older that is not listed in the National Register of Historic Places. The Applicants have requested comments from the Massachusetts Historic Commission in regard to the anticipated effect of the proposed action on historical resources. No response was received by this Applicant. The Applicants are not aware of any culturally significant locations, archaeological sites or unique landforms located along the Line or that will be affected by the proposed action.

(8) **Description of Prior Subsurface Disturbance**

The Applicants know of no prior subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

III. CERTIFICATE OF SERVICE

This certifies that the Applicants have served copies of this
Environmental/Historical Report upon and, prior to such service, consulted, or
attempted to consult, with the following parties:

***** *SEE ATTACHED SERVICE LIST BELOW* *****

Dated this 3rd day of FEB., 2015.



Robert B. Burns, Esq.

**Environmental/Historical Report Service List – Discontinuance of
Service - Manchester and Lawrence Branch – AB-355 (Sub No. 42X)**

Financial Assistant
Department of Housing and
Community Development
One Congress Street, 10th Floor
Boston, MA 02114

Regional Director
Commonwealth of Massachusetts
Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Commonwealth of Massachusetts
Coastal Zone Management Program
Executive Office of Environmental Affairs
251 Causeway Street, STE 800
Boston, MA 02114-2138

Natural Resources Conservation Service
USDA
Westford Field Office
319 Littleton Road, Ste. 205
Westford, MA 01886

Mayor's Office
City Hall
200 Common Street
3rd. Floor Room 309
Lawrence, Massachusetts 01840

State Historic Preservation Office
Director of Architectural Review
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125

Office Director
EPA New England, Region 1
5 Post Office Square - Suite 100
Boston, MA 02109-3912

New England Field Office
U.S. Department of Interior
Fish & Wildlife Service
70 Commercial Street, STE 300
Concord, NH 03301

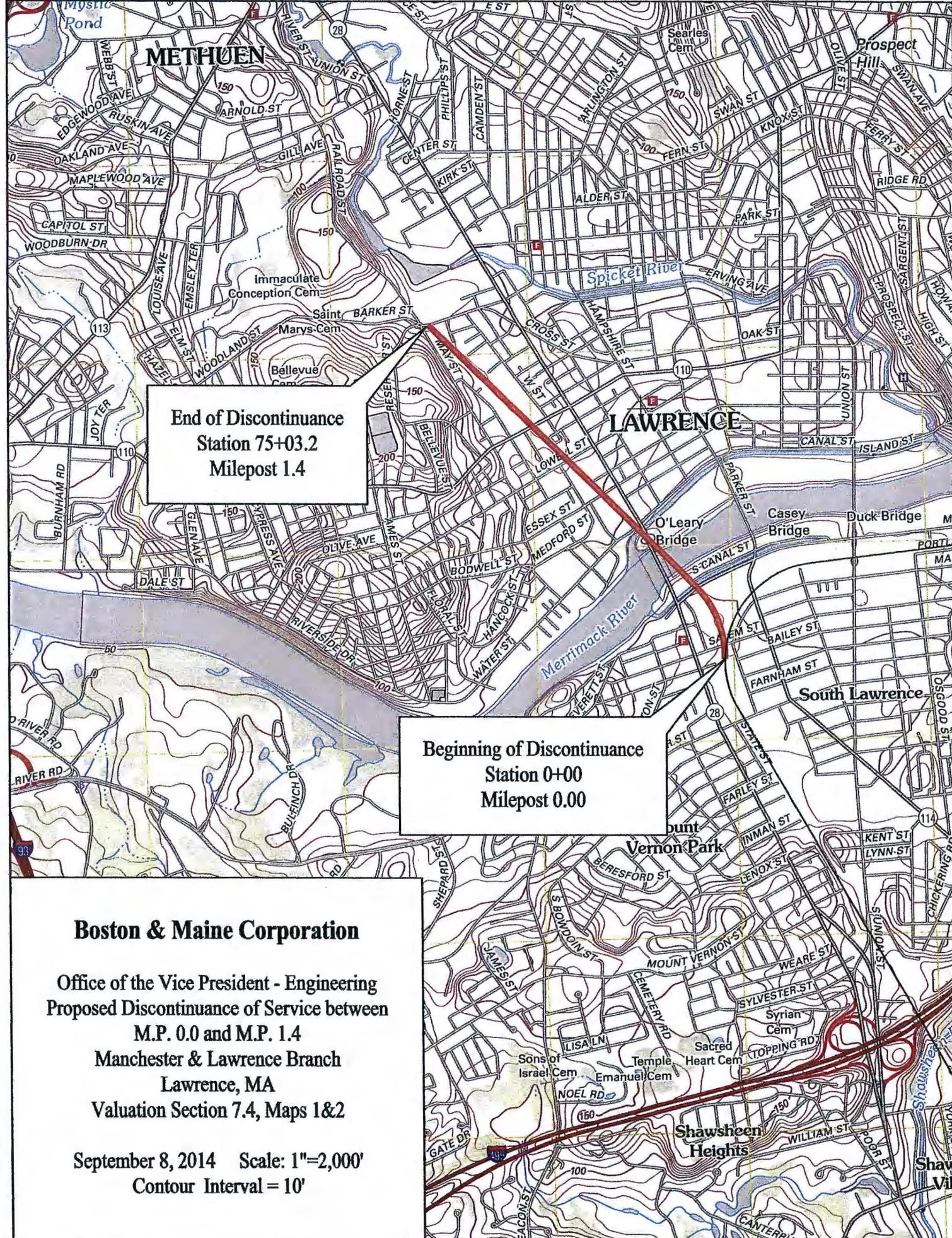
Chief, Public Affairs Office
New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Regional Director
Northeast Region
National Park Service
U.S. Customs House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

Simon Monroe, Geodetic Tech
Geodetic Services Division
National Geodetic Survey
NOAA, N/NGS-12
1315 East-West Highway
Silver Spring, MD 20910-3293

EXHIBIT A

[Map]



End of Discontinuance
 Station 75+03.2
 Milepost 1.4

Beginning of Discontinuance
 Station 0+00
 Milepost 0.00

Boston & Maine Corporation

Office of the Vice President - Engineering
 Proposed Discontinuance of Service between
 M.P. 0.0 and M.P. 1.4
 Manchester & Lawrence Branch
 Lawrence, MA
 Valuation Section 7.4, Maps 1&2

September 8, 2014 Scale: 1"=2,000'
 Contour Interval = 10'

APPENDIX TO

ENVIRONMENTAL/HISTORICAL REPORT



United States Department of Agriculture

Natural Resources Conservation Service

Westford Field Office, 319 Littleton Rd., Ste. 205, Westford, MA 01886 | 978-692-1904 ext. 3 | fax 855-596-7671
www.ma.nrcs.usda.gov

January 9, 2015

Robert B. Burns, Esq., Corporate Counsel
Pan Am Railways
1700 Iron Horse Park
North Billerica, MA 01862

**RE: Discontinuance of Service Over Manchester and Lawrence Branch -
AB-32 (Sub No. 106X)**

Dear Sir:

I am not aware of any adverse effect that the proposed abandonment and discontinuance of service of the above mentioned rail line will have on agricultural resources or businesses in the area.

Sincerely,

A handwritten signature in cursive script that reads "Dan Lenthall".

Daniel J. Lenthall
District Conservationist
USDA-NRCS
319 Littleton Road, Suite 205
Westford, MA 01886-4133

