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BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 36016

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STATUS OF UNUSED RAILROAD RIGHT OF WAY  
IN THE CITY OF MONTPELIER, VERMONT

---

**PETITION FOR DECLARATORY ORDER**

BY  
ANGELES A. ZORZI, TRUSTEE  
OF THE ANGELES A. ZORZI LIVING TRUST  
AND  
ANTONIO AJA, JR. AND VIRGINIA C. AJA, TRUSTEES  
OF THE ANTONIO AJA, JR. TRUST AND THE VIRGINIA D. AJA TRUST

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Counsel for Petitioners

Dated: April 14, 2016

FILED  
April 18, 2016  
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TRANSPORTATION BOARD

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**PETITION FOR DECLARATORY ORDER**

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Angeles A. Zorzi, Trustee of the Angeles A. Zorzi Living Trust, Antonio Aja, Jr., Trustee of the Antonio Aja, Jr. Trust, and Virginia D. Aja, Trustee of the Virginia D. Aja Trust (hereinafter collectively referred to as “Zorzi”) submits to the Surface Transportation Board (the “Board”) this Petition for Declaratory Order (the “Petition”) pursuant to 49 C.F.R. § 1011.7 (vi) requesting a ruling that the below described unused railroad right of way was severed from the interstate railroad system, and that there was a *de facto* abandonment of the unused right of way. A ruling of *de facto* abandonment will allow Zorzi to pursue its reversionary rights to the right of way.

**Introduction**

This Petition concerns an unused railroad right of way which crosses the lands of Zorzi in Montpelier, Vermont. Zorzi owns an approximately 100 acre parcel of land with frontage located on Barre Street in the City of Montpelier, Vermont. Along the frontage of the Zorzi property is an unused, abandoned rail bed formerly used by the Montpelier & Barre Railroad. The unused rail line is approximately 2460’ in length along the Zorzi frontage on Barre Street. (See Exhibit 1, Affidavit of Angeles A. Zorzi). The rails used over that portion of the rail bed were removed in the late 1950’s. The use of that portion of the line for rail purposes was never reestablished. Instead,

Zorzi and their predecessor have used the area to the exclusion of all others since the late 1950s. Although an official approval from the Interstate Commerce Commission (“ICC”) authorizing the abandonment of the line has not been located, the evidence set forth below will demonstrate that the line was *de facto* abandoned decades ago.

### **History of the Line**

The line in question which crosses the Zorzi land was originally created in December, 1870, with a Commissioner’s Award of Damages in favor of Montpelier and Wells River Railroad over the lands of H. W. and G. T. Sabin, predecessors-in-title to Zorzi. Montpelier and Wells River Railroad operated its line until 1944, when the line was sold to Barre & Chelsea Railroad. Subsequently, Barre & Chelsea Railroad requested permission from the ICC to abandon its entire line. In 1956, the ICC authorized Barre & Chelsea to abandon its line which consisted of approximately 49 miles. On January 10, 1957, in Finance Docket No. 19564, the ICC authorized the Montpelier & Barre Railroad to purchase a 14.1 mile portion of the Barre & Chelsea line. (See Exhibit 2 – Finance Docket No. 19564). Montpelier & Barre Railroad was owned and controlled by Samuel Pinsly, who owned and operated several other regional rail lines. This 14.1 mile line traversed from Montpelier, Vermont, through Barre Junction and terminated in Graniteville, Vermont. (See Exhibit 3 – Map). The portion of this line that crosses the Zorzi parcel is the source of the issue in this petition. (See Exhibit 4)<sup>1</sup>

At the time of the acquisition of the line by Montpelier & Barre Railroad, the major industry served by the line was the quarrying and processing of monumental granite. (See Exhibit 2 at sheet 4). In addition to the service provided by Montpelier & Barre Railroad, Central Vermont

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<sup>1</sup> Exhibit 4 is a color map printed from the Vermont Agency of Transportation’s website, which is intended to depict the Montpelier & Barre Railroad. The *de facto* abandoned line is on the opposite side of the river.

Railway, Inc., also provided service to the quarries in the area. In some areas, including in the vicinity of the Zorzi property, the lines of Montpelier & Barre and of Central Vermont Railway ran parallel to each other (See Exhibit 1). The rail companies, in effect, were competing for the limited quarry freight business.

In September, 1957, the Montpelier & Barre Railroad requested authority from the ICC to purchase an 8.46 mile portion of the Central Vermont Railway line. In a Decision dated March 17, 1958, the ICC granted the authority to Montpelier & Barre to purchase the line. (See Exhibit 5 - Finance Docket No. 19936). The decision set forth that the Central Vermont Railway line to be purchased “parallels Montpelier’s line at distances not greater than 0.25 mile between Montpelier and Barre, and at those points the properties of the carriers are adjacent to each other.” (See Exhibit 4 at Sheet 2). The decision recites that “duplicate facilities and operations would be eliminated.” (*Id* at sheet 4). It also provides, “Nothing herein is to be construed as expressing an opinion as to whether either of the parallel tracks of the Montpelier, as hereafter existing, may be abandoned without our permission pursuant section 1(18-22) of the act.” *Id*. When examining the protection of the Central Vermont Railway employees, the decision referenced the carriers’ acknowledgement that Montpelier & Barre would “eliminate certain duplicate facilities and operations.” (*Id*. at sheet 7.) Finally, when concluding in favor of Montpelier’s petition, the Commissioners wrote:

“The proposed transaction will be consistent with the public interest for the reasons that the line to be acquired is parallel to and operates in competition with the Montpelier’s line between Montpelier and Barre, where there is not sufficient traffic to justify competing operations. The transaction would relieve Central of continued operation of an uneconomical branch line and would enable the Montpelier to obtain additional traffic and revenue without incurring a proportionate increase in operating costs.”

(*Id*. at Sheet 8).

While Finance Docket No. 19936 does not appear to authorize abandonment of the Montpelier & Barre parallel line<sup>2</sup>, the subsequent actions of the company demonstrate its intent to abandon. In the late 1950's, the rails were removed from the rail bed that ran along the Zorzi property. (See Exhibit 1). Upon the removal of the rails, the abandoned road bed was continuously used for farm purposes by Ms. Zorzi's father. (See Exhibit 1). Furthermore, in a series of letters in the spring of 1959, Montpelier & Barre acknowledged the abandonment and conveyance of the rail line just north of the Zorzi property to the State of Vermont. (See Exhibit 7 – Correspondence 1959-1973). The intent of Montpelier & Barre could not be more evident.

This abandonment was not just apparent to the Montpelier & Barre and the Zorzi's predecessor. It was, in fact, recognized both nationally and locally. The abandonment of the line was reported in *Lost Railroads of New England*, by Ronald Dale Karr. Mr. Karr, relying among other things, on the weekly listings of abandonments appearing in *Traffic World*, identifies this stretch of line abandoned as of 1958. (See Exhibit 8 – excerpts from *Lost Railroads of New England*).

In a 1977 edition of *Boston and Maine Bulletin*, a history of both the Montpelier & Wells River and the Barre & Chelsea Railroads appeared. In the article, the author also addresses the Montpelier & Barre purchase of the eight mile Central Vermont route and reported that work crews “proceeded to abandon those portions of each line where the grades were prohibitive, i.e. the CV iron was retained from Montpelier to a point two miles east of the city...” (See Exhibit 9, *B&M Bulletin, The History of the Montpelier & Wells River and Barre & Chelsea Railroads*,

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<sup>2</sup> Finance Docket No. 19936 could not be located by the National Archives and Records Administration. (See Exhibit 6 – Letter from National Archives and Records Administration).

Winter 1976-1977, Volume 6, pp. 20-30, at p. 29). The abandoned portions of the rail line referred to include the portion crossing the Zorzi property.

Likewise, local historians reference the removal of the rails located in part on the Zorzi property after the purchase of the Central Vermont Railway line in 1958. In his book, *Connecticut River Railroads and Connections, Volume X*, R. W. Nimke, provides a photograph demonstrating the “abandoned B&C Main on left side of river” (this is the line purchased by Montpelier & Barre). (See Exhibit 10, excerpts from *Connecticut River Railroads and Connections, Volume X*, by R. W. Nimke (1993) at p. 26.) In *Vermont Granite Railroads, The Montpelier & Wells River and the Barre & Chelsea*, authors Robert C. Jones, Whitney J. Maxfield and Bill Gove addressed the history of the Montpelier & Barre. These authors also reference the purchase of Central Vermont’s parallel track. They noted that following the purchase, the Montpelier & Barre started using the former Central Vermont trackage almost immediately and removed the parallel track. (See Exhibit 11, excerpts from *Vermont Granite Railroads, The Montpelier & Wells River and the Barre & Chelsea*, by Robert C. Jones, Whitney J. Maxfield and Bill Gove, published by Pruett Publishing Co. 1<sup>st</sup> Edition (1985) at page 210.)

Finally, in *Sky Route to the Quarries, History of the Barre Railroad*, author Bill Gove again references the use of the Central Vermont line after the Montpelier & Barre purchase and removal of the old Montpelier & Barre rails. (See Exhibit 12, excerpts from *Sky Route to the Quarries, History of the Barre Railroad*, by Bill Gove, published by Quarry View Publishing, First Edition (2004) at p. 92.)

The best evidence of *de facto* abandonment however originates from the Montpelier & Barre Railroad itself. Over the course of time, Montpelier & Barre endured a significant reduction in its train traffic and the profitability of its line. In December 1978, it petitioned the ICC to

abandon its 14 mile line from Graniteville, Vermont, to Montpelier Junction, Vermont. The portion of the line that ran along the Zorzi frontage was not included in the Montpelier & Barre abandonment submission to the ICC. Montpelier & Barre submitted its petition to the ICC and attached as Exhibit 1, a map of the line to be abandoned. The map does not appear to delineate the *de facto* abandoned line. (See Exhibit 3 - map of line to be abandoned).

More significantly, the State of Vermont opposed Montpelier & Barre's petition for abandonment. As part of its opposition, the State submitted an appraisal of the Montpelier & Barre property. The appraisal included a "Breakdown for Subdivision of Montpelier-Barre Railroad Real Estate". (Exhibit 13 at p.8 -11). This breakdown included a list of the parcels to be included in the estimate of value for Montpelier & Barre. The parcels were identified with reference to their track map numbers and railroad stations. (Exhibit 12 at pp. 8-11). By way of orientation, the Zorzi parcel is located within the City of Montpelier. The portion of the *de facto* abandoned line crossing the Zorzi parcel is on track map no. V52.1/2 and is labeled "Sabin Estate". (See Exhibit 14 – Map V52.1/2). This track map represents the operation of the line of the former Montpelier and Wells River Railroad. This is the portion of the parallel line from which the Montpelier & Barre removed its rails and hardware in the late 1950s. This track map number is NOT included in the State of Vermont's appraisal of the Montpelier & Barre property. Certainly, if the State of Vermont did not believe that this portion of the line had been abandoned, they would have included it in its appraisal.

Conversely, the State of Vermont' appraisal did include the portion of the Montpelier & Barre that it had obtained from Central Vermont. The line obtained from Central Vermont is identified on track map V-8A/3 (See Exhibit 15 – Map V-8A/3). This line and track reference is specifically identified in the "Breakdown for Subdivision of Montpelier-Barre Railroad Real

Estate”. (Exhibit 12 at p. 8, parcel nos. 16-21). Additionally, the narrative for the State of Vermont’s appraisal references only one corridor, not two, in its general property description. (See Exhibit 12 at p.2)

Subsequently, the State of Vermont Agency of Transportation filed a petition seeking to condemn the entire line of the Montpelier & Barre Railroad. The State’s petition included the portion of the line that crosses the Zorzi parcel. Ultimately, the State successfully condemned the entire Montpelier & Barre line. The Condemnation Order included a description of the abandoned line that crosses the Zorzi’s land. (See Exhibit 16 – Condemnation Order). Zorzi was not compensated for the 1980 taking by the State of Vermont for their property, which had reverted to them upon the *de facto* abandonment of the line. Despite their exclusive use of the area of the abandoned line since the rails were removed 55 years ago, and their reversionary rights, the State of Vermont disputes the ownership of the property.

More recently, the uncertainty and controversy arose after Zorzi received partial approval to subdivide the property into 145 residential units. Following that partial approval, the State of Vermont Agency of Transportation asserted control over the *de facto* abandoned line and denied Zorzi the right to cross the line to access its property and their proposed residential development. Zorzi is before this Board seeking to terminate the controversy with the State of Vermont or remove uncertainty as to the *de facto* abandoned line so that they may pursue their reversionary rights in state court.

### **ARGUMENT**

Pursuant to 5 U. S. C. §554 (e) and 49 U. S. C. §721, the Surface Transportation Board may issue a declaratory order to terminate a controversy or remove uncertainty. The Board has

broad discretion in deciding to issue a declaratory order. *InterCity Transp. Co. v. United States*, 737 F. 2d 103 (D.C. Cir. 1984). In this matter, the Board should exercise its authority and discretion and declare that the portion of the line which crosses the Zorzi property has been *de facto* abandoned and allow Zorzi to pursue its reversionary claim in Vermont state courts.

“In determining whether a railroad has abandoned a line, one must focus on the railroad’s objective intent.” *Becker v. STB* 132 F.3d 60, 62 (D.C. Cir. 1997) (quoting, *Consolidated Rail Corp.* 93 F. 3d 793,794 (D.C. Cir. 1996)). There are several concrete actions which may indicate an intent to abandon. The actions include cessation of operations, salvage of the track and track material, and relinquishment of control over the right of way. See, *Birt v. STB*, 90 F.3d 580 (D.C. Cir. 1996); *Fritsch v. ICC*, 59 F.3d 248 (D.C. Cir. 1995); and *Becker*, supra. Furthermore, severing a line so that it is no longer part of an interstate rail system is evidence of *de facto* abandonment. See, *RLTD Railway v. STB*, 166 F. 3d 808 (6<sup>th</sup> Cir. 1999).

In the present case, the evidence overwhelmingly demonstrates that the Montpelier & Barre intended to abandon and, in fact abandoned, the line as it crosses the Zorzi property. The railroad removed its rails and hardware from the line in the late 1950s. It never again exercised control over the right of way. It was acknowledged locally and nationally that the line was abandoned. Montpelier & Barre did not include the disputed portion of the line as part of its valuation when it sought to abandon its operational line in 1978. It severed the disputed portion of the line from the rail system when it removed the rails. Zorzi has exclusively used and controlled the abandoned line since the late 1950s. The objective intent of the Montpelier & Barre to abandon the portion of the line in question as of the late 1950s is unequivocally demonstrated by its own actions.

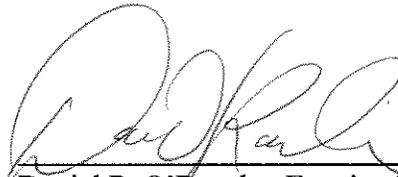
Nevertheless, the State of Vermont has taken actions which create both controversy and uncertainty by refusing Zorzi the right to access the property. The property had, however, reverted

back to Zorzi upon the *de facto* abandonment by Montpelier & Barre. The Board should determine that the line crossing the Zorzi property was *de facto* abandoned no later than 1960. A determination of *de facto* abandonment will remove the line from the Board's jurisdiction and permit Zorzi to pursue its reversionary claim in the courts of the State of Vermont.

### **CONCLUSION**

Based upon the foregoing, the Petitioners respectfully request that the Board issue a Declaratory Order that the portion of the Montpelier & Barre line which crossed the Zorzi property was *de facto* abandoned as of 1960.

Respectfully submitted this 14<sup>th</sup> day of April, 2016.



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*Attorneys for Angeles A. Zorzi, Trustee of the  
Angeles A. Zorzi Living Trust, Antonio Aja Jr.,  
Trustee of the Antonio Aja Jr. Trust, and Virginia  
D. Aja, Trustee of the Virginia D. Aja Trust*

VERIFICATION

Daniel P. O'Rourke, Esquire, hereby verifies as follows:

1. I, Daniel P. O'Rourke, declare under penalty of perjury that the foregoing Petition for Declaratory Order is true and correct to the best of my knowledge, information and belief.
2. The exhibits attached to the foregoing Petition are true and correct to the best of my knowledge, information and belief.
3. I am qualified and authorized to file this Petition.

I verify under penalty of perjury that the foregoing is true and correct.



Daniel P. O'Rourke, Esquire

Dated: April 14, 2016

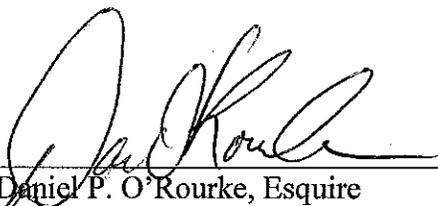
**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2016, I caused a copy of the foregoing Petition for Declaratory Order to be served by United States Mail, first class postage thereon prepaid, upon the following parties:

State of Vermont  
Agency of Transportation  
1 National Life Drive  
Montpelier, VT 05633-5001

Washington County Railroad  
c/o Vermont Rail System  
One Railway Lane  
Burlington, VT 05401

Dated: April 14, 2016

  
\_\_\_\_\_  
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FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBITS**

- Exhibit 1: Affidavit of Angeles A. Zorzi
- Exhibit 2: ICC Finance Docket No. 19564
- Exhibit 3: Map (Exhibit 1; Montpelier and Barre Railway Co.)
- Exhibit 4: Map – VT Agency of Transportation Rail Valuation Sheet
- Exhibit 5: ICC Finance Docket No. 19936
- Exhibit 6: Letter from National Archives and Records Administration
- Exhibit 7: Correspondence re: Montpelier & Barre Railroad
- Exhibit 8: Excerpts from *Lost Railroads of New England*
- Exhibit 9: *B&M Bulletin: The History of the Montpelier & Wells River and Barre & Chelsea Railroads*
- Exhibit 10: Excerpts from *Connecticut River Railroads and Connections, Volume X*
- Exhibit 11: Excerpts from *Vermont Granite Railroads, The Montpelier & Wells River and the Barre & Chelsea*
- Exhibit 12: Excerpts from *Sky Route to the Quarries, History of the Barre Railroad*
- Exhibit 13: Estimate of Value of property owned by Montpelier-Barre Railroad Company, Inc.
- Exhibit 14: Map V52.1/2
- Exhibit 15: Map V-8A/3
- Exhibit 16: Condemnation Order re: Montpelier and Barre Railroad Company, Inc.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 1**

**AFFIDAVIT**

I, Angeles A. Zorzi, having been duly sworn, state under oath as follows:

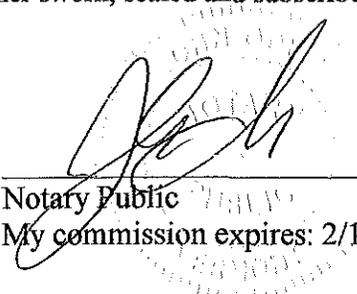
1. I am the Trustee of the Angeles A. Zorzi Living Trust, a co-owner of property consisting of approximately 100 acres, more or less, located in the City of Montpelier, Vermont. The property has been owned by our family since June 1, 1943.
2. The property includes approximately 2,460 feet of frontage along Barre Street in Montpelier.
3. An unused, abandoned rail bed is located along the 2,460 feet of frontage of the property.
4. The unused, abandoned rail bed was formerly used as a rail line by the Montpelier and Barre Railroad.
5. In the late 1950's, the rails were removed from the rail bed located along the frontage of the property.
6. Upon removal of the rails in the late 1950s, the abandoned rail bed was continuously and exclusively used by our family for farming purposes.
7. The unused, abandoned rail bed is parallel to tracks owned by the Central Vermont Railway, Inc. in the 1950s.

Dated at Montpelier, Vermont this 23<sup>rd</sup> day of February, 2016.

Angeles A. Zorzi  
Angeles A. Zorzi

STATE OF VERMONT  
WASHINGTON COUNTY, SS

At, Montpelier, Vermont, this 23<sup>rd</sup> day of February, 2016, Angeles A. Zorzi, personally appeared and acknowledged this instrument, by her sworn, sealed and subscribed to be her free act and deed.

  
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Notary Public  
My commission expires: 2/10/2019

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 2**

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This report will not be printed in full in the permanent series of Interstate Commission reports.

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 19564<sup>1/</sup>

MONTPELIER & BARRE RAILROAD COMPANY ACQUISITION AND OPERATION

Decided January 10, 1957

1. Certificate issued authorizing acquisition and operation in interstate and foreign commerce by the Montpelier & Barre Railroad Company of a portion of a line of railroad formerly owned and operated by the Barre & Chelsea Railroad Company, in Washington County, Vt.
2. Acquisition by Samuel M. Pinsky of control of the Montpelier & Barre Railroad Company, through ownership of capital stock, approved.
3. Authority granted to the Montpelier & Barre Railroad Company to issue not exceeding 3,000 shares of common stock of the par value of \$100 each to reimburse Samuel M. Pinsky for acquisition of the portion of the line of railroad and for organization expenses, working capital, and general corporate expenses of the applicant.

Charles D. Peet for applicant.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MITCHELL, ARPAIA, AND WINCHELL

BY DIVISION 4:

The Montpelier and Barre Railroad Company, hereinafter sometimes referred to as the applicant, on November 23, 1956, applied under section 1(18) of the Interstate Commerce Act, as amended, for authority to acquire and operate in interstate and foreign commerce a portion of a line of railroad formerly owned and operated by the Barre and Chelsea Railroad Company, hereinafter sometimes referred to as Barre & Chelsea, extending from a junction with the Central Vermont Railway, Inc., at Montpelier, through Barre Transfer and Barre, to Barre

1/ This report also embraces Finance Docket No. 19565, Montpelier & Barre R. Co. Control, and Finance Docket No. 19566, Montpelier & Barre R. Co. Stock.

Mountain (Graniteville), 14.1 miles, together with 7.2 miles of yard tracks and sidings, in Washington County, Vt., Finance Docket No. 19564. On the same date Samuel M. Pinsky applied under section 5(2) of the act for authority to acquire control of the applicant through ownership of its capital stock, Finance Docket No. 19565. The applicant, on the same date, also applied under section 20a of the act for authority to issue not exceeding 3,000 shares of its common stock of the par value of \$100 each, upon the terms and conditions and for the purposes hereinafter stated, Finance Docket No. 19566. No representations have been made by any State authority and no objection to the granting of the applications has been presented. In our opinion a public hearing is not necessary in the public interest on the section 5(2) application for the reason that the proposed acquisition of control would not affect transportation services to the public. All points mentioned herein are in Vermont.

By report and certificate of September 19, 1956, in Finance Docket No. 19171, Barre & C. R. Co. Abandonment, 295 I.C.C. (not printed in full), we permitted the Barre & Chelsea to abandon, as to interstate and foreign commerce, its entire line of railroad extending from Wells River to Montpelier, approximately 47.68 miles, including a branch from Montpelier to Barre Mountain, subject to the condition that it sell the line or any portion thereof, at a price not less than its fair net salvage value, to any person offering within 40 days from the date of our certificate to purchase the line or any portion thereof for continued operation. Such acquisition and operation in interstate or foreign commerce were to be accomplished only with our approval. An offer for the Montpelier-Barre Mountain branch, hereinafter referred to as the line, was made by Pinsky within the time limit, and the line was sold to him for \$250,000 in cash,

under an agreement dated November 7, 1956. This agreement provided that tools, cars, rolling stock, locomotives, equipment or supplies, and certain real estate were to be excluded from the purchase. The purchase price was to be paid on or before November 15, 1956, and an agreement was to be executed that Barre & Chelsea would operate the line, at the account, risk, and cost of the purchaser, for 90 days from the date of purchase, or until the purchaser obtained our authority, if for a lesser period. The agreement to reimburse the Barre & Chelsea for the operation of the line was not executed and the company ceased operation thereof on November 15, 1956.

The applicant was incorporated in Delaware on November 13, 1956, for the purpose of engaging in transportation by railroad. It will not commence operations until the certificate requested herein has been issued. Its articles of incorporation provide that its capital stock will consist of 5,000 shares of the par value of \$100 each. Pinsky, an individual, is not a carrier subject to the act. In addition to his position as president of the applicant, he is a president, treasurer, a director, and owner of 70 percent of the outstanding capital stock and all of the outstanding bonds of the Hoosac Tunnel and Wilmington Railroad Company; president, treasurer, a director, and sole owner of the outstanding stock of the Sanford & Eastern Railroad Corporation; and president, treasurer, a director, and sole owner of the common stock of the Claremont and Concord Railway Company, Inc. Pinsky states that he intends to file an application for authorization of the common offices and directorships between the applicant and the foregoing corporations.

In order to finance its acquisition of the line, the applicant proposes to issue 2,500 shares of common stock to Pinsky, and to issue an additional 500 shares to him for cash to be used in meeting expenses for working capital.

Pinsly has assigned his interest in the line to the applicant for the 2,500 shares and subscribed to the additional 500 shares by letter dated November 14, 1956, the terms of which were accepted and approved by the applicant on the same date. The applicant does not expect to incur any expenses, other than the normal legal, accounting, and organizational expenses, in connection with the stock issue. Pinsly, as president and sole stockholder will advance any necessary cash needed by the applicant to purchase equipment, with the exception of 2 diesel locomotives to be purchased from Barre & Chelsea for a total sum of \$100,000. This purchase will be financed by a bank to the extent of \$80,000 for a period of 3 years, at 5-percent interest.

After giving effect to the proposed transaction, the applicant's assets will total \$300,000 which will consist of investment in road and equipment \$250,000 and current assets (cash) \$50,000. Liabilities will consist of common stock \$300,000.

A physical description of the line and the territory tributary thereto is set forth in Finance Docket No. 19171, supra. The applicant has furnished a partial list containing the names of 26 varied industries with sidings served only by the line. However, the major industry in the area is the quarrying and processing of monumental granite. This industry, which is the chief support of the line, is centered in Barre and on Barre Mountain. One of the principal companies engaged in this industry has just completed a \$2 million plant. The area is served by 6 common-carrier truck lines.

The applicant reports traffic handled over the line for the year 1955 as 97,998 tons originating or terminating thereon, and local traffic, 48,575 tons. The applicant estimates that the annual tonnage for the next 5 years will be

substantially the same as the foregoing. It anticipates the annual financial results of operation of the line as follows: Gross revenues \$250,000, operating expenses \$200,000, and net revenue \$50,000.

There is a public need for the acquisition and operation of the line to transport the traffic connected with the stone industry. The line will provide transportation service to replace that formerly provided by the Barre & Chelsea. The transaction covered by the section 5(2) application does not contemplate any assumption or guaranty of payment of dividends or fixed charges, and the fixed charges proposed will not be contrary to the public interest. No other carrier has sought to be included in the transaction. Although at present there are no railroad employees, our authorization and approval of the stock control will be granted subject to the same conditions for the protection of employees as were imposed in Chicago & N.W. Ry. Co. Merger, 261 I.C.C. 672.

Section 5(3) of the act provides that whenever a person which is not a carrier is authorized, by order under section 5(2), to acquire control of a carrier or two or more carriers, it shall, to the extent provided in such order, be considered a carrier subject to the provisions of the act relating to reports, accounts, etc., and issues of securities and assumption of liabilities applicable to the carriers involved. In our judgment, it is not necessary or advisable to include in our order any requirements subjecting Samuel M. Pinsky to regulation under the applicable provisions mentioned in section 5(3), except to the extent of making such special reports as we may hereafter require pursuant to section 20(1) and (2) of the act. Our order will so provide.

We find (1) that the present and future public convenience and necessity require acquisition and operation in interstate and foreign commerce by the Montpelier and Barre Railroad Company of a portion of a line of railroad formerly owned

and operated by the Barre and Chelsea Railroad Company, in Washington County, Vt., described herein; and (2) subject to the conditions for the protection of railway employees, that acquisition by Samuel M. Pinsky of control of the Montpelier and Barre Railroad Company through ownership of capital stock, as proposed, is a transaction within the scope of section 5(2) of the act, that the terms and conditions proposed are just and reasonable, and that the transaction will be consistent with the public interest.

We further find that the proposed issue by the Montpelier and Barre Railroad Company of not exceeding 3,000 shares of common stock of the par value of \$100 each, as aforesaid, (a) is for lawful objects within its corporate purposes and compatible with the public interest, which are necessary and appropriate for and consistent with the proper performance by it of service to the public as a common carrier, and which will not impair its ability to perform that service, and (b) is reasonably necessary and appropriate for such purposes.

An appropriate certificate and order will be entered, in which suitable provisions will be made for the filing of tariffs establishing rates and charges, the submission of journal entries,, and compliance with valuation order No. 24. COMMISSIONER WINCHELL did not participate in this proceeding.

CERTIFICATE AND ORDER

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 4,  
held at its office in Washington, D. C., on the 10th day of  
January, A. D. 1967.

Finance Docket No. 19564

MONTPELIER & BARRE RAILROAD COMPANY ACQUISITION AND OPERATION

Finance Docket No. 19565

MONTPELIER & BARRE RAILROAD COMPANY CONTROL

Finance Docket No. 19566

MONTPELIER & BARRE RAILROAD COMPANY STOCK

Investigation of the matters and things involved in these proceedings having been made, and said division, on the date hereof, having made and filed a report containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof:

It is hereby certified, That the present and future public convenience and necessity require the Montpelier and Barre Railroad Company to acquire and operate in interstate and foreign commerce a portion of a line of railroad of the Barre and Chelsea Railroad Company, in Washington County, Vt., described in the report aforesaid;

It is ordered, That, subject to the conditions with respect to the filing of such reports as we may hereafter require, and for the protection of railway employees referred to in said report, acquisition by Samuel M. Pinsky of control of the Montpelier and Barre Railroad Company through ownership of capital stock, upon the terms and conditions in said report found just and reasonable, be, and it is hereby, approved and authorized;

It is further ordered, That this certificate shall take effect and be in force from and after the date hereof and that the Montpelier and Barre Railroad Company, when filing schedules establishing rates and charges on said line of railroad, shall in such schedules refer to this certificate and order by title, date, and docket numbers;

It is further ordered, That the Montpelier and Barre Railroad Company be, and it is hereby, authorized to issue not exceeding 3,000 shares of common stock of the par value of \$100 each, for the purposes and upon the terms and conditions set forth in the said report;

It is further ordered, That, except as herein authorized, said stock shall not be sold, pledged, repledged, or otherwise disposed of by the Montpelier and Barre Railroad Company, unless or until ordered or approved by this Commission;

It is further ordered, That the Montpelier and Barre Railroad Company shall report concerning the matters herein involved in conformity with the order of the Commission, by division 4,

dated August 9, 1946, as amended, respecting applications filed under section 20a of the Interstate Commerce Act;

It is further ordered, That, if the authority herein granted is exercised, the Montpelier and Barre Railroad Company shall submit for the consideration and approval of this Commission three copies of the journal entries required to record the transactions;

It is further ordered, That nothing herein shall be construed to imply any obligation as to said stock, or interest or dividends thereon, on the part of the United States;

and it is further ordered, That the Montpelier and Barre Railroad Company shall report to this Commission as required by valuation order No. 24, effective May 15, 1928.

By the Commission, division 4.

*Harold D. McCoy*  
Secretary.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 3**

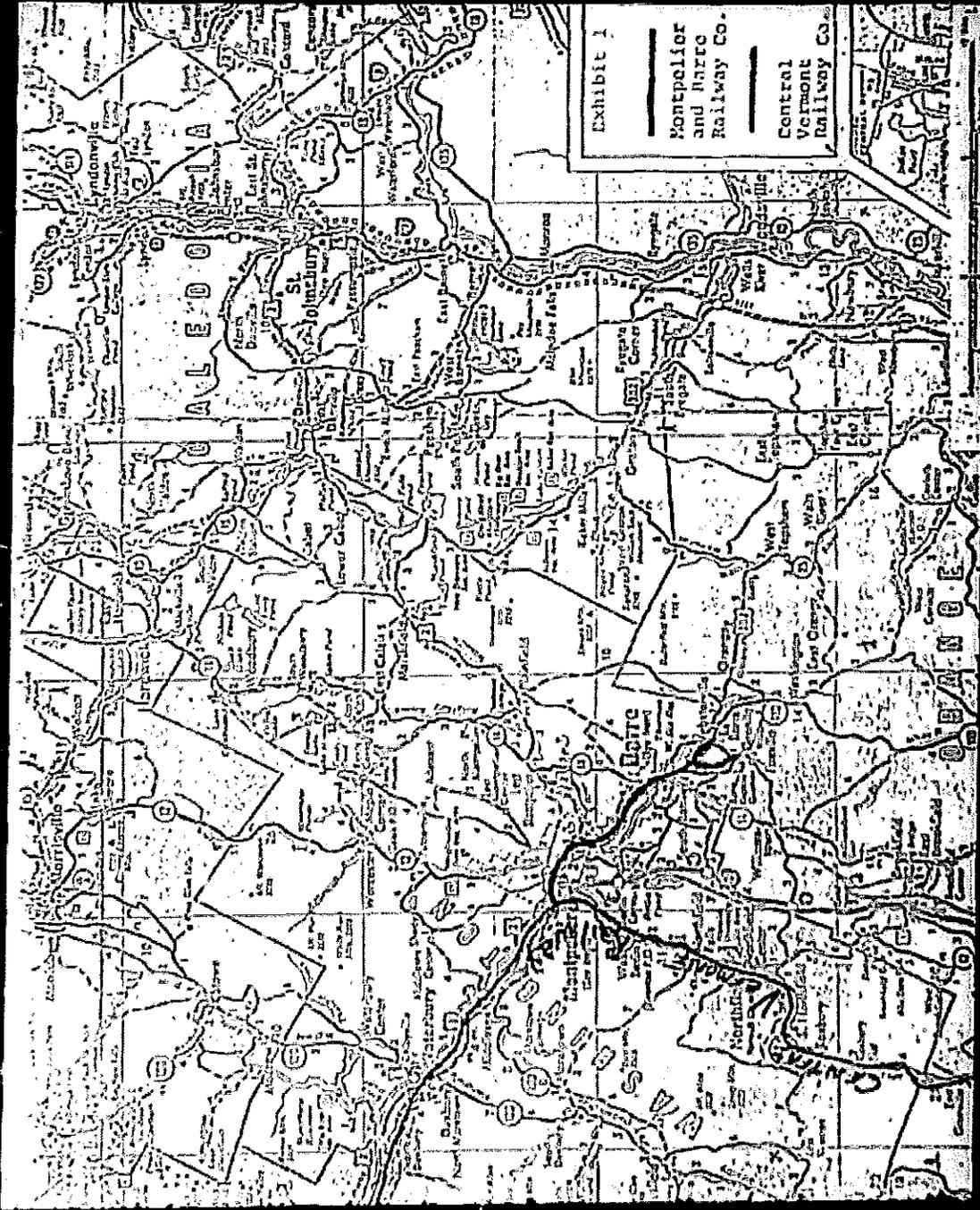


Exhibit 1

— Montpelier and Harts Railway Co.

— Central Vermont Railway Co.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 4**

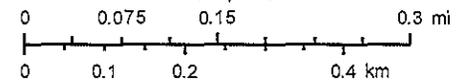
# Rail Valuation Sheets



April 7, 2016

- |                 |                       |        |       |                 |        |
|-----------------|-----------------------|--------|-------|-----------------|--------|
| ○ 1-Mile Posts  | <b>Railroad Lines</b> | ▬ WACR | ▬ CLP | ▬ TSRR (Closed) | ▬ MVRT |
| ● 5-Mile Posts  | ▬ GMRC                | ▬ NECR | ▬ MMA | ▬ LVRT          | ▬ DHRT |
| ○ 10-Mile Posts | ▬ VTR                 | ▬ PAR  | ▬ SLA | ▬ BBRT          |        |

1:9,028



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 5**

This report will not be printed in full in the permanent series of Interstate Commerce Commission reports.

INTERSTATE COMMERCE COMMISSION DATE OF SERVICE

Finance Docket No. 19936

MAR 19 1958

MAR 21 9 11 AM 1958  
MONTPELIER & BARRE RAILROAD COMPANY--PURCHASE BARRE BRANCH  
(PORTION)--CENTRAL VERMONT RAILWAY, INC.

Decided March 17, 1958.

Purchase by Montpelier & Barre Railroad Company of a portion of the Barre branch line of railroad of the Central Vermont Railway, Inc., in Washington County, Vt., and acquisition by Samuel Finsly of control of the line of railroad through ownership of the stock of the Montpelier & Barre Railroad Company, approved and authorized. Conditions prescribed.

Charles D. Peet for applicants.  
Edward J. Hickey, Jr., William G. Mahoney, and Clarence M. Mulholland for railway labor organizations.

REPORT OF THE COMMISSION

DIVISION 4, COMMISSIONERS MITCHELL, ARPAIA, AND McPHERSON

BY DIVISION 4:

The Montpelier and Barre Railroad Company, a carrier by railroad subject to the provisions of Part I of the Interstate Commerce Act, by application filed on September 23, 1957, as supplemented, requests authority under section 5(2) of the act, to purchase the portion of the Barre branch line of railroad of the Central Vermont Railway, Inc., extending in an eastwardly direction from the point of junction of the lines of the forenamed carriers at Montpelier Junction, via Montpelier to Barre, approximately 8.46 miles, in Washington County, Vt., and for Samuel Finsly, a person not a carrier who has control of the applicant through ownership of its capital stock, to acquire control of the line of railroad which the applicant proposes to purchase. The applicant will be referred to as the Montpelier, and with Finsly will be referred to as the applicants. Central Vermont Railway, Inc., also a carrier subject to Part I of the act will be referred to as Central.

No representations have been made by any State authority. Several of the principal shippers of the area support the application and urge its approval. The Railway Labor Executives' Association was permitted to intervene on behalf of the interests of employees who might be affected adversely by the proposed change in ownership. It does not oppose the application, but is unable to reach an agreement with applicant as to the conditions which should be imposed for the protection of employees. Modified procedure was directed by order of November 5, 1957, and pursuant thereto the applicants filed their opening statement of fact and argument on December 6, 1957, and the association filed its statement and reply. The applicants and the intervener have waived the issuance of a proposed report by a hearing examiner.

Montpelier's line presently extends about 14.1 miles from a junction with Central's line at Montpelier, through Barre Transfer and Barre to Barre Mountain (Graniteville). See Finance Docket No. 19564, Montpelier & B. R. Co. Acquisition, 295 I.C.C. \_\_\_\_\_, not printed in full, decided January 10, 1957. Central's trackage which will be purchased, hereinafter referred to as the line, parallels Montpelier's line at distances not greater than 0.25 mile between Montpelier and Barre, and at those points the properties of the carriers are adjacent to each other. The trackage involved is almost entirely of 80- and 90-pound secondhand rail, most of which was laid prior to 1905. It has steep grades, which at one point rise 72.5 feet within 1.4 miles, 35 curves, aggregating about 60 percent of the total mileage, of which 13 range from 5 degrees to more than 9 degrees, and 11 bridges and culverts installed in 1875. Within the next 10 years an estimated \$350,000 should be spent to recondition the line and place it

in the classification standard suitable for the volume of tonnage moving thereover.

Central's records do not show the results of operating the line apart from its system, but its general manager, by affidavit, states that he believes the line incurs operating losses because during the period 1952-56 the system produced operating deficits of between \$58,000 and \$587,000 each year after fixed charges, and this is a light traffic line. In his opinion the traffic handled from the Barre-Montpelier area over the lines of Central and the Montpelier<sup>1/</sup> together is not sufficient to sustain competitive railroads operating between Montpelier and Barre. In that connection, most of the tonnage over the line consists of granite quarried at a nearby mountain top and hauled to Barre for finishing over a branch line of the Montpelier, which has extremely severe grades and difficult operating conditions. Central would not consent to operate the quarry branch under any circumstances and for that reason asserts that the Montpelier should be entitled to a line haul on all the granite moving from Barre to Montpelier, in order to supplement the revenues from the initial movement. Otherwise, the Montpelier might not be able to operate successfully, and if its operations become so burdensome to warrant discontinuance of service, the consequence would be that the granite industry would suffer irreparable injury.

Following consummation of the proposed purchase, traffic between the Montpelier and Central is to be interchanged at

---

<sup>1/</sup> Estimated to be about 4,300 carloads annually, constructed on the basis of an actual count of 359 carloads moving during March 1957.

Montpelier Junction instead of Montpelier as it is at present.

Duplicate facilities and operations would be eliminated. Nothing herein is to be construed as expressing an opinion as to whether either of the parallel tracks of the Montpelier, as hereafter existing, may be abandoned without our permission pursuant to section 1(16-22) of the act.

The present service of the Central Vermont is coordinated with its main line operation and consists of a local freight train operating from Montpelier Junction through Montpelier to Barre and return each weekday. This train on the return trip leaves Barre at 1:50 p.m. and any cars must be ready before that time. The applicant has a weekday local freight train from Montpelier to Barre and return and another from Montpelier to Barre from which point it makes two round trips to the quarries each day. Upon consummation of the agreement the applicant would use three engines whereas it now uses two and would perform a substantially improved switching service as and where needed, including two scheduled runs to and from Montpelier Junction. A considerable saving in time will be realized by receivers of freight at Montpelier and Barre and by the shippers of granite. A full 24 hours would be saved in some instances in the handling of carload freight.

The Montpelier and Central entered an agreement, dated September 16, 1957, which is to take effect upon issuance of our appropriate authorization. Under its terms, the Montpelier would pay \$350,000 cash for the line and appurtenant facilities, franchises, and rights, to be conveyed free of encumbrances; Central would comply with whatever conditions we impose to protect its employees who might be affected adversely and would indemnify the Montpelier against any claim arising from failure to comply therewith; and the Montpelier would succeed to Central's rights and obligations under all outstanding leases, sidetrack agreements, and other arrangements pertaining to the line. The Montpelier

reserves the right to terminate the agreement in the event our authorization is made subject to employee conditions materially different from those prescribed in Chicago & N. W. Ry. Co. Merger, 261 I.C.C. 372. As will be discussed hereinafter, the labor association contends that such conditions are not applicable.

In its valuation of the line for rate-making purposes as of June 30, 1917, the Commission found the cost of reproduction new of the property involved to be \$444,053. The net cost of additions and betterments since that date to December 31, 1956, is \$145,872. For the purpose of this application the value of the line has been appraised at \$550,000. Finsly proposes to lend the funds necessary to consummate the purchase to the Montpelier on open account. The loan will bear interest at a rate not in excess of 5 percent per annum on the unpaid balance. No stock or other securities are to be issued with respect to the account.

Montpelier's balance sheet as of June 30, 1957, shows assets aggregating \$505,320, consisting of current assets \$113,269, special funds \$1,250, physical property, less depreciation \$390,434, and deferred charges \$367. Its liabilities consisted of current liabilities \$122,662, equipment obligations \$64,250, deferred credits \$1,349, capital stock \$500,000, and retained income \$17,059.

During the period commencing January 15, 1957, when the Montpelier initiated operations, to June 30, 1957, its gross railway operating revenue, including switching revenue, was \$105,031; total railway operating expense was \$64,628; total railway and miscellaneous tax accruals, car hire, miscellaneous income, and interest on funded debt were \$10,593; and its income before Federal income taxes was \$29,809. The applicants estimate that operations of the line would provide more than 3,100 carloads and 6,200 tons of less-than-carload freight in addition to the Montpelier's present traffic, and that the annual additional revenues would average more than \$200,000 per year, but the switching revenue now accruing no longer would be received. The Montpelier presently utilizes two locomotives in its

operation and with a third in use as anticipated it will incur total additional operating expenses of not more than \$100,000 a year. Thus, the applicant anticipates that annual net profits of more than \$50,000 would be realized from taking over operation of the line. In addition, the applicant would be able to provide more service and effect greater efficiency of operations. It also concludes that the added convenience to the affected shippers would develop traffic on the line in addition to that heretofore handled by Central.

Finsly, who is sole stockowner of the Montpelier and serves as its president and as a director, also owns all or a major share of the capital stock and other securities of the Hoosac Tunnel & Wilmington Railroad Company, the Sanford & Eastern Railroad Corporation, the Claremont & Concord Railway Company, and the Greenville & Northern Railway Company, and serves as president and director of each.<sup>2</sup> Other officers and directors of the Montpelier serve in similar capacities in the other "controlled" corporations. In Montpelier & B. R. Co. Acquisition and Operation, supra, we found that control by Finsly of the Montpelier through ownership of capital stock was consistent with the public interest. We further found that it was not necessary nor advisable to include in our order any requirements subjecting Finsly to regulation under the applicable provisions of section 5(3), except to the extent of making such special reports as we might thereafter require pursuant to section 20(1) and (2) of the act. We believe that the acquisition by purchase of the line of Central proposed herein would not change the aforementioned findings as to the noncarrier position of Finsly, and that continued control by him of the Montpelier and the control of the trackage acquired from Central are consistent with the public interest.

Negotiations between the labor association, Central, and the applicants, held subsequent to the order assigning modified procedure herein, ended without agreement as to the protective conditions that should be imposed if we authorize the transaction under consideration.

<sup>2</sup>See Application of S. M. Finsly, Finance Docket No. 11798 - Subs 4, 5, and 6.

The association contends that the Northwestern conditions, to which the Montpelier agrees, are not appropriate for the reason that such conditions are stated in general terms and should not be prescribed in cases where it is known that the proposed transaction would adversely affect certain classes of employees. It argues that conditions containing a specific formula of protection, such as in the so-called "Oklahoma conditions", should be imposed herein because the carriers acknowledge that the Montpelier would eliminate certain duplicate facilities and operations. The association emphasizes that, regardless of the conditions which we deem appropriate, it will not waive the right to proceed under the Washington agreement as well as under section 5(2)(f) of the act, inasmuch as the transaction herein is a "coordination" as defined in the agreement, and that Central as a party is obligated to comply with its provisions.

The decision in Chicago & N. W. Ry. Co. Merger, *supra*, provides employee protective conditions in the language of section 5(2)(f) of the act. Among other things it stated that such conditions would be prescribed thereafter in cases in which (1) it was definitely shown that no employees would be affected by the transaction under consideration, and (2) it was not definitely shown that employees would not be affected. In all other cases arising under section 5(2)(f), it was indicated that specific conditions theretofore had been prescribed, or that conditions had been prescribed as agreed upon by the parties, and that such practice would continue. In cases where we have prescribed specific conditions under section 5(2)(f), except as otherwise agreed upon by the parties, the conditions have been in terms of those set forth in Oklahoma Ry. Co. Trustees Abandonment, 257 I.C.C. 177. That proceeding included transactions arising under section 5(2), and the conditions were prescribed pursuant to the requirements of that section.

Inasmuch as the record shows that employees may be affected by the proposed transaction when consummated, the case herein does not fall within the categories named in Chicago & N. W. Ry. Co. Merger,

supra. In view of the foregoing we believe it is necessary that specific conditions be prescribed. Accordingly, we will impose the same conditions for the protection of employees herein as were prescribed in Oklahoma Ry. Co. Trustees Abandonment, supra. If, in fact, it should develop that no employees are adversely affected, neither the Montpelier nor Central would be injured, because the conditions would be effective only in the event that employees actually are affected. Nothing herein is to be construed as determining or expressing any opinion as to whether either party herein would have any rights to proceed also under the terms of the Washington Job Protection Agreement of May 1936. See New Orleans Union Passenger Terminal Case, 267 I.C.C. 763 (778); 282 I.C.C. 271 (275-276).

The proposed transactions will be consistent with the public interest for the reasons that the line to be acquired is parallel to and operates in competition with the Montpelier's line between Montpelier and Barre, where there is not sufficient traffic to justify competing operations. The transaction would relieve Central of continued operation of an uneconomical branch line and would enable the Montpelier to obtain additional traffic and revenue without incurring a proportionate increase in operating costs. In addition, the granite producers in the affected area would have an arrangement of railroad facilities which promises to assure the continuation of adequate service that is vital to the industry. Numerous individual operators and organizations of granite interests have written letters in support of the application and urging its approval. No guaranty or assumption of the payment of dividends or fixed charges is contemplated. The resulting increase in fixed charges will not be contrary to the public interest. No other railroad has sought to be included in the transactions.

We find, subject to the conditions for the protection of employees the same as those prescribed in Oklahoma Ry. Co. Trustees Abandonment, supra, that purchase by the Montpelier and Barre

F.D. No. 19936 - Sheet 9

of the Central Vermont Railway, Inc., and acquisition of control of the properties by Samuel Pinsky through ownership of the stock of the Montpelier & Barre Railroad Company as described herein, are transactions within the scope of section 5(2) of the Interstate Commerce Act; that the proposed terms and conditions are just and reasonable; and that the transactions will be consistent with the public interest.

An appropriate order will be entered, in which suitable provisions will be made for the submission of journal entries.

Commissioner McPherson, being absent, did not participate in the disposition of this proceeding.

ORDER

At a Session of the INTERSTATE COMMERCE COMMISSION, Division 4,  
held at its office in Washington, D. C., on the 17th  
day of March, A. D. 1958.

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Finance Docket No. 19936

MONTPELIER & BARRE RAILROAD COMPANY--PURCHASE BARRE BRANCH (PORTION)  
--CENTRAL VERMONT RAILWAY, INC.

-----  
Investigation of the matters and things involved in this pro-  
ceeding having been made under modified procedure, and said division  
having, on the date hereof, made and filed a report containing its  
findings of fact and conclusions thereon, which report is hereby re-  
ferred to and made a part hereof:

It is ordered, That, subject to the conditions for the pro-  
tection of employees referred to in said report, purchase by the  
Montpelier and Barre Railroad Company of the portion of the Barre  
branch line of railroad of the Central Vermont Railway, Inc., and  
acquisition of control of the properties by Samuel Pinsky through  
ownership of the stock of the Montpelier and Barre Railroad Company,  
as described in the report aforesaid, upon the terms and conditions  
in said report found just and reasonable, be, and they are hereby,  
approved and authorized; and

It is further ordered, That, if the authority herein granted  
is exercised, the Montpelier and Barre Railroad Company shall submit  
for the consideration and approval of this Commission two copies of  
the journal entries required to record the transaction.

By the Commission, division 4.

HAROLD D. McCOY,

(SEAL)

Secretary.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 6**



# National Archives and Records Administration

8601 Adelphi Road  
College Park, Maryland 20740-6001

December 1, 2010

Elaine Carbonneau  
2611 Bayshore BV, Apt. 1504  
Tampa, FL 33629-7342

Dear Ms. Carbonneau:

This is in response to your email request of November 10, 2010, concerning a Central Vermont Railway abandonment.

The records of the Interstate Commerce Commission (Record Group 134) are in the custody of this unit. I have searched the Index to the Finance Dockets and have located an entry for a sale of track in Montpelier by the Central Vermont to the Montpelier & Barre. A copy of this index card is enclosed. Unfortunately, we have been unable to locate Finance Docket #19936 among the Finance Dockets in our custody.

If you have any further questions, please let me know.

Sincerely,

DAVID A. PFEIFFER  
Archivist, Archives II Reference Section (NWCT2R)  
Textual Archives Services Division  
Email: [david.pfeiffer@nara.gov](mailto:david.pfeiffer@nara.gov)

Enclosure

NWCT2R 2011-1652

Central Vermont Ry., Inc.

F.D. 19936

Application of Montpelier & Barre R. Co. to purchase the portion of the Barre branch line of railroad of the --, extending in an eastwardly direction from the point of junction of the lines of the forenamed carriers at Montpelier Junction, via Montpelier to Barre, approximately 8.46 miles, in Washington County, Vt.

*Memo 3-17-58 (NWCT)*

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 7**

April 29, 1959

Montpelier & Barre Railroad  
Barre, Vermont

Gentlemen:

Mr. Antonio Aja, who presently owns the old Sabin farm here in Montpelier has asked me to look into the status of the land abutting the farm which comprises the abandoned road bed of the railroad from Montpelier to Wells River. So far as I can find, the land in question was taken by condemnation for railroad purposes back in 1870, upon petition of the Montpelier & Wells River Railroad. There is no record of conveyance of the underlying fee. Accordingly, it seems likely that this right of way, insofar as it runs along or through the old Sabin property, has now reverted to the present owners of that property. Before taking any steps to clarify the title, I should welcome any comment you may have to offer.

Yours very truly,

# Montpelier and Barre Railroad Company

GENERAL OFFICES

150 CAUSEWAY STREET - BOSTON 14, MASS.

May 1, 1959

Pro. # 5 - 2

Mr. Peter Giuliani  
Box 127  
Montpelier, Vermont

Dear Sir:

Replying to your letter of April 29th referring to the abandoned roadbed of the railroad from Montpelier to Wells River, Vermont, please be advised that the abandoned right of way was sold to the State of Vermont.

Therefore, this is not our property and you should address your inquiries to the State of Vermont.

Very truly yours,

MONTPELIER AND BARRE  
RAILROAD COMPANY

  
S. M. Pinsky, Pres.

SMP/rep

May 4, 1959

Montpelier and Barre Railroad Company  
150 Causeway Street  
Boston 14, Massachusetts

Attention: Mr. S. M. Pinsley, President

Gentlemen:

Thank you very much for your letter of May 1, 1959 in answer to my inquiry of April 29 concerning the abandoned roadbed of the railroad from Montpelier to Wells River. So far as I can tell from the public records, and inquiry of the Attorney General's office, the State of Vermont acquired rights only in that part of the roadbed running northerly and easterly from the intersection of the Gallison Hill Road and the railroad right of way. This point is generally in the vicinity of the Montpelier Country Club. The right of way westerly (towards the City of Montpelier) was not affected by this conveyance. The Sabin farm is a mile or more westerly of the Gallison Hill crossing.

I do believe ownership of the right of way along or through the Sabin farm has reverted to the present owners of that property. It would be very helpful to know how you regard the matter.

Thanking you for your consideration, I am,

Yours very truly,

PETER GIULIANI, Counselor at Law

PC:MLP

Copy DD-11/7/84

PETER GIULIANI  
COUNSELOR AT LAW

15 COLLEGE STREET  
MONTPELIER, VERMONT

May 18, 1973

Mr. Antonio Aja  
Barre Street  
Montpelier, Vermont

Dear Tony:

In regard to the abandoned railroad right of way running through former Sabin lands now owned by you in the City of Montpelier, I have examined the public records and find the following:

The Montpelier & Wells River Railroad was chartered in 1867 and was subject to the general railroad law in effect at that time (Ch. 28 of Title XIV of the General Statutes of 1863). This general act provided as an alternate method of acquiring right of way by purchase and deed that the company could get what they needed by condemnation and award of damages, whereupon the company would "be deemed to be seized and possessed" of the land in question.

The right of way through the Sabin farm was acquired by condemnation in 1870 and damages of \$1,283.33 were awarded and paid. This is of record at page 502 of Volume 7 of Montpelier Land Records.

Section 17 of said Chapter 28 specifies that the award should be for "damages which the owners might have sustained or shall be likely to sustain by the occupation of the same for the purposes aforesaid", such purposes being for the "construction and maintenance" of the railroad, whereupon and upon payment of the damages awarded "the company shall be deemed seized and possessed of such land-----" as aforesaid.

In my opinion there is a clear distinction between right of way acquired by deed of the land and right of way acquired by condemnation. The distinction is important here in that, in my opinion, land acquired for right of way by deed does not revert to the adjoining landowner upon abandonment of the road, but rights of way acquired by condemnation upon payment of damages sustained by occupation of the land merely for the purpose of constructing and maintaining the road are limited as to time and do expire when the line is abandoned. I believe such to be the case in this instance.

I believe you should assert at every point your claim as reversionary owner of the land over which this abandoned right of way runs through your property. In my opinion such a claim of ownership under these circumstances is sound.

Sincerely yours,



FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 8**

# Lost Railroads of New England

2nd Edition  
by Ronald Dale Karr



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Cover design and frontispiece by Diane B. Karr; cover art by Brian Beaudoin

Rear cover photo: *Abutments that once carried the B&M's Milford branch over a road in West Groton, Mass. The line was abandoned in 1941 (see line 166).*

All photos by the author except where noted

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Vermont Historical Society

# 4

## Rail Abandonments in New England, 1848-1994

THE FOLLOWING directory was assembled from many sources. I relied most heavily on the permissions to abandon reported in the published *Reports of Decisions of the Interstate Commerce Commission (ICCR)* (1919-80); the annual listings of rail abandonments that appeared in *Railway Age* from 1917 to 1949; and the weekly listings of abandonments in *Traffic World* from 1950 to 1983, and reports of abandonments in the *Federal Register* (1983-1995). Some of these sources contain errors and omissions (particularly *Railway Age*), and none of them report pre-World War I abandonments.

These four basic sources were supplemented by information gleaned from examination of various atlases and U.S. Geological Survey topographic maps, the annual reports of railroads and state railroad commissions (which themselves contain helpful maps), various editions of the *Official Guide of the Railways* and *Poor's Manual of the Railroads of the United States*, state rail plans, and the reports of various government agencies, such as the U.S. Railway Association. The various books and articles listed in the bibliography were also very useful, particularly for older abandonments.

This list is confined to abandonments by common-carrier steam railroad lines in the six New England states. Excluded are electric and tram lines (except electrified steam railroads operated as integral parts of steam systems), including former steam lines converted to

*The New York & New England Railroad once crossed the Housatonic River here at Southbury, Conn., on its route between Waterbury and Poughkeepsie, N.Y. The line was abandoned in 1948 (see line 193).*

trolley use without abandonment; cog railways and inclines; segments under one half mile in length; industrial, mining, and logging railroads (for the latter, see C. Francis Belcher, *Logging Railroads of the White Mountains*, Boston: Appalachian Mountain Club, 1980); industrial spurs and yard trackage; minor relocations and realignments, including most urban trackage; and lines never completed (e.g., the Southern New England). In a departure from the first edition, I no longer list those lines that were once abandoned but are now back in service (e.g., the ex-Rutland lines). Missing line numbers in the directory generally are those assigned in the first edition to lines that are now back in service or lines erroneously listed in that edition.

Since many years can pass between the end of train service and the removal of the rails, all dates must be considered approximate. In most cases the year given indicates the date in which the abandonment order became effective. The notes indicate the dates of discontinuation of service and removal of the rails, if known.

Abandonments of former Penn Central lines and many of the B&M lines purchased by the MBTA or the Commonwealth of Massachusetts are particularly difficult to date accurately. Penn Central lines not included in Conrail in 1976 can be abandoned without notifying the federal government and thus announcements of their abandonment do not appear in the *Federal Register* or *Traffic World*. Freight service over most MBTA lines is provided by a rail carrier under contract. If this service ends the MBTA can apply to have the line officially discontinued, at which time the rails can be removed. I consider this to be tantamount to abandonment.

All this has clouded the distinction between "discontinuance" of a line and "abandonment." There are rail lines in which trees are growing through the rails and which grade crossings have long been paved over, but are not legally abandoned, merely "out of service." Few if any of these lines will probably ever see trains again, yet I am reluctant to include them here. Only in cases where the rails are known to have been entirely removed have I considered them abandoned.

**Railroad Abbreviations**

AV	Aroostook Valley	MON	Monson
B&A	Boston & Albany	MV	Martha's Vineyard
B&B	Billerica & Bedford	NAN	Nantucket
B&C	Barre & Chelsea	NB&T	New Bedford & Taunton
B&G	Bennington & Glastenbury	NH	New York, New Haven & Hartford
B&H	Bridgton & Harrison	NHC	New Hampshire Central
B&L	Boston & Lowell	NHN	New Haven & Northampton
B&M	Boston & Maine	NP	Narragansett Pier
BAR	Bangor & Aroostook	NYNE	New York & New England
BOM	Bangor, Oldtown & Milford	OOJ	Old Orchard Junction
BRBL	Boston, Revere Beach & Lynn	P&W	Providence & Worcester
BRI	Bristol	PC	Penn Central
BRL	Burlington & Lamoille	RUT	Rutland
BWPS	Boston, Winthrop & Point Shirley	S&E	Sanford & Eastern
C&C	Claremont & Concord	SJL	St. Johnsbury & Lake Champlain
C&P	Clarendon & Pittsford	SJLC	St. Johnsbury & Lamoille County
CN	Canadian National	SR	Sandy River
CNE	Central New England	SRRL	Sandy River & Rangeey Lakes
CNP	Concord & Portsmouth	ST	Springfield Terminal
CP	Canadian Pacific	SV	Suncook Valley
CR	Conrail	UF	Union Freight
CV	Central Vermont	VT	Vermont
D&H	Delaware & Hudson	W&Q	Wiscasset & Quebec
F&M	Franklin & Megantic	WARW	Warwick
H&W	Hardwick & Woodbury	WOOD	Woodstock
HB	Harvard Branch	WEST	West River
HTW	Hoosac Tunnel & Wilmington	WOLF	Wolfboro
KC	Kennebec Central	WR	White River
KNX	Knox	WRB	Wood River Branch
LAN	Lancaster	WWF	Wiscasset, Waterville & Farmington
LVE	Lamoille Valley Extension	YHB	York Harbor & Beach
M&B	Montpelier & Barre		
MB	Medway Branch		
MC	Maine Central		
MD&G	Manchester, Dorset & Granville		

NOTE: In the following directory "Length: " is the mileage of the abandoned segment.

extended from Boston to Northampton. That section opened in 1882, was closed for two years, and eventually wound up as a subsidiary of the Boston & Lowell RR. The B&M took over in 1887. In 1903 the construction of the Wachusett Reservoir caused the B&M to abandon the original Central Mass mainline between West Berlin and Oakdale (see line 15A) and construct a new line between West Berlin and Clinton Jct., where connection was made with the B&M's Worcester, Nashua & Rochester Division. Passenger service ended in 1958, and the line was abandoned some months later. The abandoned line included a viaduct and a tunnel under part of Clinton; the tunnel still exists.

**216A**

Montpelier Jct., VT Barre, VT

**Abandoned:** 1958 **Railroad:** M&B **Length:** 6 **Opened:** 1889

In 1958 the Montpelier & Barre RR acquired the CV branch from Montpelier Jct. to Barre that closely paralleled its own main line between those points. The M&B main line had been formerly that of the Barre & Chelsea RR. It had been built in 2 sections. The first, from Montpelier Jct. to Barre Transfer, was completed by the Montpelier & Wells River RR in 1873; the rest of the line to Barre was opened by the Barre RR in 1889. The CV line had been completed in 1876 by the Montpelier & White River RR, which reached 15 miles from Montpelier Jct. to Williamstown. The line was taken over upon completion by the CV. Passenger service on the Barre & Chelsea ended in 1922 and was discontinued on the CV line in 1939. Upon obtaining the CV branch, the M&B abandoned it from Route 302 to Barre, and discontinued its own main line between Route 302 and Montpelier Jct.

**217**

Waterbury, CT East Farms, CT

**Abandoned:** 1958 **Railroad:** NH **Length:** 1.3 **Opened:** 1888

Built as part of the Meriden, Waterbury & Connecticut RR, this line became part of the New York & New England in 1892. Not operated between 1896 and 1898, it became a seldom-used line of the New Haven. Passenger service ended in 1917. The construction of Interstate-84 led to the abandonment of this segment.

**218**

Heywood (Gardner), MA Winchendon, MA

**Abandoned:** 1959 **Railroad:** B&M **Length:** 7.6 **Opened:** 1874

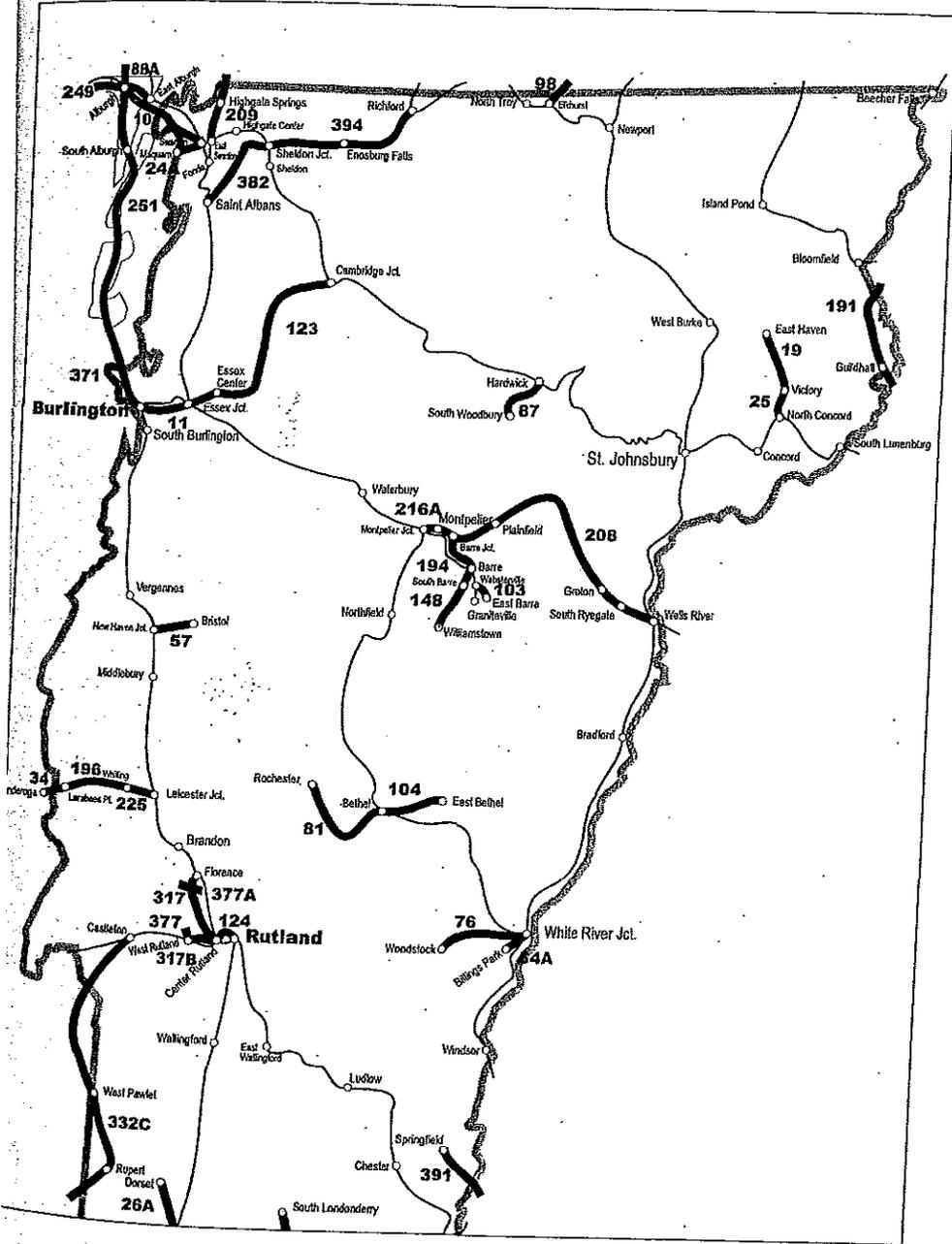
The Boston, Barre & Gardner RR built this line as part of its main line between Worcester and Winchendon. Passenger service ceased in 1953. At the time of abandonment it was out of service.

**218A**

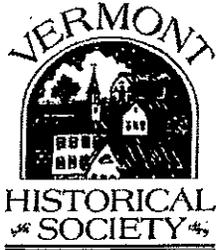
Medford, MA Park St. (Medford), MA

**Abandoned:** 1959 **Railroad:** B&M **Length:** 0.5 **Opened:** 1847

The B&M built its two-mile Medford Branch in 1847, two years after it opened its Wilmington Jct.-Boston main line. Once passenger service to Medford ended in 1957, there was no further use for the outermost half-mile of the branch.



Vermont



# Maps of Vermont Towns

This sheet was designed by the Vermont Historical Society Library to help you identify maps of Vermont towns that are detailed enough to show where people lived. There are basically three sets of detailed maps for all Vermont towns: Walling's<sup>1</sup> maps (1850s), Beers's atlases (1870s), and Child's gazetteers (1880s). In addition, there are some maps of individual Vermont villages, most notably those produced by Presdee & Edwards (1850s) and D. L. Miller (1890s). While the Walling, Beers, and Presdee & Edwards maps show the exact location of dwellings, the Child maps must be used in conjunction with the printed gazetteers that indicate road segments but not exact locations of dwellings. Check also the card or computer catalog under the name of a town for other maps of particular towns.

## Addison County

Walling, 1857 (Map A 912.7430 Ad25w)  
 P&E, Middlebury, 1853  
 Wall & Forrest, Vergennes, 1853  
 (Map A 912.7431 V586w)  
 Beers, 1871 (Atlas Stand)  
 Child, 1882 (Map C 974.30 Ad25c)

## Bennington County

P&E, Bennington, 1852  
 Rice & Harwood, 1856 (Map A 912.7430 B439r)  
 Beers, 1869 (Atlas Stand)  
 Child, 1880 (Map C 974.30 B431c)  
 Miller, 1894, Bennington

## Caledonia County

Ray Helinick says 1835, at Fairbanks Museum  
 P&E, St. Johnsbury, 1853 (Map A 912.7431 Sa23p)  
 Walling, 1858 (Map A 912.7430 C128w)  
 Beers, 1875 (Atlas Stand)  
 Miller, St. Johnsbury, 1895  
 Child, 1887 (with Essex) (Map C 974.30 C128c)

## Chittenden County

P&E, Burlington, 1853 (Map A 912.7431 B925p)  
 Walling, 1857 (Map A 912.7430 C449w)  
 Beers, 1869 (Atlas Stand)  
 Child, 1882 (Map C 974.30 C449c)

## Essex County

Walling, 1859 (with Orleans & Lamoille)  
 (Map A 912.7430 Or5w)  
 Beers, 1878 (Map A 912.7430 Es75b)  
 Child, 1887 (with Caledonia) (Map C 974.30 C128c)

## Franklin & Grand Isle Counties

P&E, St. Albans, 1853 (Map A 912.7431 Sa22p)  
 Walling, 1857 (Map A 912.7430 F854w)  
 Beers, 1871 (Atlas Stand)  
 Child, 1883 (Map C 974.30 F854cl)

## Lamoille County

Walling, 1859 (with Orleans & Essex)  
 (Map A 912.7430 Or5w)  
 Beers, 1878 (with Orleans) (Atlas Stand)  
 Child, 1883 (with Orleans) (Map C 974.30 L19c)

## Orange County

Walling, 1858 (Map A 912.7430 Or1w)  
 Beers, 1877 (Atlas Stand)  
 Child, 1888 (Map C 974.30 Or1c)

## Orleans County

Walling, 1859 (with Essex & Lamoille)  
 (Map A 912.7430 Or5w)  
 Beers, 1878 (with Lamoille) (Atlas Stand)  
 Child, 1883 (with Lamoille) (Map C 974.30 L19c)

## Rutland County

P&E, Rutland, 1852 (Map A 912.7431 R936p)  
 Scott, 1854 (Map A 912.7430 R936c)  
 Beers, 1869 (Atlas Stand)  
 Child, 1881 (Map C 974.30 R936c)  
 Beers, Rutland, 1884 (Map A 912.7431 R936b)

## Washington County

P&E, Montpelier, 1853 (Map A 912.7431 M768)  
 Walling, 1858 (Map A 912.7430 W276w)  
 Beers, 1873 (Atlas Stand)  
 Child, 1889 (Map C 974.30 W276c)

## Windsor County

P&E, Ludlow, 1853  
 P&E, Windsor, 1853 (Map A 912.7431 W725)  
 P&E, Woodstock, 1855 (Map A 912.7431 W868p)  
 Doton, 1855 (Map A 912.7430 W725d)  
 Chace, 1856 (Map A 912.7430 W725c)  
 Beers, 1869 (Atlas Stand)  
 Child, 1884 (Map C 974.30 W725cg)

## Windham County

P&E, Brattleboro, 1852  
 P&E, Bellows Falls, 1856 (Map A 912.7431 R591p)  
 McClellan, 1856 (Atlas Stand)  
 Beers, 1869 (Atlas Stand)  
 Miller, Brattleboro, 1895  
 (Eleph. Map 912.7431 B737m)  
 Child, 1884 (Map C 974.30 W7232c)

<sup>1</sup> Some of these were actually published by different publishers; it is handy to refer to all of them as "Walling's maps" since they are all similar in format.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 9**

# The History of the Montpelier & Wells River and Barre & Chelsea Railroads

## NOTICE

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The Montpelier & Wells River Railroad and the Barre & Chelsea Railroad entered the Boston & Maine Railroad fold by virtue of majority stock control, a method commonly employed by the financial barons of the Victorian period. However, unlike other properties bought up or leased by the B&M, neither the M&WR or the B&C ever lost its separate identity throughout more than thirty years of absentee ownership. While neither line ever contributed much to the bottom line of the B&M financial statements, their acquisition served to consolidate the position of the Boston & Maine as New England's pre-eminent railroad system.

By the year 1915 the B&M system had reached its fullest extent, some 2400 miles, having succeeded within seventy-five years to amass itself into a network of lines which honeycombed Massachusetts, New Hampshire, and to a lesser extent, Maine and Vermont. The stimulus for this growth was quite simply mere survival, for the B&M faced constant and severe competition from its rivals, chief of whom were the Boston & Albany Railroad, the New York, New Haven & Hartford Railroad, and the Central Vermont Railroad.

At the turn of the century the Vanderbilt family had successfully used their New York Central & Hudson River Railroad property as a vehicle for acquisition of the Boston & Albany, and by 1904, the NYC&HR had reached into Vermont to take controlling interest in the affairs of the perennially weak Rutland Railroad. To this threat from the B&A was added the strong penetration of the New York, New Haven & Hartford Railroad throughout Massachusetts and southern New England. When the New Haven bought a controlling interest in the New York, Ontario & Western Railway in the same year (1904), the competition for traffic between Boston, the Hudson River and points west, became intense.

It was in the best style of railroad robber barons of that period that Charles S.

Mellen, president of the New Haven, gained control of the B&M in 1907. Suspicions surrounding Mellen's intentions to form a virtual railroad monopoly in New England were confirmed when in 1911, he negotiated the purchase by the NYNH&H of a half interest in the New York Central Railroad's holdings in the Rutland.

The Central Vermont Railroad meanwhile had in 1898 come under the control of the Grand Trunk Railway of Canada, thereby ending a twenty year period of decline in the fortunes of the Vermont-based line. Whereas the CV did not compete actively with B&M routes in Massachusetts, it certainly was a threat to the B&M's ambitions for a share of the New England-Canada bridge traffic. It was for this reason that the Boston & Lowell Railroad (a B&M predecessor) had purchased in 1885 a major interest in the St. Johnsbury & Lake Champlain Railroad so as to ensure itself of a route towards Montreal. However, when the B&L in 1887 leased the Connecticut & Passumpsic Rivers Railroad, which included a line from St. Johnsbury, Vermont to the Canadian border, both the threat from the Central Vermont, and the usefulness of the St. J&LC route, were alleviated.

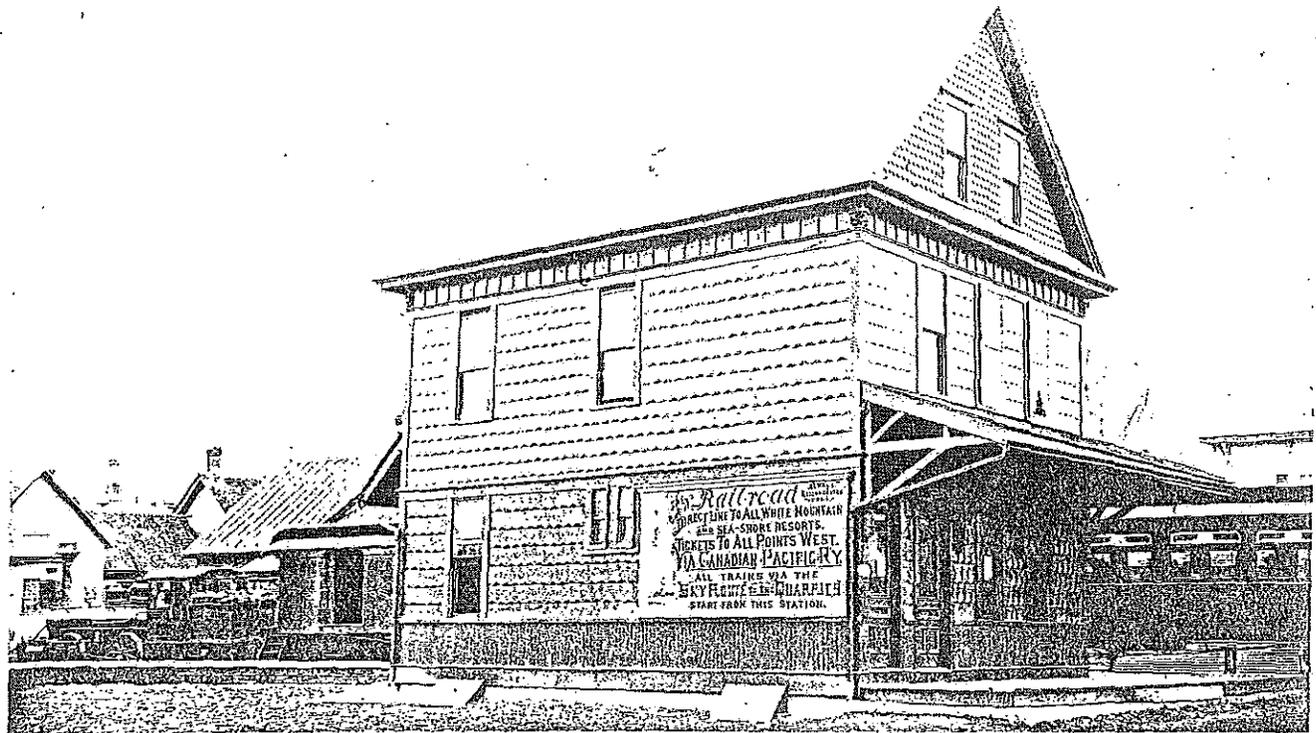
In contrast with the dense penetration of its lines throughout Massachusetts and New Hampshire, B&M activity in the State of Vermont was primarily confined to the Connecticut River Valley route between East Deerfield, Mass. and the Canadian border at Province Line, Vt. The St. Johnsbury & Lake Champlain Railroad also remained under B&M control and served to extend the latter's influence into the Northeast Kingdom and Champlain Valley regions of Vermont. Yet it was the Central Vermont and the Rutland Railroad who continued to hold a firm grip on routes serving the central and western tiers of the state. Under these circumstances, it was not surprising that in March 1911, the B&M took control of the Montpelier & Wells River Railroad, followed shortly thereafter

by its feeder line, the Barre Railroad. Flushed with success from his purchase of a major interest in the Rutland Railroad, B&M president Mellen no doubt saw the acquisition of the M&WR and BRR as another means by which to consolidate the position of the B&M in north central Vermont, while simultaneously making inroads on the territory of the rival Central Vermont.

The origins of the Montpelier & Wells River Railroad itself can be traced back to November 6, 1867, when a small group of Montpelier civic fathers and local businessmen received a charter to construct a 38-mile line between the state capital and the Connecticut River Valley at Wells River. Vermonters were not easily separated from their savings however, a factor which no doubt held up the beginning of actual construction until November 1, 1870. Nonetheless, for its size the line was exceptionally well constructed, which may account for the fact that the M&WR was not opened for business until November 24, 1873. Indicative of the Green Mountain terrain through which it ran, the roadbed followed the river valleys of the Winooski and Wells rivers, negotiating no fewer than two hundred curves along the way. In fact the longest tangent of track, less than a mile in length, was located near the summit of the line at Lanesboro (elev. 1430 ft.) twenty miles east of Montpelier, where the only major gradient, a half-mile stretch of 2% was also encountered.

As the inception of service approached, interchange facilities were constructed at Montpelier to connect with the Central Vermont Railroad,<sup>1</sup> which had built a 1.7 mile branch into the capital from its main line at Montpelier Junction in 1849. At Wells River, a connection was opened with the Connecticut & Passumpsic Rivers Rail-

1. The Central Vermont Railroad had been appointed receiver for the Vermont Central Railroad in June 1873.



H.E. Cutler, Walker Transportation Collection—Beverly Historical Society

"Sky Route to the Quarries" boasts the billboard on the side of the M&WR station at Barre. 0-4-4T No. 6, Arthur Tandy, awaits departure with a Montpelier to Barre commuter train. The building still stands today, but it is used as a laundromat.

road. The Boston, Concord & Montreal Railroad also connected with the M&WR at Wells River by virtue of a bridge constructed across the Connecticut River, thus assuring M&WR patrons of a connection between their state capital and Boston. It should be added however that even with the best connections, the M&WR-BC&M passenger service schedule between Montpelier and Boston was over an hour longer than the competing Central Vermont-Northern-Boston & Maine route.

Unfortunately, the year 1873 did not turn out to be a propitious one in which to begin the operation of a new railroad. The financial panic of that year, together with the ensuing depression left the new management of the M&WR with little choice but to go into receivership. The financial plight of the company was clearly illustrated by the rapid contraction of the locomotive roster from four brand-new Manchester 4-4-0's, to two, No. 1 and 2, the *Montpelier* and *Plainfield* respectively. Nevertheless, Daniel R. Sortwell, original president of the railroad, remained undaunted and by early 1877 the M&WR emerged from receivership with fresh sources of capital and reduced debt.<sup>2</sup> For

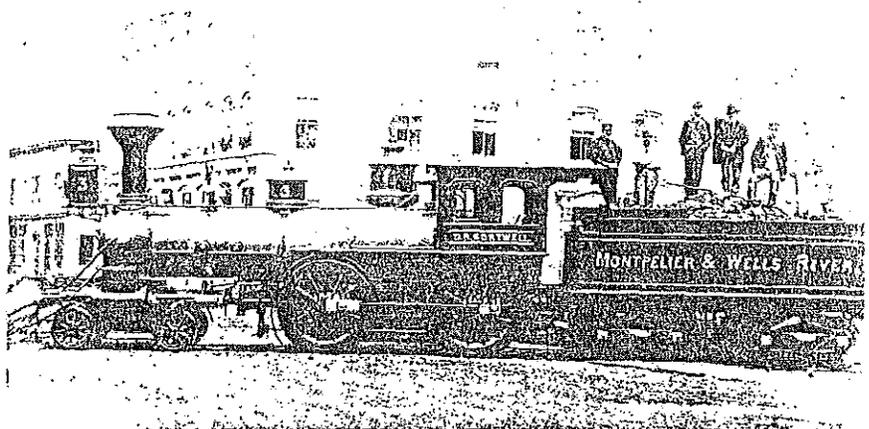
the next thirty-four years the "Wells River line" led a quiet existence far removed from the fierce competition that engulfed many other railroads in the New England region. With its complement of nine locomotives (six 4-4-0's, two Moguls, and an 0-4-4T), the M&WR was content to carry the products of Vermont to distant markets—rough and finished granite, timber, milk

and dairy products constituted the backbone of outbound loadings, while in turn the rural economy of the region depended upon the importation of grain and grain products, building materials, and coal.

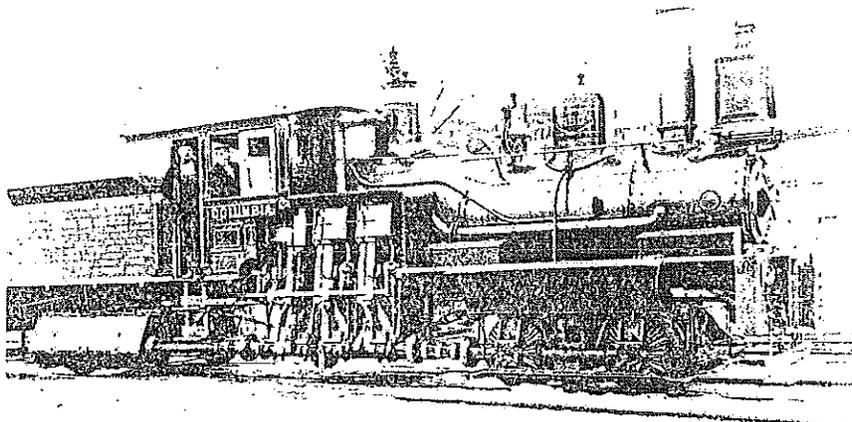
Paralleling the development of the M&WR, and contributing in great part to its solvency, was the expansion of the granite quarrying industry in Vermont

M&WR engine No. 3, *D.R. Sortwell*, was named after the road's president. Built by Manchester in 1874, it is shown at Montpelier.

Harry A. Frye Collection

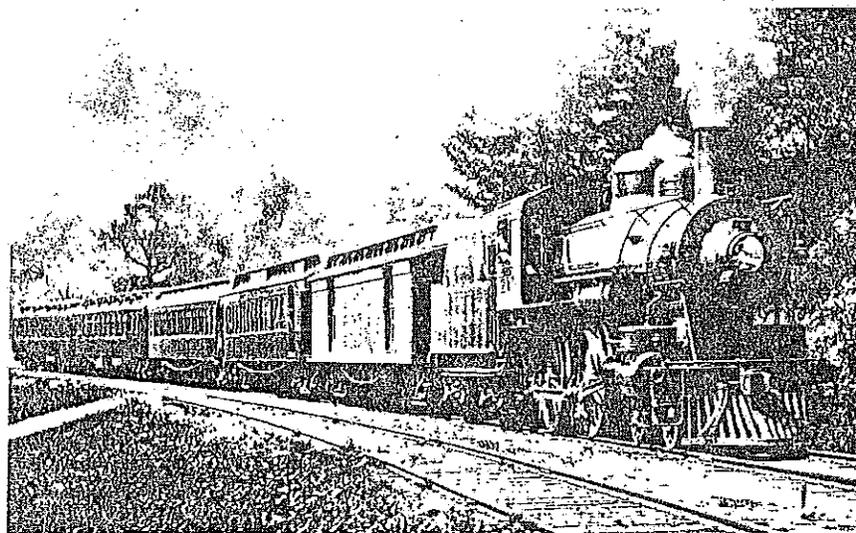


2. On January 1, 1877, the Montpelier & Wells River Railroad Company became simply the Montpelier & Wells River Railroad.



The Barre Railroad purchased a Lima Shay (above) in 1893 to handle granite loads on the five percent grades on the hill. Officials must have been taken in by the statistics she carried on her tender for although the *Columbia* was found to be strong enough, crews reportedly complained that "it took all day going up the hill." She was sold to the Hardwick & Woodbury, another Vermont granite road, a short time later. The *White Mountains Express* (below) was a crack Burlington, Vt. to Fabyan, N.H. train over the M&WR, operating only during the summer months.

Both, Harry A. Frye Collection



following the Civil War. In view of the fact that large formations of this durable gray stone underlie much of southeastern Washington County, and neighboring Orange County, communities such as Barre, Graniteville, Websterville and Williamstown came to owe their very existence to this single commodity. The traffic potential of granite led to the construction of the Montpelier & White River Railroad between Montpelier and Barre in 1875, a distance of six miles; a further extension was planned to connect Barre with other quarry operations in neighboring Williamstown. This company was immediately leased by the Central Vermont, thus insuring a firm position for the CV in the

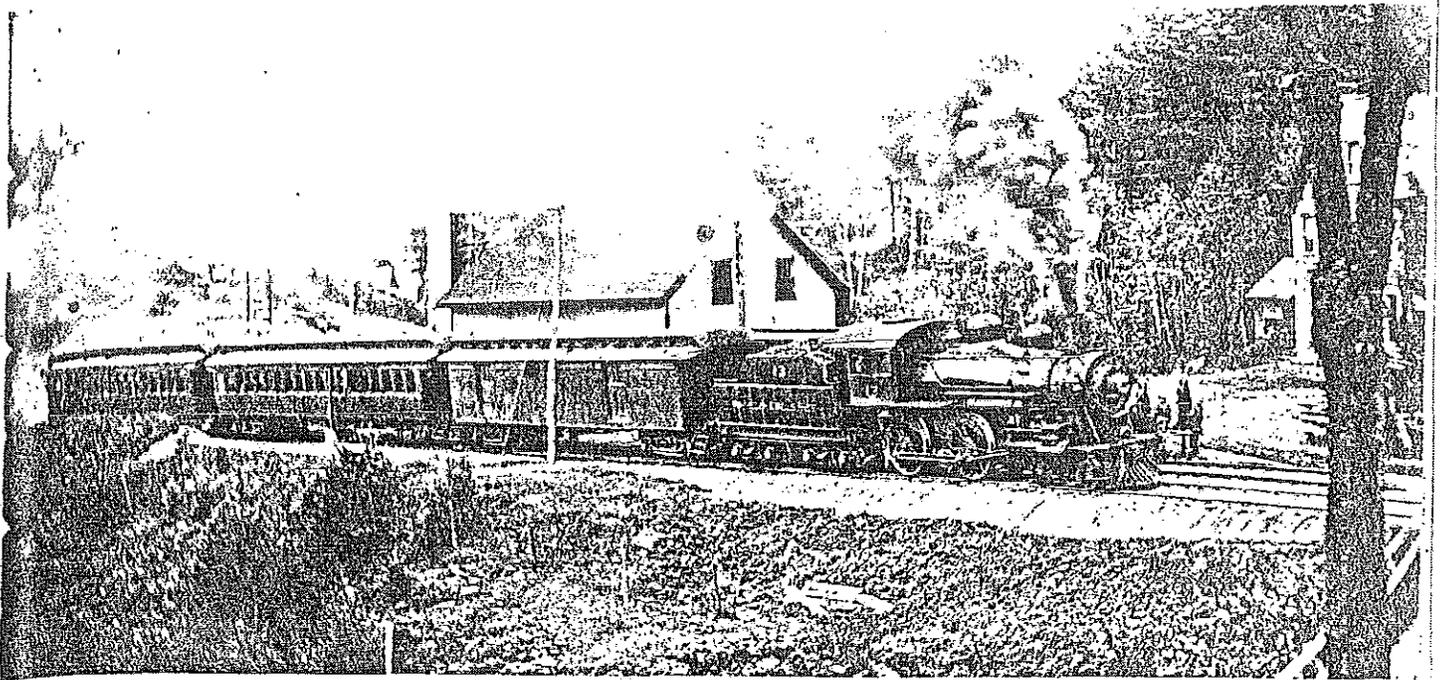
movement of outbound granite traffic. Under these circumstances, the M&WR management, not wishing to be outmaneuvered in their own backyard, organized the Barre Branch Railroad in 1883 to run from Barre Transfer (just east of Montpelier on the main line to Wells River) to Barre, a distance of three and one-half miles. Upon completion in June 1889, it was at first leased to the M&WR for ninety-nine years, but subsequently, it was acquired through merger in September 1913, when \$71,100 of BRR stock was exchanged for M&WR stock valued at \$94,800.

While the Montpelier & Wells River Railroad and the Central Vermont were

jockeying for competitive advantage in Barre, two other related developments were unfolding nearby. The Barre Railroad Company was incorporated on April 9, 1888 to connect the quarry operators at Websterville and Graniteville with the many finishing plants located in nearby Barre. Upon its completion in March 1889, the directors of the BRR (many of whom were also M&WR officials) agreed to have the M&WR manage the twelve-mile line. Billed as "the steepest standard gauge railroad east of the Mississippi River, not employing other than friction for traction," the road-bed reached gradients of five percent between Barre and the quarry pits atop Millstone Hill. To ease the climb, several switchbacks were used. The first was located halfway up the hill at South Barre, and a run-around track was incorporated to ensure that the locomotives were always coupled to the rear of the train for safety reasons. In order to tap prime sources of granite north of Graniteville, the East Barre & Chelsea Railroad was chartered on September 11, 1892 to link East Barre with Barre, and envisioned a line of track to Chelsea, Vt. However, it only grew to 1.7 miles from East Barre to Lower Websterville. As constructed, the EB&C interchanged solely with the Barre Railroad on Millstone Hill, and not unexpectedly, it was immediately leased to the BRR for ninety-nine years.<sup>3</sup>

The operations of the Barre Railroad assumed a set pattern which fluctuated very little during the course of its entire existence. Rough granite blocks weighing upwards of twenty-five tons each were brought down off the "hill" for delivery either to finishing plants on the BRR in Barre, or trans-shipment to CV or M&WR freight cars for delivery out of state, or to local finishing plants on their lines. The extension of M&WR control over the BRR and EB&C served to rob the CV of a major share of the business in Barre so that the latter had to content itself mainly with the traffic that it derived from the quarries at the end of the Williamstown Branch, as it came to be known. Although granite became the chief source of revenue for all three companies, the passenger business also contributed considerable revenues at least until 1898 when the advent of a streetcar line between Barre and Montpelier presented stiff competition to the railroads. The M&WR operated numerous suburban-type trains between Montpelier and Barre, and at one point was an important link in the operation of the CV-M&WR-B&M summer-only *White Mountains Express* which transported vacationers from Burlington, Vt. to Fabyan, N.H. During the

3. In 1937, the ICC granted the Barre & Chelsea permission to abandon 1.37 miles of the original EB&C.



From a postcard, Harry A. Frye Collection

(Above) Train time at Boltonville about 1914, with engine 13 on the point. (Bottom of page, left) Barre & Chelsea Baldwin 0-6-2T saddle tanks such as No. 6 were originally purchased by the Barre Railroad for hill-climbing duties. Class G-10 0-6-0 No. 9 (bottom, right) was an Alco-Manchester product, ex-B&M 272. It saw service on the M&WR, St. J&LC, B&C, and finally Rock of Ages.

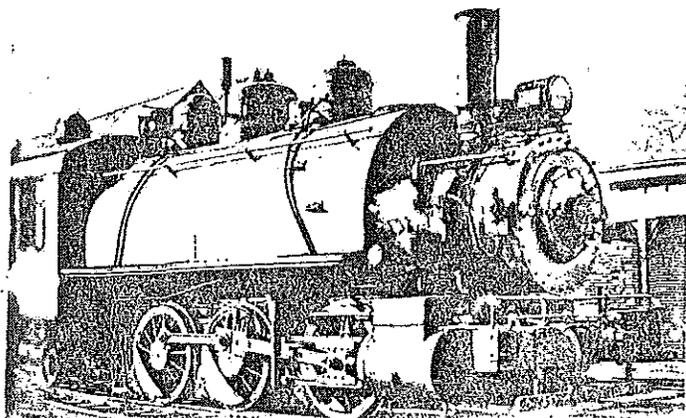
early 1890s the Barre Railroad advertised two to three daily mixed trains each way between Barre and the various granite quarries on the hill.

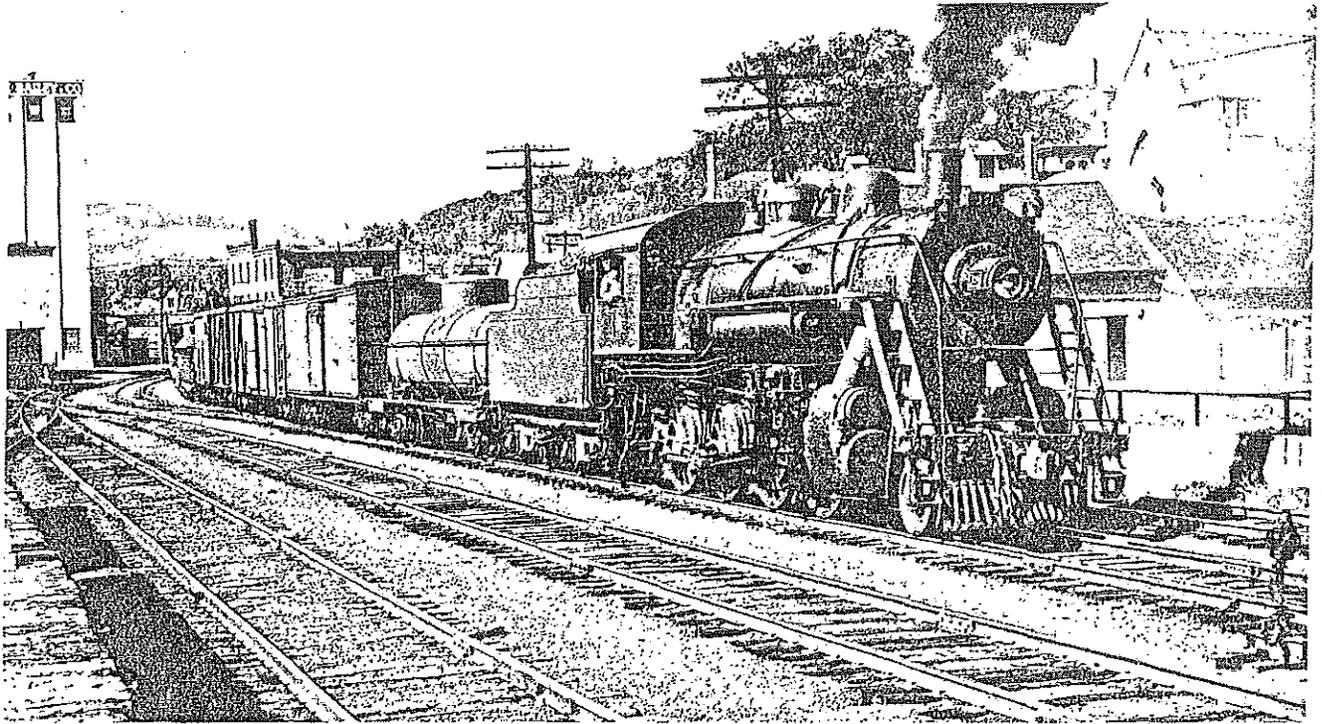
The Boston & Maine Railroad influence on the granite haulers dates from 1911 onwards. At the time that the B&M began to actively seek control over the independent railroads of the Connecticut River valley, its prime concern had been to secure for itself a continuous route between western Massachusetts and the upper reaches of Vermont and New Hampshire. One such property which came under the control of the B&M was the Vermont Valley Railroad, which linked Brattleboro and Bellows Falls, Vt. The VV had been operated by the Central Vermont Railroad up until 1877, but control of the company passed to the Connecticut River Railroad which itself was later absorbed by the B&M in 1893. By the early 1900s it appears that the B&M became sufficiently interested in

the operating prospects of the M&WR and BRR so that a decision was reached to gain control of both companies. By 1911 the B&M through the Vermont Valley succeeded in securing a controlling interest in both the M&WR and the BRR. However the VV (read B&M) had not shown itself disposed to exercise any direct control over the affairs of the granite roads. Under Charles Mellen's reign as president (1907-1913), the B&M was of a different mind. On March 18, 1911, the M&WR was brought under closer B&M control, followed by the BRR on November 11 of the same year. As part of a company internal reorganization in 1913, the B&M further consolidated its newly acquired properties; on September 18, 1913, the Barre Branch Railroad was absorbed by the M&WR, while the Barre Railroad Company and the East Barre & Chelsea Railroad were combined to produce the Barre & Chelsea Railroad Company.

It was in this early period of direct control, from 1911 to 1925, that the two granite railroads took on the strongest B&M influences. Slowly but surely the various company depots, offices and service facilities were given a fresh coat of crimson and cream paint, and discarded rolling stock from the parent company furnished the freight and passenger car equipment needs of both lines. In 1912 the Barre Railroad added a final 0-6-2T to its unique roster of Baldwin-built saddle-tank locomotives; the M&WR on the other hand was casting about for replacements to bolster its ageing and rather decrepit roster. Herein began the tradition by which the M&WR was supplied from time to time with a stable of retired B&M locomotives, or in rare cases, with new locomotives built to B&M specifications. The original nine locomotives of the pre-B&M period were either retired outright or supplemented in the period 1911-1925 by five additions: two

Both, Albert G. Hale





Albert G. Hale

An eastbound M&WR freight with engine 19 prepares to leave Montpelier in October 1936. The dome of the state capitol is barely visible above the first boxcar.

ageing ex-B&M Moguls, an 0-6-2T from the B&C, and two new 4-4-0's patterned after the parent road's A-41-f class engines. There were normally no more than six to eight locomotives on the active roster at any one time.

In 1922 mergers of the Montpelier & Wells River Railroad and the Barre & Chelsea Railroad into the Boston & Maine very nearly took place, but were blocked by a new federal law. The management of the B&M had decided that it would be more economical to operate several of its controlled lines if they ceased to exist as separate companies. On July 27, 1922, B&M stockholders voted in favor of merging the Sullivan County Railroad, the Vermont Valley Railroad, the Montpelier & Wells River Railroad, the Barre & Chelsea Railroad, and the York Harbor & Beach Railroad into the B&M. If this decision had been made a few years earlier, the mergers would most likely have been carried through. However, the federal Transportation Act of 1920 directed the Interstate Commerce Commission to draw up a plan for consolidation of all common carrier railroads in the country into a limited number of large systems, and required that all future railroad mergers conform with this plan.

Following approval of the merger plans by B&M stockholders, applications for the mergers were submitted to the ICC. The Commission was still in the process of drawing up its consolidation plan and dis-

missed the applications on the grounds that it could not rule on them until the plan was finished.<sup>4</sup>

As the early 1920s passed by, the Boston & Maine Railroad as well as its competitors, began to experience the effects of New England's decline as the major industrial heartland of the nation. Declining revenues, loss of passenger business and the inroads of interstate trucking, forced the B&M management to take measures to protect the profitability of the company. A thorough study of the company's operations resulted in the implementation of a three-prong program to reverse the decline in business. The abandonment of chronically unprofitable operations throughout the five-state system was the first major undertaking. The second step was to improve the quality of service; this meant faster freight and passenger timetables, new and larger locomotives, the construction of modern yards, and increased expenditures to expand the motorbus and trucking arms of the railroad. The final recommendation called for a further reorganization of company operations. Much of the credit for the latter can be attributed to Edward S. French (1889-1968) who was at that time

General Manager of the B&M. French, who had been a native of Springfield, Vt. for many years, convinced President J. H. Hustis and the board of directors that the St. Johnsbury & Lake Champlain, Montpelier & Wells River, and Barre & Chelsea railroads, all suffered from what he called the pitfalls of absentee management. A return to local management was seen by French as a means of raising employee morale, shipper confidence and hopefully, net profits. On January 1, 1925, a new board of directors was installed in St. Johnsbury to overlook the affairs of the St. J&L.C. This new nine-man group included French who filled the post of Secretary and General Manager. One year later, on January 1, 1926, the same group of men were given the affairs of the M&WR and the B&C to operate as well. The general offices of both railroads were consolidated in Montpelier, and the close relationship between the St. J&L.C. and the M&WR-B&C continued in existence until 1956. Major repairs to St. J&L.C. and B&C locomotives were performed at the Montpelier shops of the M&WR, and it was not unusual to see motive power change hands between the three lines. Edward S. French

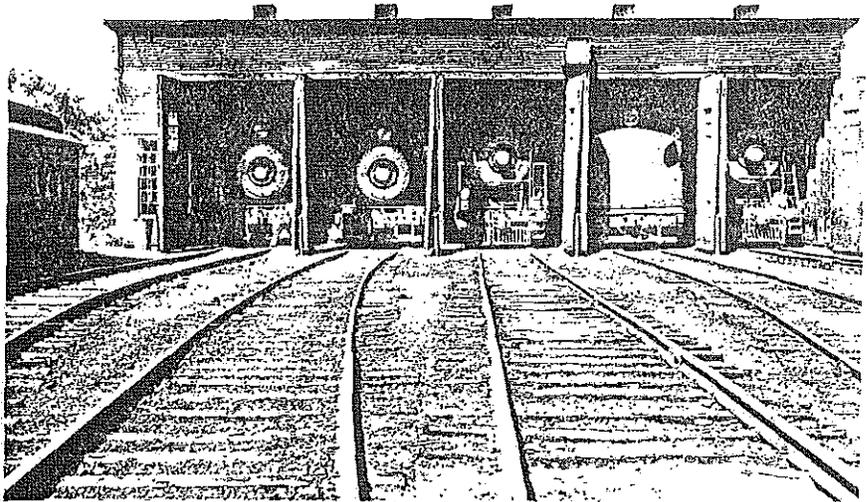
4. When the ICC adopted a consolidation plan in 1929, both the B&C and the M&WR were assigned to the B&M system. The plan was not compulsory, but rather was intended to serve as a guide for voluntary mergers. By the time the

plan was adopted the B&M was no longer interested in merging the two lines. The requirement of a national rail consolidation plan was repealed in 1940.

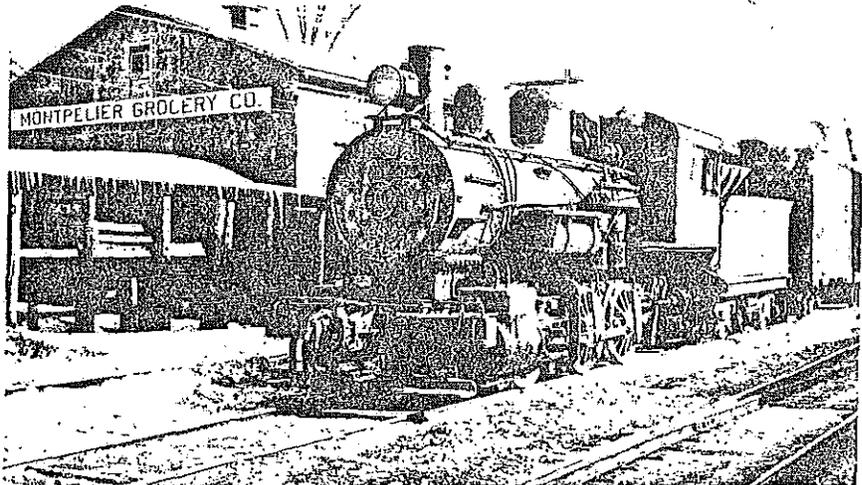
in the meantime relinquished his position as General Manager and went on to become president of the B&M in 1930 following the sudden and unexpected death of George Hannauer.

The return to local control was accompanied by another infusion of "new" motive power from the parent company. In 1926 two G-9-c class 0-6-0's were purchased, along with two B-15 class Moguls; a fourth 0-6-0 switcher arrived on the property in 1928. These five additions to the roster allowed the retirement of all the remaining locomotives dating back to pre-B&M days. The strong market demand for quarry products in the mid-1920s together with increasing railroad labor costs made it economically feasible for the major quarry operators to purchase and maintain their own switching locomotives. The largest operators in the Barre area, the Rock of Ages Corporation, E. L. Smith Company, Wells Lamson Company, and Wetmore & Morse, all resorted to buying second-hand locomotives, a majority of which were discards from the M&WR or the B&C. The Rock of Ages Corporation eventually purchased an 0-6-2T and two 0-6-0's from the M&WR, plus three 0-6-2T's from the B&C; E. L. Smith Company acquired two of the M&WR's 0-6-0's, while Wetmore & Morse saw fit to purchase a lone 0-6-0T from the B&C.

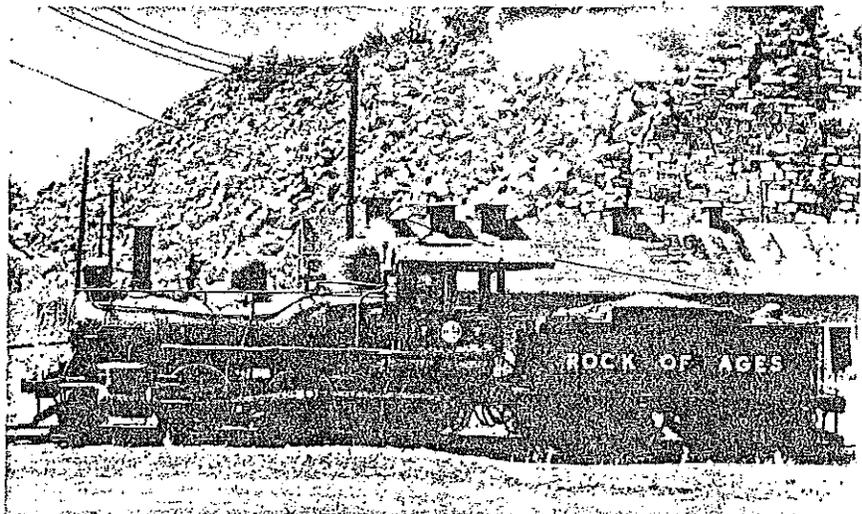
Perhaps the most spectacular and memorable event during the late twenties was the devastating flood which struck New England during late October and November of 1927. Several days of heavy rain and destructive winds filled mountain streams to flood level capacity, and within days the Montpelier and Barre yard trackage of the M&WR, B&C and CV were completely submerged beneath the waters of the Winooski River. Between Groton and Wells River, ten miles of right of way were washed away by the onrushing waters of the Wells River. The neighboring railroads fared no better; the Rutland Railroad suffered 356 washouts which left 263 of their 413 route miles inoperative; the Central Vermont meanwhile was shut down entirely between St. Albans and White River Junction, a distance of 117 miles. To restore operations on this line as quickly as possible, the CV entered into an agreement with the M&WR whereby the CV would rebuild the ten miles of destroyed roadbed between Groton and Wells River. In return maintenance of way crews from CV parent Canadian National Railways were permitted access to the M&WR line with all equipment and materials necessary to begin reconstruction of the CV main line at Montpelier Junction, the midpoint between St. Albans and White River Junction. For this reason the M&WR was the first railroad in the region to be re-



Albert G. Hale



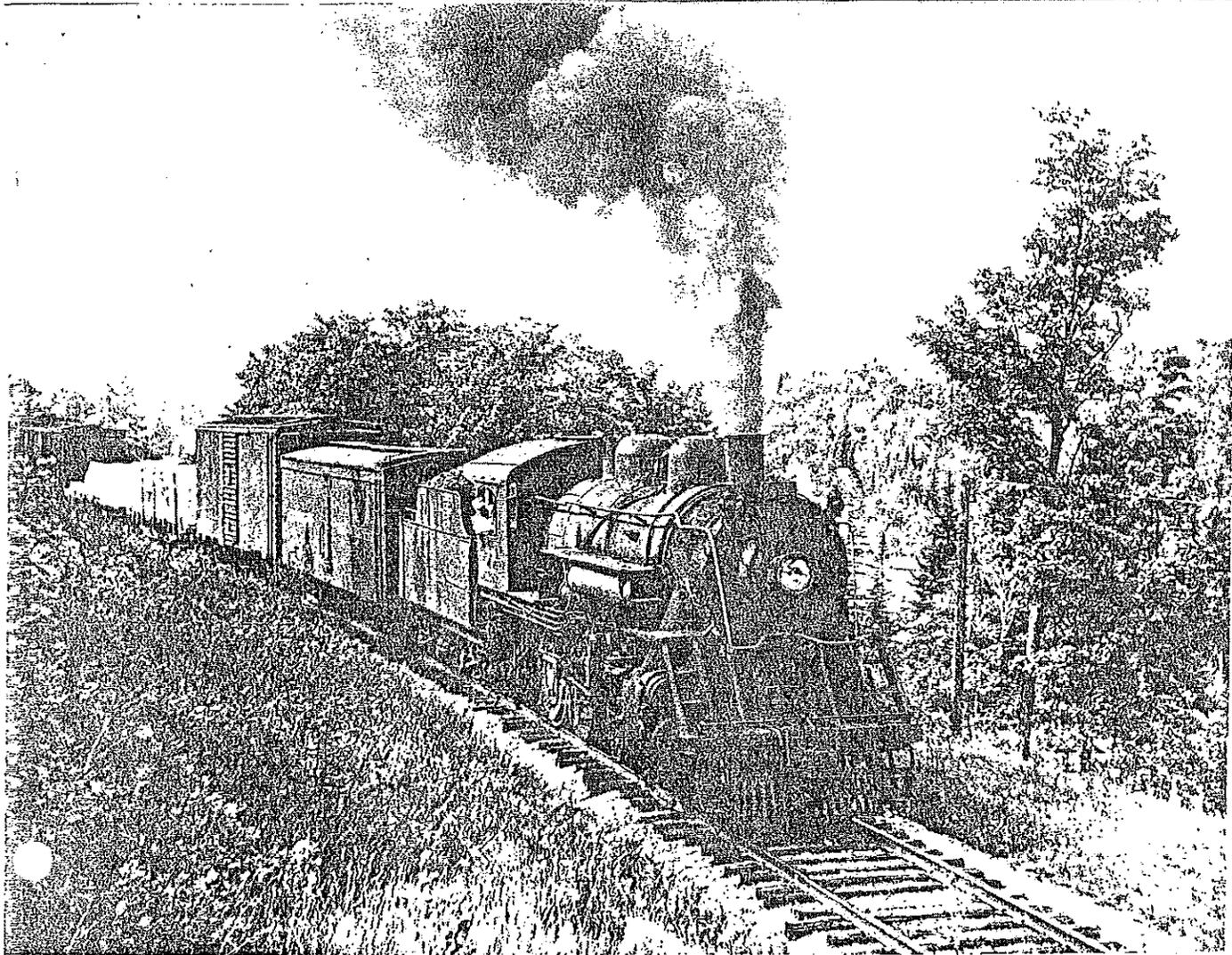
Dwight A. Smith



Albert G. Hale

(Top) It's a full house at Montpelier as B&C and M&WR power packs the stalls in 1936. G-10 No. 10 (middle) switches beside the Grocery company, across from the enginehouse. Rock of Ages switcher No. 7 (bottom) started life as M&WR first 7, *Capital*. She was scrapped in 1941.

5. Jim Shaughnessy, *The Rutland Road*, (Berkeley, 1964), 143.



Philip R. Hastings

With cars loaded with granite and milk, eastbound Mixed No. 4 rolls through the lush Vermont countryside near the summit at Lanesboro in September 1947.

opened after the flooding receded.

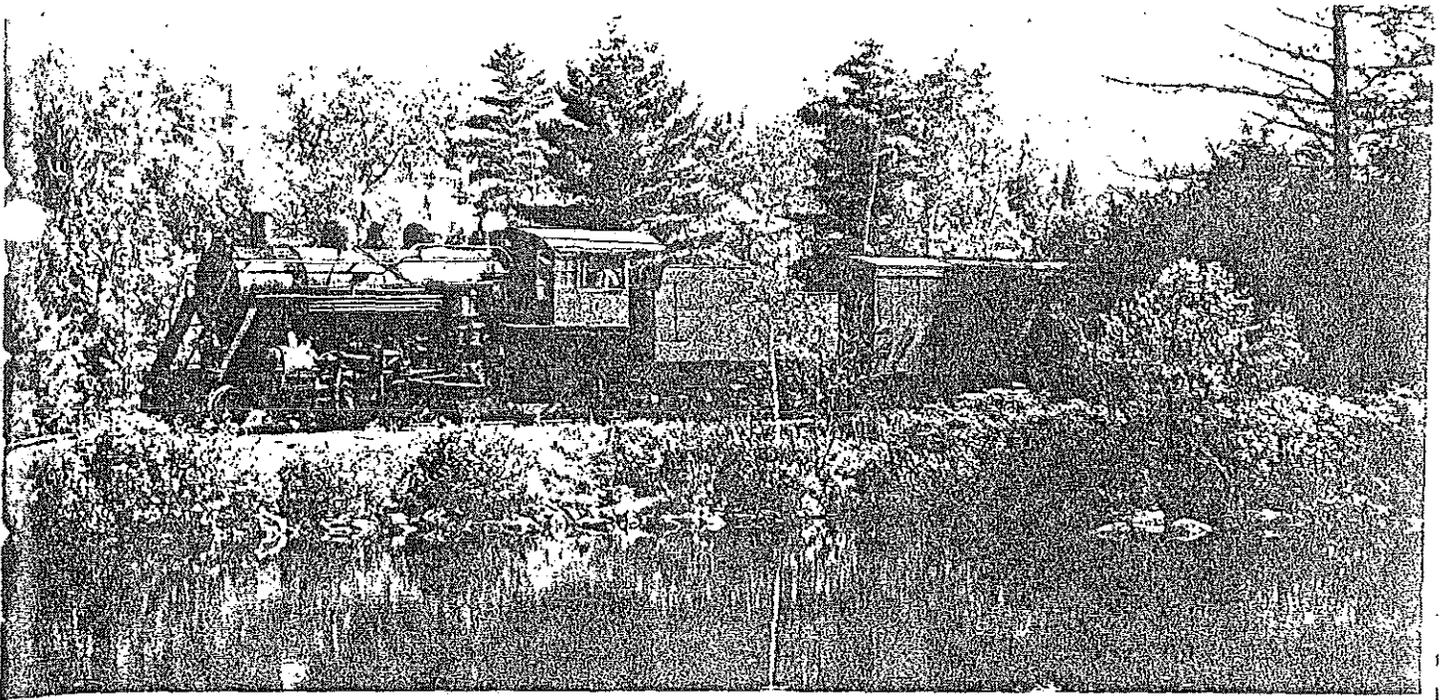
What little prosperity had accrued to the M&WR as a result of the return to local control evaporated with the onslaught of the depression in 1930. The domestic market for building materials was so severely dampened by the financial crash that monument dealers and other customers resorted to buying Vermont granite in small, less-than-carload lots, a market tailor-made for truckers; accordingly much of the granite business was drawn away from the railroads. Only through an active traffic solicitation campaign in which the M&WR offered weekly package granite service to selected points in eastern Pennsylvania, was some of the business won back to the rails. In reality the granite haulers were never again to recover the business lost during the depression.

The true shortline nature of the M&WR was borne out by the pattern of its daily operations which changed very little throughout the period 1926-1956. Two scheduled trains were run over the line in

each direction daily except on Sundays when one mixed was scheduled; extra movements were run as traffic warranted. For example, the September 25, 1938 timetable indicates that at 7:10 A.M. each weekday morning, eastbound No. 2 departed from Montpelier on its two hour, 38-mile trip to Woodsville, N.H., and a connection there with B&M train No. 2, the Montreal-Boston (via Concord) day train. Milk cans were normally loaded aboard along the way at Plainfield, Marshfield, Groton and South Ryegate, all of which were destined for local creameries or the large H.P. Hood, and Whiting Company dairy processing plants in Boston. By 10:20 A.M., the train, now redesignated Mixed No. 1, had picked up all interchange cars left in the Woodsville yard by the B&M during the previous night, and was ready to depart for Montpelier with those passengers who had arrived on the early morning trains from Canada, New York, Boston, and neighboring communities. The leisurely trip up the valley of the Wells River and over

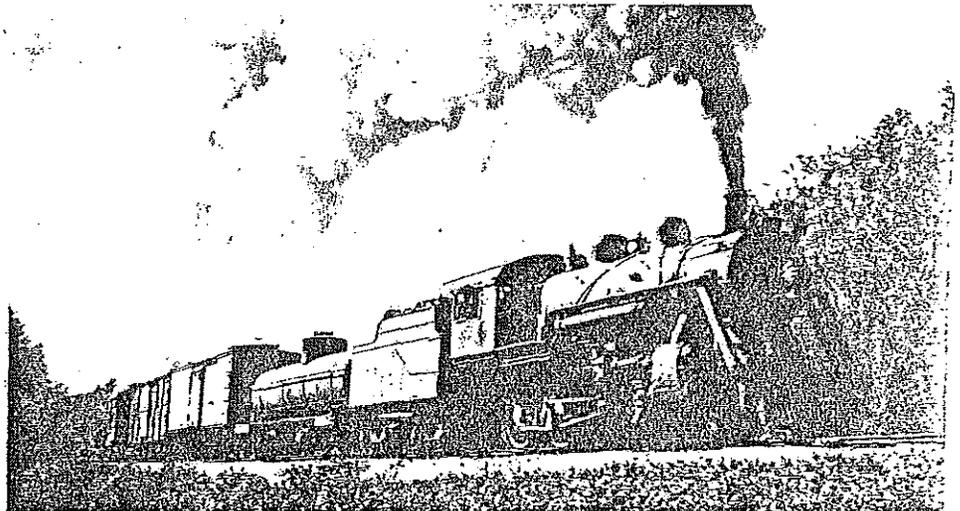
the summit at Lanesboro, together with numerous set-outs and pick-ups, normally saw No. 1 arrive back in the capital at 12:45 P.M.

Over the noon hour Montpelier station and yard was the M&WR at its busiest. One of the switchers would busy itself immediately breaking up the consist of No. 1, while imminently the local from Barre would return with the granite train off the Barre & Chelsea. This gave the yard crew roughly an hour or so to assemble the consist of local and through cars for Mixed No. 4, which departed Montpelier at 2:20 P.M. This was by and far the heaviest train in the daily timetable for it carried out flatcars of granite for delivery to the B&M as well as to local finishing plants in Groton and South Ryegate. The consist of No. 4 would also be swelled by any eastbound bridge or other traffic delivered to the M&WR at Montpelier by the Central Vermont. Dairy cooperatives at Plainfield and South Ryegate both contributed a daily milk car to the eastbound's tonnage as the



Philip R. Hastings

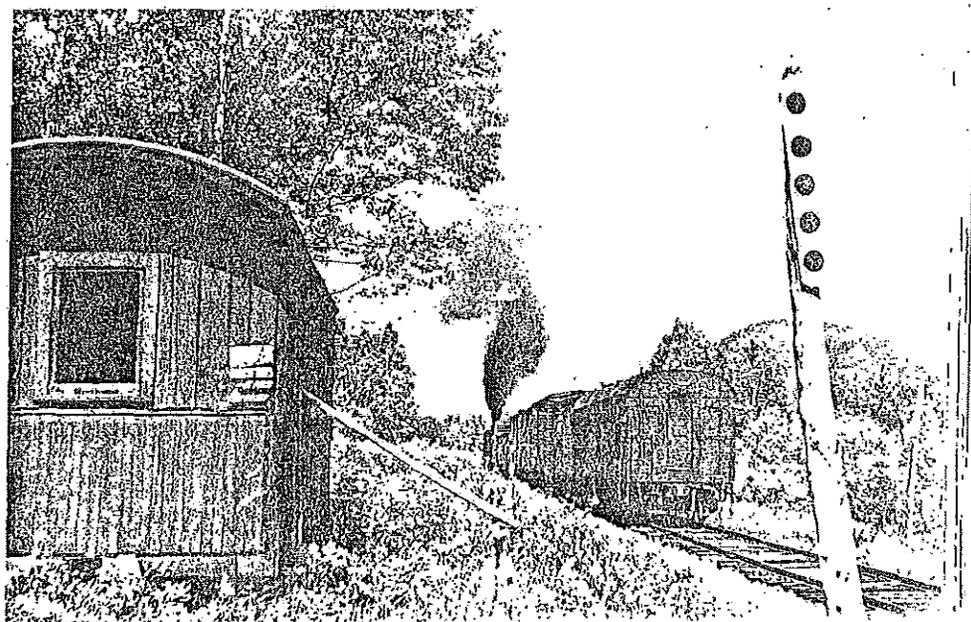
Engine 20 (above) pauses alongside Rickers Pond with westbound train No. 1 during the station stop at Rickers in 1947. The mixed train (right) fights a grade near East Montpelier on October 4, 1936. Train 1 (below), again with engine 20, lays down some smoke on the westbound upgrade past Groton Pond at Rocky Point. The flag stop signal is characteristic of those along the M&WR. The passenger shelter is a former Montpelier-Barre commuter coach. Owl's Head is in the background.

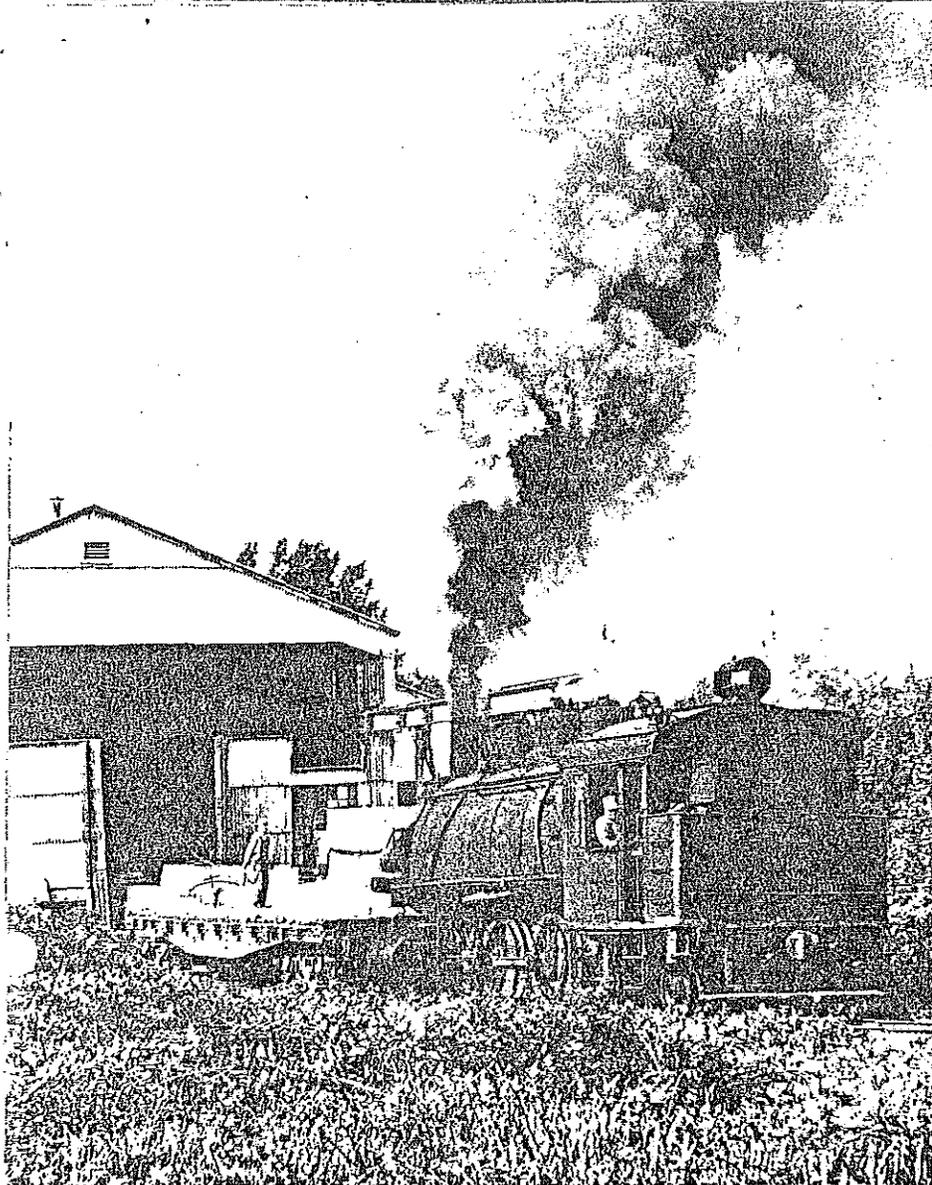


Above, Albert G. Hale; below, Philip R. Hastings

mixed train ambled by on its way to a 4:50 P.M. arrival in Woodsville. The crew could then look forward to a half-hour layover before the arrival of B&M train No. 9 from Boston (via Concord) at 5:25 P.M., at which time train No. 3 would be readied for the homeward bound run to Montpelier behind one of the 2-8-0's and a lone combination car, and coach. Travellers from Boston could expect to be rewarded with a fleeting glimpse of the summer sun setting on the golden dome of the capital buildings as No. 3 came to a rest at the platform in Montpelier sometime before 8:00 P.M.

Between 1930 and 1935, the last infusion of ex-B&M steam locomotive power came to the M&WR in the form of five G-10 class 0-6-0's, three K-7-c class 2-8-0's, and a solitary K-6-b class 2-8-0. However, despite the addition of larger locomotives, and a general return of prosperity to the nation, the fortunes of the M&WR began to stagnate. The entrance of America into the war in 1941 allowed the B&M to put off

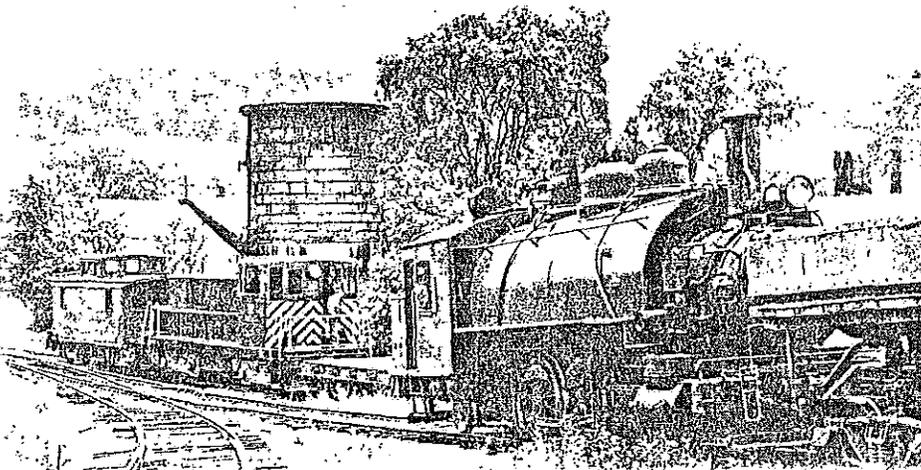




Philip R. Hastings

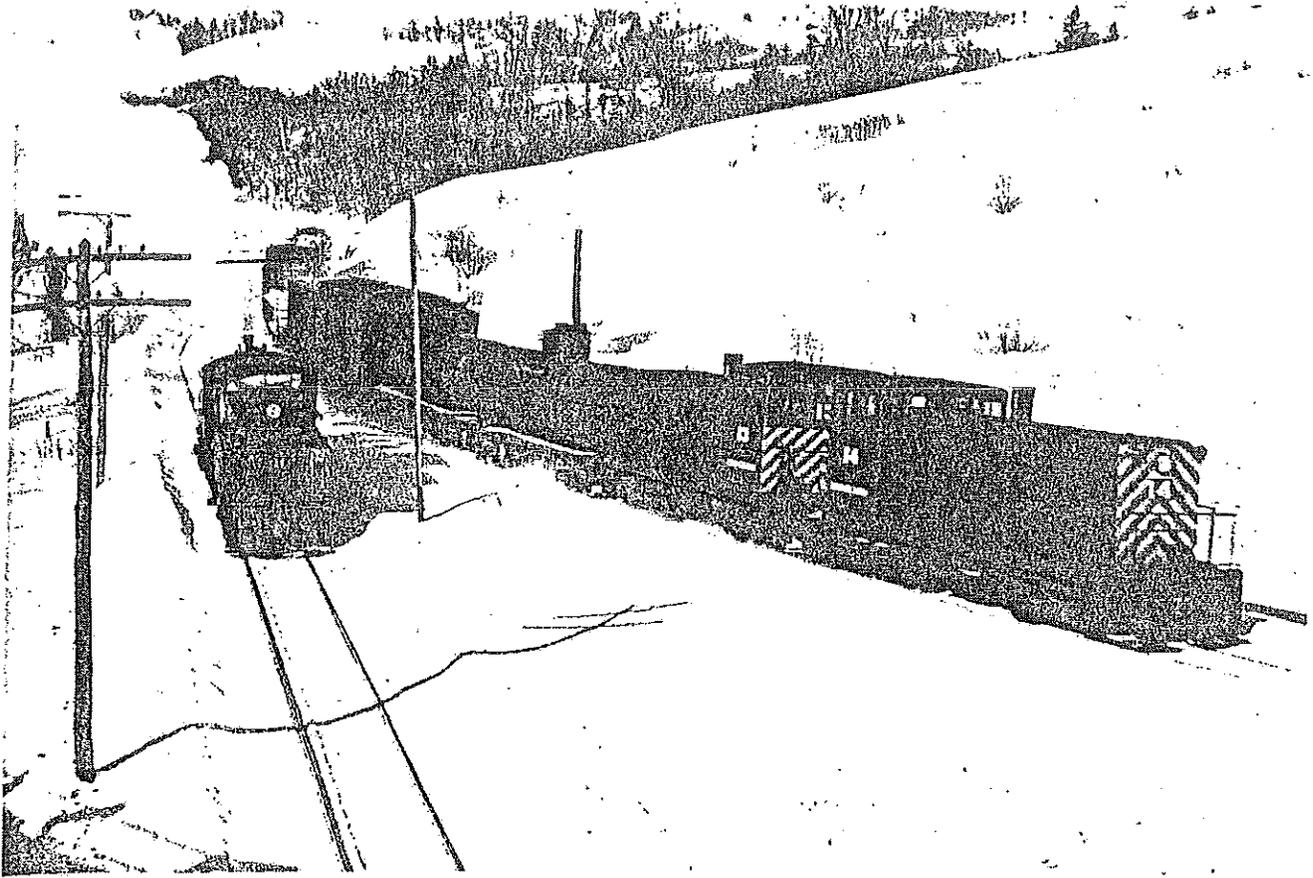
Barre & Chelsea 0-6-2T No. 6 (above) switches the granite finishing plant near the granite quarries at Graniteville in 1946. (Below) Action on the switchback. B&C engine No. 5 pauses in the clear on the switchback halfway down the hill. GE 70 tonner No. 12 and train prepare to ride the flatcar by No. 5 and deliver the car into a quarry.

Dwight A. Smith



making a decision that was inevitable, how to eliminate mounting losses, especially on the increasingly unprofitable M&WR. The B&M management decided in late 1944 to go one step beyond that of vesting management of the M&WR and B&C in local hands, by selling their controlling interests to Alvin F. Sortwell, one-time president of the line, and the son of the first president of the M&WR. No sooner had Sortwell taken control when a decision was made to merge the M&WR and the B&C into one entity. Thus on January 1, 1945, the combined railroads became known as the Barre & Chelsea Railroad, a reflection perhaps of the fact that the smaller of the two lines had always been the more viable operation. The B&M continued to hold a minority interest of 40% of the new company's bonds, but when Alvin Sortwell passed away suddenly in 1946, control of the B&C passed to other local interests, chief of whom were Louis A. Putnam, president of the St.J&LC, and the Rock of Ages Corporation, the principal on-line shipper (by virtue of its absorption of E. L. Smith Company, J. K. Pirie Company, Wetmore & Morse and Wells Lamson Co.). No one member of the new ownership group held stock control and the B&M continued to hold its minority interest in the line. Certain economies were realized almost immediately through the new joint operations, but the management foresaw that significant savings could only be achieved through dieselization. Accordingly, the B&C ordered and took delivery from General Electric of three seventy-ton diesel locomotives in 1947, which effectively allowed the retirement of seven of the nine remaining steam locomotives. The newest of the saddletank 0-6-2T's, No.'s 5 and 6, were retained until 1948 and 1952 respectively at which time both were sold to the Rock of Ages Corporation. The B&C subsequently purchased two additional seventy-tonners from GE, but both were purchased for the poverty-stricken St.J&LC which Mr. Putnam and his associates were in the midst of acquiring from the B&M.

Despite all the measures taken to turn deficits into profits, the B&C entered the 1950s under cloudy skies. Improvements in the interstate highway system had allowed truck competition to siphon away all of the milk traffic and the lion's share of the granite business; depletion of the once considerable timber resources of the area had further shaved away much of the company's traffic volume. In February 1952 the morning trains, No.'s 1 and 2 were discontinued, reducing service over the 38-mile main line to just one round trip a day. Loss of the federal mail contract saw the last railway post office car pulled off on October 29, 1955. Even deferred maintenance on the right of way could not hide the fact that the Montpelier-Wells River portion of the railroad accounted for 40%



Philip R. Hastings

B&C diesels 14 and 13 (above) wheel eastbound mixed train No. 4 past 0-6-0 No. 11 at Barre Transfer. The 11 is on the Barre Branch, returning from a switch run to Barre on this day in February 1948.

of the line's operating costs, while contributing a mere 5% of gross revenues.

By 1956 B&C president Louis Putnam and his associates had reached the point where they were unwilling to invest any further capital into the B&C.<sup>6</sup> In the early summer Putnam petitioned the ICC for permission to abandon the entire 48-mile line from the quarries right over to Wells River. In October the Commission gave its assent for the B&C to discontinue all service, effective the fifteenth of November. And so it was that after eighty-nine years of existence, the B&C passed away relatively unnoticed on a gray autumn day in November 1956.

But the ghost of the Barre & Chelsea continues to live on, in that the profitable segment of the line escaped the fate of dismantlement. In the same month that the B&C discontinued operations, Mr. Samuel Pinsky of Boston, fresh from his failure to purchase the defunct New York, Ontario & Western Railway, entered into an agree-

ment to purchase the twelve miles of trackage from Montpelier to Graniteville and Websterville. Pinsky brought considerable experience and financial resources with him, in that he controlled several other shortlines in New England and New York state. For the purchase price of \$250,000, his newly incorporated Montpelier & Barre Railroad acquired the 12-mile right of way, three of the seventy-ton locomotives (No.'s 12, 14 and 15), and the shops in Montpelier. On January 11, 1957 the first train ran up the line to service the former part-owner, Rock of Ages Corporation in Graniteville, and the Wells Lamson quarry in Websterville.

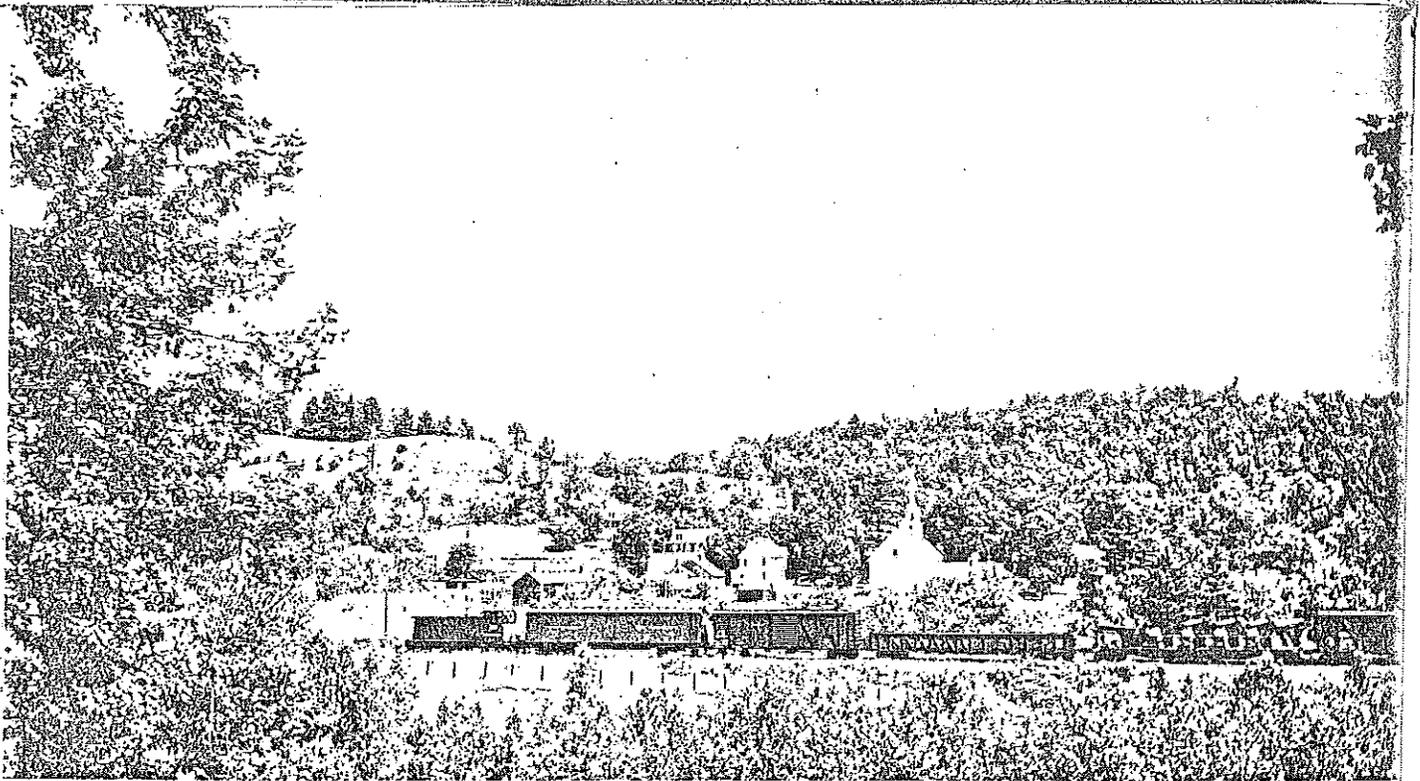
A touch of irony revealed itself the following year in May 1958, when the M&B purchased the eight-mile remains of the Central Vermont Railway's Barre Branch. For years the M&WR, and afterwards the B&C had attempted to come to an understanding with the CV for joint operation of their duplicating trackage between Montpelier and Barre, but to no avail. The purchase of the CV branch also included operating rights for the M&B between Montpelier and Montpelier Junction, a distance of two miles, a segment which was also purchased at a later date. Work crews proceeded to abandon those portions of

each line where the grades were prohibitive, i.e. the CV iron was retained from Montpelier to a point two miles east of the city, wherein a crossover was built to connect up with the remains of the old M&WR Barre Branch for the four remaining miles into Barre. The track on the remaining portions was torn up but the old CV steel bridge over the Winooski River, and certain stretches of parallel roadbed are still visible from Route 302.

In the intervening years since 1957, over three-quarters of the former M&WR-B&C trackage in Barre has been removed, although the M&B continues to thread its way through the city on the former B&C line, past the general offices of the railroad which are housed in the former CV red brick station.<sup>7</sup> The old B&C line up to the quarries has seen less and less traffic owing to the decision of the Rock of Ages Corporation to forsake private switching operations, remove most of the track on their property, and convert to trucks. The

6. At this time Putnam and his associates from the Eastern Magnesia Talc Company, and the Ruberoid Corporation, were also preoccupied with negotiations for the sale of their interests in the St. J&LC to the H.E. Salzberg group.

7. Following the sale of the St. J&LC to the State of Vermont in late 1972, Pinsky transferred the administrative headquarters of all his shortline operations from Morrisville to the M&B general offices in Barre.



Dwight A. Smith

Photographer Dwight Smith captured the pastoral beauty of rural Vermont in this scene of a westbound Barre & Chelsea freight passing through Groton, Vt. in the early fifties. The photograph was taken from Dwight's front porch.

normal practice in recent years has been for the M&B to dispatch a train up Millstone Hill only upon request.

How this last remnant of the M&WR and B&C will fare in years to come is a matter of conjecture. The Montpelier & Barre last posted a profit in 1971—\$10,343 on operating revenues of \$202,907,<sup>8</sup> and indications are that the future financial prospects for the line are not bright. Like its Class I neighbor, the B&M, the M&B requires a minimum level of traffic to cover its fixed costs. However the growth rate in the central tier of Vermont has stagnated in the past three decades, i.e. the population of Barre has decreased by 6.5% since 1940,<sup>9</sup> and very little new industry has located alongside the M&B in many years. Inbound traffic constitutes more than 85% of the shortline's business and includes such products as lumber, feed, beverages, farm equipment, abrasives, road salt, etc., whereas outgoing loads now number less than one carload per day of granite! In fact,

a Pinsky trucking subsidiary, Granite Center Delivery, has inherited much of the M&B's local granite traffic.

In the final analysis, whatever the future holds for the M&B is of little consequence when stacked against the memories of train time at Montpelier on a hot afternoon in the summer of 1933; of Consolidation-types with Fox-patent tender trucks, waiting for permission to cross the Canadian Pacific line at Wells River; of being firm in the knowledge that once upon a time, inconspicuous black diesel locomotives truly plied their way alongside the likes of Marshfield Brook, Kettle Pond, Ricker Mills, and....

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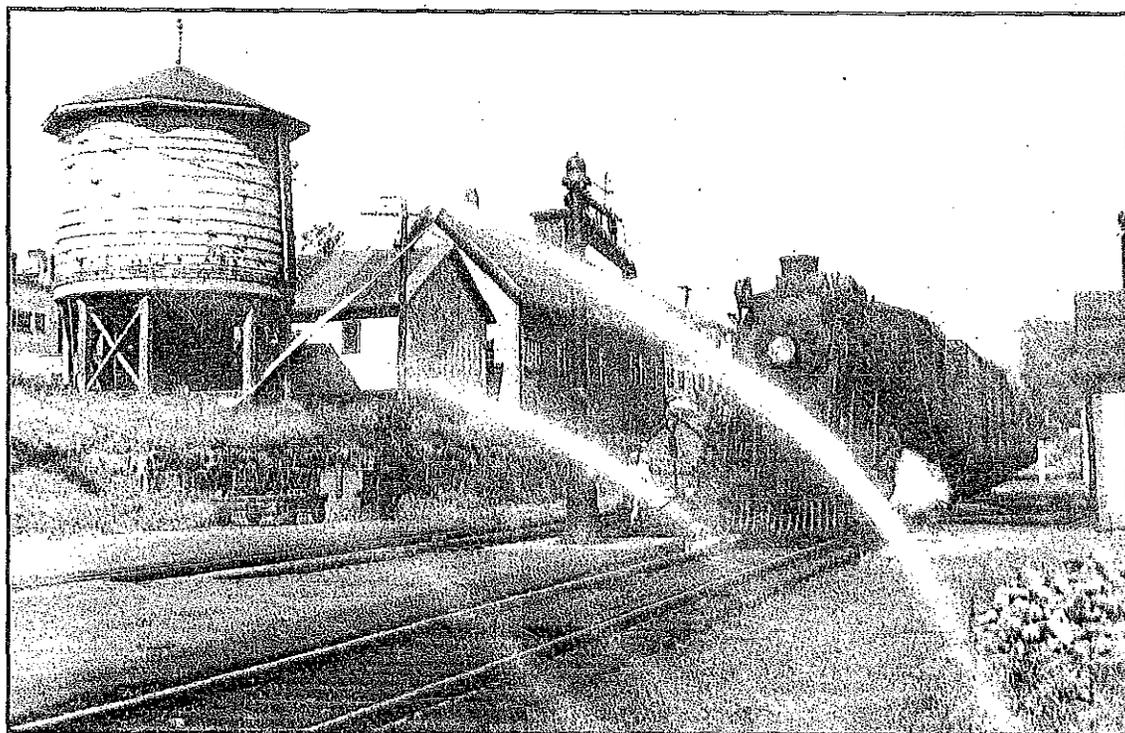
8. Federal Railroad Administration, *Short Line Techniques to Improve Financial Viability of Light Density Lines — Major Railroads*, (Washington, 1974), 42.

9. State of Vermont highway maps for the year 1940 record the population of Barre as 10,909; the most recent census statistics give the city population as 10,209.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 10**

# CONNECTICUT RIVER RAILROADS AND CONNECTIONS



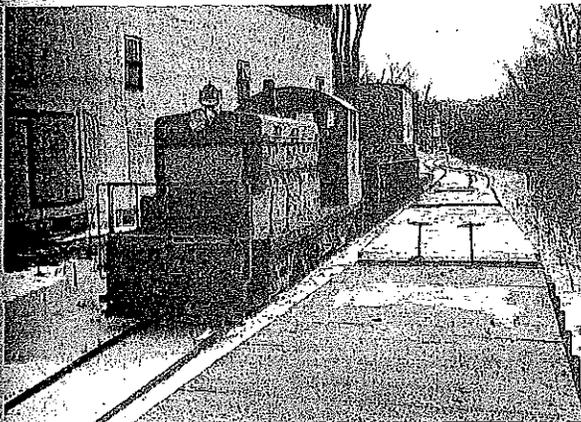
Volume X  
Woodsville - East & West  
The "Pemi" and EB&L

by R. W. NIMKE

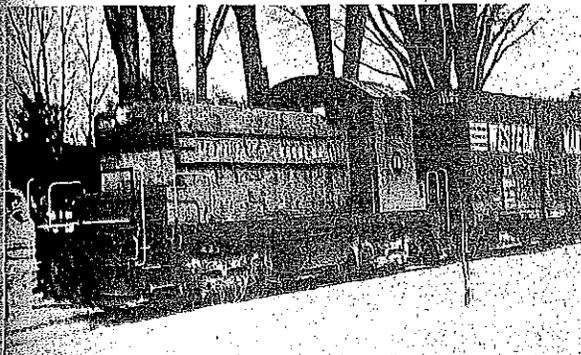
# MONTPELIER & BARRE RR



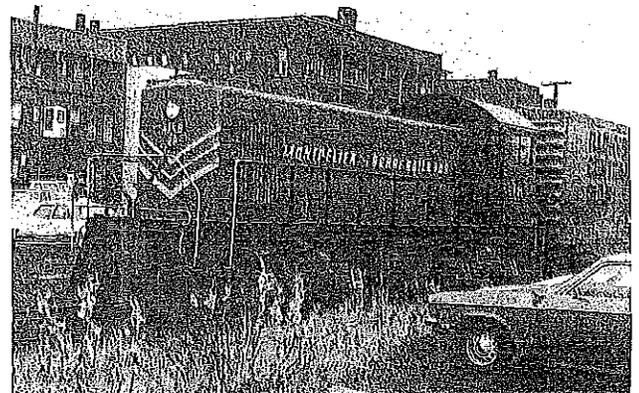
*M&B #29 at Montpelier. I would say it is cold by the looks of that trainman about to climb on the engine. Coll. J. E. Lancaster. 10-57.*



*M&B #27 with a gon and a flat in tow behind this GMC product. Brent Michiels photo. 10-58.*

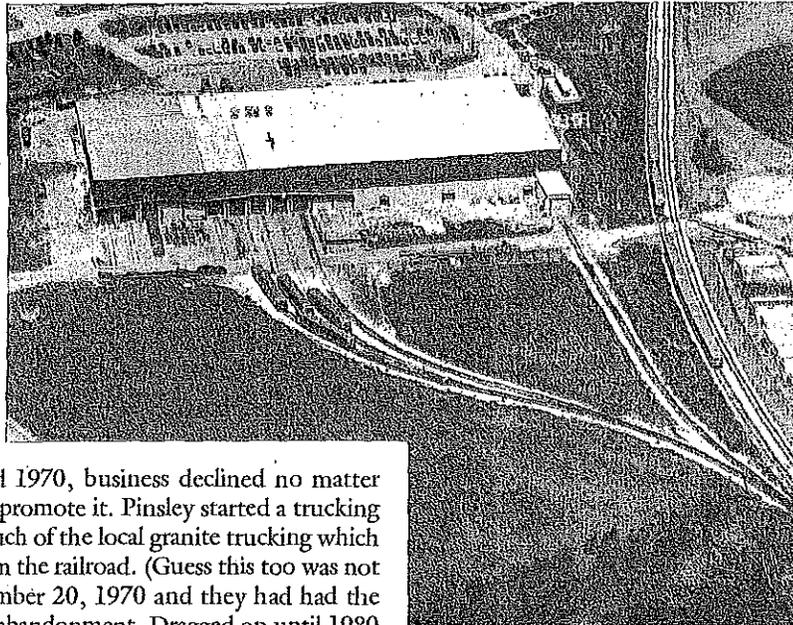


*M&B #28 at Montpelier. Eric Haartz photo. 10-59.*



*Alco product Eng. 29 (S-1) at Barre October 25, 1974. Photo by Steve Mumley. 10-60.*

# WASHINGTON COUNTY RR



Between 1959 and 1970, business declined no matter what the M&B did to promote it. Pinsley started a trucking company to handle much of the local granite trucking which naturally siphoned from the railroad. (Guess this too was not that successful.) December 20, 1970 and they had had the course and applied for abandonment. Dragged on until 1980 when finally the State and the M&B agreed to terms after a long hassle on price. September 1980 and the Washington County RR became the lessee starting up in December of the same year after some rehab work on the track. Their first unit was leased LVRC RS-3 No. 7801. They did buy M&B No. 25 and 29. The purchase of the line by the State was to insure that Bombardier Ltd. would start their operations up on the "Hill". I'm sure you are aware of the fact that Bombardier assembles rail passenger carrying cars at one of the former granite shed locations up on the "Hill", which to serve requires a switchback move up a rather steep grade. The quarries the railroad once served around the "Hill" were (are) located in close proximity to this new industry, as the aerials will verify. It still is going strong at this writing.

*Aerial of Bombardier May 11, 1994 by Jim Pettit. Top right is down the "Hill." 10-65.*

*At Barre September 19, 1986 on their way to Montpelier Jct. with a string of "trolleys" on TTX flats. John Rogers photo. 10-66.*



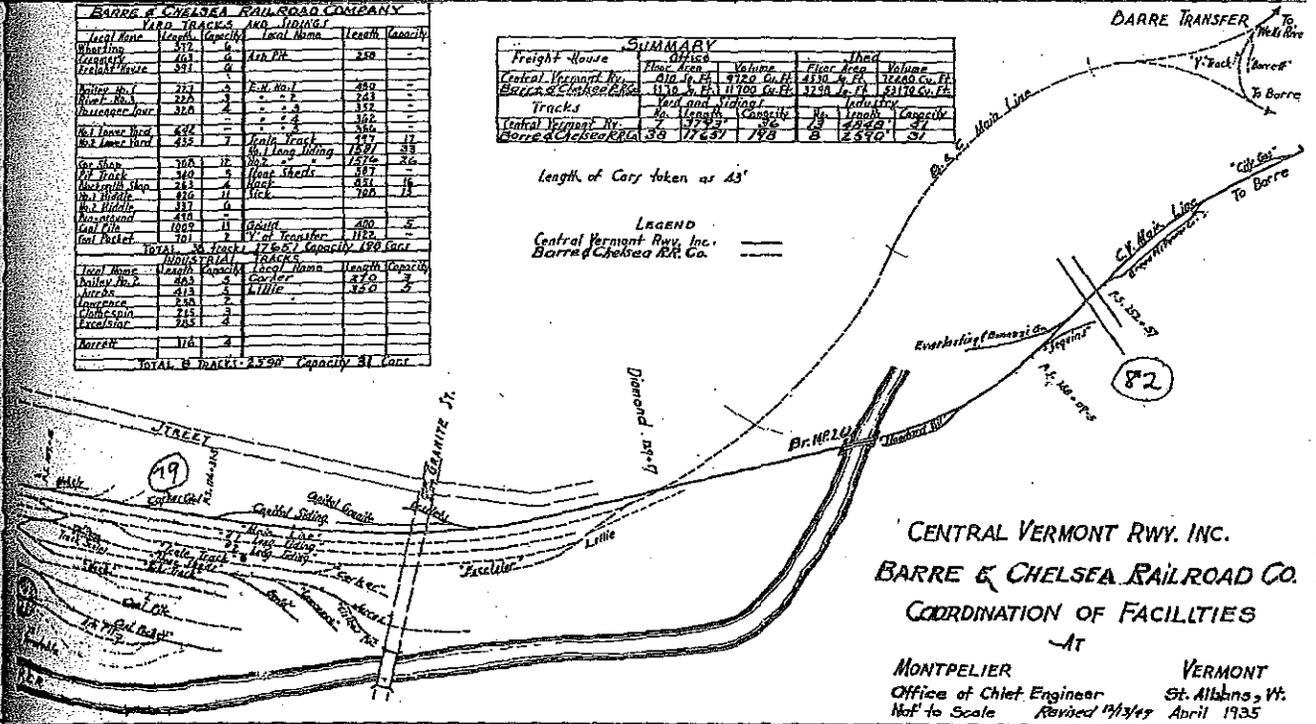


BARRE & CHSELSEA RAILROAD COMPANY			
TARD TRACKS		AND ADJACENT	
Local Name	Length	Capacity	Local Name
Wharfing	372	6	Atk. Dr.
Capacity	461	6	250
Grain House	371	6	
Bayley No. 1	212	3	Full. No. 1
Bayley No. 2	212	3	250
Bayley No. 3	212	3	250
Bayley No. 4	212	3	250
Bayley No. 5	212	3	250
Bayley No. 6	212	3	250
Bayley No. 7	212	3	250
Bayley No. 8	212	3	250
Bayley No. 9	212	3	250
Bayley No. 10	212	3	250
Bayley No. 11	212	3	250
Bayley No. 12	212	3	250
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Bayley No. 97	212	3	250
Bayley No. 98	212	3	250
Bayley No. 99	212	3	250
Bayley No. 100	212	3	250

SUMMARY					
Freight House	Office	Volume	Fluc. Area	Volume	Fluc. Area
Central Vermont Ry.	1170	4	11700	4	11700
Barre & Chelsea R.R.	1170	4	11700	4	11700
Trucks	1170	4	11700	4	11700
Central Vermont Ry.	1170	4	11700	4	11700
Barre & Chelsea R.R.	1170	4	11700	4	11700

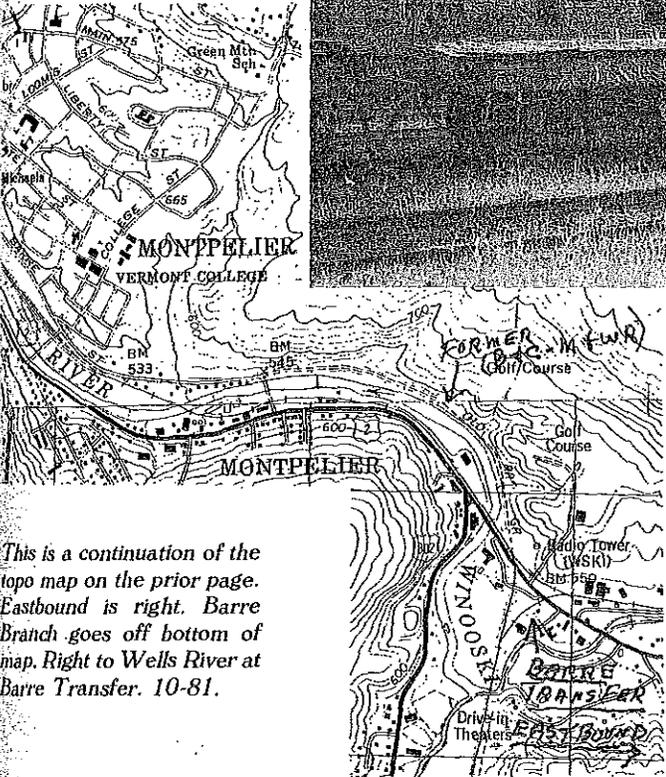
Length of Cars taken as 43'

LEGEND  
 Central Vermont Rwy. Inc. ———  
 Barre & Chelsea R.R. Co. ———

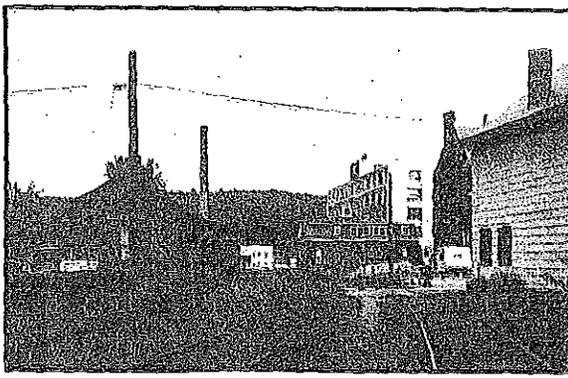


CENTRAL VERMONT R.WY. INC.  
 BARRE & CHSELSEA RAILROAD CO.  
 COORDINATION OF FACILITIES  
 AT  
 MONTPELIER VERMONT  
 Office of Chief Engineer St. Albans, Vt.  
 Not to Scale Revised 1934 April 1935

City Fuel was Corker Coal (Circle 79 above). At right is the Capitol Granite Co. 1944 view, right is eastbound. B&C flat #146 in foreground. Coll. Steve Mumley. 10-79.



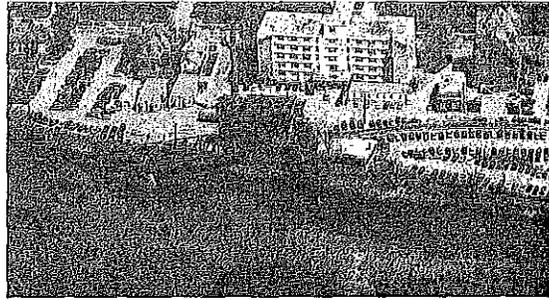
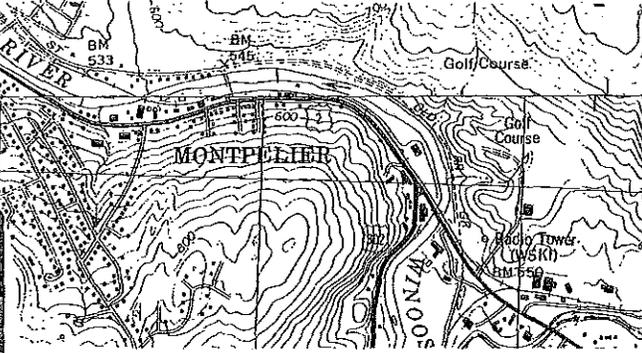
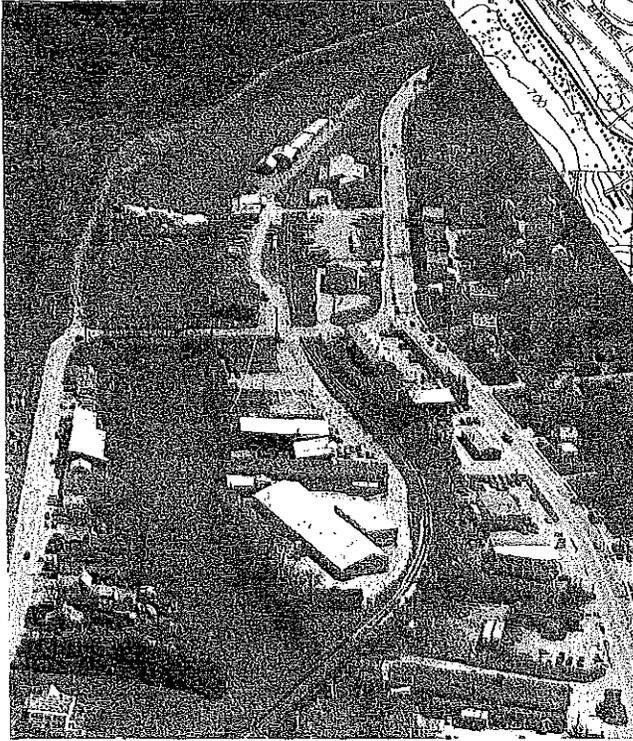
This is a continuation of the topo map on the prior page. Eastbound is right. Barre Branch goes off bottom of map. Right to Wells River at Barre Transfer. 10-81.



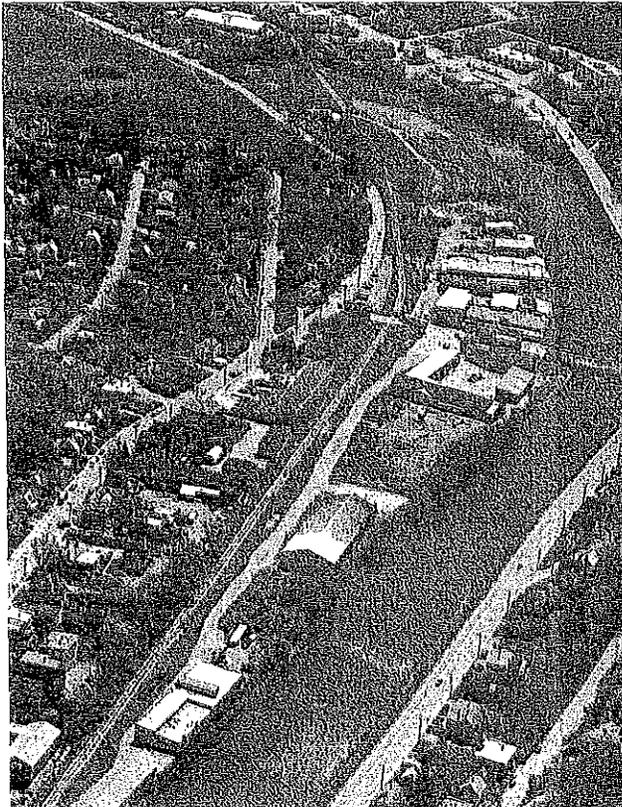
This was originally CV trackage (Circle 80 prior page on map). Swift's at right, CV freight house at left. (Taylor St. 8/64). Coll. Stearns Jenkins. 10-80.



Left aerials top and bottom are looking eastbound. Railroad bridge top of bottom photo is same bridge at bottom of top aerial. Note abandoned B&C. Main on left side of river on top photo. Pinsley elected to retain the former CV at this location. As you can see with the industry that was once there, easy to understand why. 10-82 & 10-83.



Building with large smokestack near double span railroad bridge lower left, state heating plant and once received large quantities of coal by rail. Right is eastbound. This was originally CV trackage. All aerials by Jim Petit May 11, 1994. (Granite St. bridge right center). 10-84.



Eastbound view of former car shop building. (Bottom left building in aerial at left with peaked roof.) Above taken September 22, 1980 by Stearns Jenkins. 10-85.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 11**

# Vermont's GRANITE RAILROADS

The Montpelier & Wells River  
and the Barre & Chelsea



Wm. Jones & Whitney, Inc.

Granite Quarries, Barre, Vermont

# 9 The Pinsly Era 1955-1978

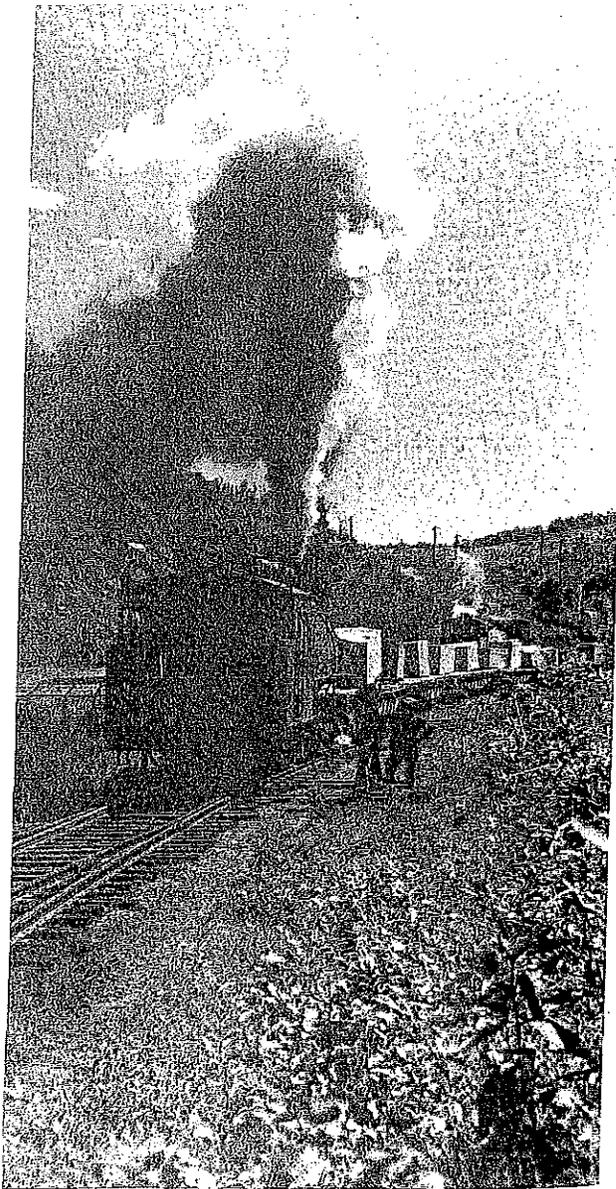
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Business continued to decline through the mid-1950s, and an increasing number of passengers and shippers liked the reassurance that rail service was available when it was inconvenient or impossible to use other means, but refused to use the railroads under other circumstances. This decline in revenues continued unabated, and on November 6, 1955, the B&C stockholders voted to petition the Interstate Commerce Commission for authority to abandon the entire line. This act marked the culmination of several years of unsuccessful efforts to improve the road's financial status.

In announcing this decision to the local press, President Lewis Putnam explained that trucks were now moving over 50 percent of the granite within the district and about 40 percent of all granite moving out of the area. In addition, the railway post office contract between Montpelier and Wells River had been discontinued; the last mail run was made on October 29, 1955. Negotiations with postal authorities to reinstate this service had failed, as trucks ostensibly could give better and less expensive service. Sadly, after serving as mail clerk on this run for twenty-four years, Bernard Daniels had handled his last mail pouch; within days, all express service was discontinued as well. These cutbacks in service were followed by the discontinuance of all passenger service on January 1, 1956.

Lewis Putnam disclosed that the main line from Barre Transfer to Wells River was not economically viable any longer. The company's financial records showed that this portion of the road accounted for about 40 percent of the total expenses, while providing only 5 percent of the revenue.

The president emphasized that during the abandonment proceedings, negotiations would continue with the CV, the B&M, and the Canadian Pacific Railway in an attempt to form some agreement that might make it economically feasible to continue operations. Putnam intimated that he



Rock of Ages No. 27 clears the lead, thus allowing No. 5 to move its train of loaded flatcars out of the yard at Graniteville. *Jim Shaughnessy Photo*

was hopeful the granite industry could continue to be served, but that there appeared little hope that operations could continue between Montpelier and Wells River under any circumstances.

On December 13, 1955, officials of the B&C formally asked the I.C.C. for permission to abandon operations over its forty-eight miles of track in Washington, Caledonia, and Orange counties and to liquidate the corporation. The request cited the fact that business had been lost to the trucking industry and that the railroad was operating at a loss. The application further stated that if approval was forthcoming, the company would be willing to sell the entire line or any part thereof to responsible parties for continued operation by these parties.

In April 1956, hearings were conducted in Barre by I.C.C. examiners, at which time numerous objections to the abandonment were heard from local businessmen representing various granite manufacturers, grain and fuel dealers, and delegations of citizens from several outlying communities. Despite these objections, the commission handed down Finance Docket No. 19171 on September 19 which granted the B&C permission to abandon its entire operations. The I.C.C.'s findings concluded that the railroad required the immediate expenditure of \$250,000 to rehabilitate its tracks, which had suffered from several years of deferred maintenance, and another \$100,000 to rebuild its four General Electric locomotives. In contrast, the net salvage value of the company's right-of-way and equipment had been appraised at \$560,000. Further evidence of the B&C's creeping insolvency was documented by I.C.C. statistics which clearly showed the company's financial dilemma:

#### CARLOAD FREIGHT TRAFFIC

	1953	1954	1955
			(10 mos.)
Local Freight	2147	1609	1148
Freight Terminating On-Line	2103	1998	1383
Freight Moving Off-Line	1742	1143	908
Bridge Traffic	125	101	84
LCL Moving Off-Line (Tons)	5391	4345	3953

#### FINANCIAL RESULTS

	1953	1954	1955
Revenues	\$483,602	\$395,118	\$397,861
Expenses	477,315	427,795	426,568
Net Income (Loss)	6,287	(32,677)	(28,707)

Source: I.C.C. Finance Docket 19171

In his summation, I.C.C. secretary Harold D. McCoy wrote:

Consideration of the record herein indicates that the application should be granted . . . In the years 1950, 1952, and 1953, applicant's operations were conducted at a profit. However, such result was obtained only by deferring maintenance. Under the circumstances related above, it is no longer prudent to continue operations unless the line is rehabilitated and the applicant's motive power is overhauled and rebuilt.

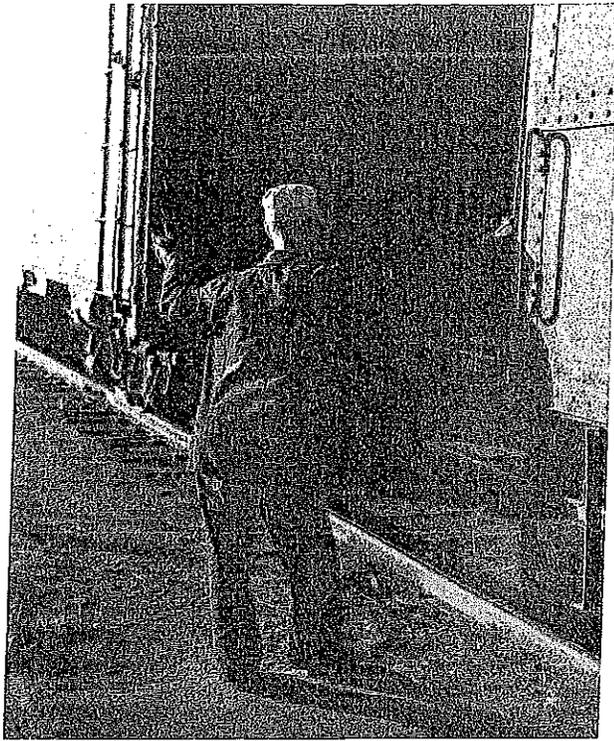
There is no present or foreseeable volume of rail traffic that would warrant the expenditure of the sums mentioned herein. The potential redevelopment of the granite industry on Blue Mountain presents no probable need for railroad service. In fact, the processors of the granite quarried in the area do not control the routing of the outgoing shipments, but ship on instructions of the consignee . . . In recent years the trend has been for the consignee to prefer truck transportation.

The abandonment of the line no doubt would result in some damage, inconvenience, and higher costs to the feed dealers and distributors presently located on sidings or spurs served by the line. Manufacturers of finished granite memorials may be compelled to accept smaller rough blocks (more susceptible to truck transportation) at their saw plant if the line is abandoned. Other dealers in the area probably will experience increased costs. On the other hand, the applicant's financial position will not permit the rehabilitation and other costs required to continue operation of the line. The conclusion is warranted, therefore, that continued operation of the line would impose an undue and unnecessary burden upon applicant and upon interstate commerce.

However, in light of the fact that the Barre & Chelsea management had indicated to the I.C.C. its willingness to sell all or part of the railroad to any interested party, the commission upon learning that such negotiations were under way granted the B&C forty additional days to finalize these arrangements. Thus, the effective date of abandonment was set back from September 19 to October 29, 1956.

In the meantime, negotiations had been taking place with Samuel M. Pinsky of Boston. Pinsky was an experienced and capable short-line operator who owned several small railroads, including the Hoosac Tunnel & Wilmington on the Vermont-Massachusetts border, the Sanford & Eastern in Maine, and the Claremont & Concord in New Hampshire.

After an intense all-day meeting, Lewis Putnam announced on November 8 that Samuel M. Pinsky, under the sponsorship of the Barre area quarry operators, had agreed to buy the B&C with the



The brakeman signals the head end for a hitch as a train is being put together during the last year of operations. *Jim Shaughnessy Photo*



The last run on the main line occurred on November 15, 1956. General manager Charles Morrell, conductor John Spaulding, and brakeman Calvin Richards are registering their train and checking bulletins in the Montpelier depot—a very sad occasion for all concerned. *William Gove Collection*

understanding that his proposed "Montpelier & Barre Railroad Company" would operate only the segment connecting the top of Barre Mountain with Montpelier, a distance of fourteen miles. It was agreed that all service on the line between Barre Transfer and Wells River would be discontinued on November 15 and that this section would be dismantled. In addition, Putnam reported that Maurice L. Kelley had negotiated the sale of the

railroad's depot and office building in Montpelier and the adjacent land to E.W. Bailey & Company so that this grain company might consolidate and expand its operations in the area.

Although the granite companies were not in favor of selling the line at this time, the B&M wanted very much to do so. Putnam had acquired some of the stock over a period of time, and when he sided with the B&M on the issue of selling to Pinsly, the quarry owners were outvoted.

Those participating in the negotiations included Patrick J. McGinnis, representing the Boston & Maine's minority financial interest; Robert S. Gillette and Wendell Smith of the Rock of Ages Corporation, Graniteville; Heber G. England of Jones Brothers, Barre; Maurice L. Kelley, representing Wells-Lamson Company, Barre; representatives of the Salzberg family of New York City; Samuel M. Pinsly; and Lewis A. Putnam. Murray M. Salzberg was Pinsly's brother-in-law and himself president of several short-line railroads in Vermont (the St.J&LC), New York, Pennsylvania, Iowa, Arkansas, and Louisiana.

Upon completion of these negotiations, Putnam reminded the press that the agreement was subject to I.C.C. approval, and he emphasized that "All parties have made every possible attempt to see that as much service to the public as can be will be preserved without interruption."

Train operations on the entire B&C came to a close on November 15 as planned. Employees learned of the suspension of service by notices attached to bulletin boards at stations and shops along the line. The final revenue round trip to operate over the Montpelier-Wells River line departed from Montpelier in midafternoon on the fifteenth. Engine No. 14 hauled the seventeen-car train, whose five veteran crewmen were making the saddest railroad trip of their lives. Alfred Canales handled the throttle of No. 14, and his fireman was Lorenzo Michaud, himself an experienced engineer. John K. Spaulding was the conductor in charge of the train, and the brakemen were long-time employees Calvin Richards and Wilmont Grandfield. Stops were made at Fairmont (East Montpelier), Plainfield, and South Ryegate to pick up cars, and the train pulled into Woodsville for the last time at 6:16 P.M. with twenty-one cars and one passenger.

The *Barre Daily Times* reported, "The cars were backed into the Woodsville station, and as the train stood on a siding in the yard a small line of old-timers climbed aboard for a final handshake and solemn goodby. As the train made its way back over the mountains for the last time, men, women, and children dotted the byways to watch and give a final salute." With the arrival of this train in Montpelier

at 9:35 P.M., for all practical purposes the B&C ceased to exist, and at midnight the control of the "Hill Line" was transferred to the newly organized Montpelier & Barre Railroad Company. On November 21, an unpublicized extra run was made from Montpelier to Wells River to move the remaining foreign cars off the line.

Forty-two B&C employees lost their jobs upon the completion of the final run. They were all veteran railroaders with virtually spotless service records. The main office staff, employed jointly by the B&C and the St. J&LC, was kept on temporarily, but these people, too, were soon affected by layoffs. The employees at the time of the discontinuance of service included:

Train crews:

Montpelier—

A.L. Canales, W.M. Clark, W.A. Starkey, L.E. Michaud, A.F. Warren, L.F. Whittemore, C.W. Richards, J.K. Spaulding, L.C. Stewart, C.R. Annis, W.D. Grandfield, R.T. Lane, J.P. O'Neill, and F.P. Stewart

Barre—

W.L. Dudley, E.J. Burke, P.T. Smith, and H.A. Shangraw

Nonoperators:

Montpelier agent H.E. Brundage; Barre freight clerks R.H. Coxon, W.L. Freeman, and L.C. Lawliss; and Barre flagman L.A. Laurendeau

Maintenance personnel:

Montpelier—

D.L. Freeman, G.L. Lamell, R.W. Wilder, R.T. Lane, L.A. Sweet, and J.K. Carver

Barre—

L.J. Lawrence, E.A. Gingras, and E.O. Clark

Plainfield—

A.S. Goodhue, W.J. Barnett, and G.W. Holmes

South Ryegate—

H.A. Robinson and W.Z. Heath

Websterville—

E.H. Pelkey

Mechanical personnel:

Montpelier—

C.A. Bachelder

Barre—

J.C. Parry

Riverton—

R.F. Mercier

Websterville—

L.M. Rivers

In addition to the men listed above, seven other employees had been dismissed in preceding months when it became obvious that service was likely to soon be suspended. Four veterans who had already reached retirement age chose to retire at this time, while a number of others made their individual decisions in the following months. Unused vacation time that had been earned during 1956 was paid to the employees in cash.

After two days of deliberations near the end of November, Putnam announced that the B&C's liquidating committee had completed its work. He reported that employment was available on the Montpelier & Barre for several former B&C veterans. In addition, a contract to dismantle the line between Barre Transfer and Wells River had been awarded to the Horton Construction Company of Taunton, Massachusetts. This firm had a considerable amount of experience dismantling Eastern railroads—most notably portions of the New Haven and the B&M. They hired all the furloughed section men who wanted to work with the understanding that these men would be available to work on the M&B whenever the new road needed them. By late 1956, scrap steel prices had risen to a record level of ninety-eight dollars a ton, and on December 2, the first rails were lifted at the Gallison Hill Road in Montpelier. This work continued eastward during the winter months, weather permitting, until the final rail was pulled at Wells River at 8:10 A.M. on March 18, 1957 and loaded onto the scrap train headed by diesel No. 14.

Following the incorporation of the Montpelier & Barre Railroad Company on November 13 and the purchase of the B&C right-of-way from Montpelier to the quarries for \$250,000, Pinsky negotiated the purchase of three seventy-ton diesel locomotives for \$100,000. He also acquired one caboose, two snowplows, work train equipment, the Montpelier shops, and the inventory of tools and parts for another \$70,000. Former B&C diesels 12, 14, and 15 soon became M&B 21, 22, and 20, respectively.

The new corporation's first board of directors was comprised of three local men—J. Wendell Smith, Maurice L. Kelley, and Loren H. Allen—as well as Ira Strieff, New York; Harold Levine, Woburn, Massachusetts; Ben Collins, Rutland, Vermont; and Pinsky. Smith, Kelley, and Allen were former directors of the B&C; Levine and Collins remained members of the M&B directorate for only a short time.

By mid-December 1956, the I.C.C. officially approved the sale of the B&C to Pinsky as anticipated. Pinsky immediately held an evening press conference at the Barre Hotel to explain his plans for the reinstatement of rail service between Montpelier and the Quarry District. Pinsky explained that while the I.C.C. had just approved the sale of the line, government regulations required a separate approval for him to begin operations with the newly formed Montpelier & Barre Railroad Company. In anticipation of receiving such approval, Pinsky promised that shippers on the line would receive "the finest service they have ever had." The new owner indicated that he would make

frequent visits to the area to oversee his investment. In addition, he told the press that as many former B&C employees as possible would be hired to work on the new road. Pinsly stated that one of the first changes the public would notice would be new colors on the road's three locomotives. True to his word, the somber black paint scheme of the B&C was replaced with bright red with yellow stripes—the same paint scheme used on the motive power of the other Pinsly roads.

One of the ex-B&C locomotives was used by the Horton company while dismantling the Wells River line, while the other was leased to the St.J&LC. The Bangor & Aroostook Railroad in Maine purchased six flatcars immediately through arrangements made by the B&C liquidation committee, while the Rock of Ages granite firm bought a similar number. The fifty-five remaining cars were assembled for inspection by prospective buyers near the Green Mountain Power Corporation station just east of Montpelier.

Hardly had the various agreements and contracts been signed and I.C.C. approvals been received when officials of the Vermont Highway Department expressed interest in obtaining sections of the right-of-way between Barre Transfer and Wells River for highway improvement. The entire right-of-way was subsequently sold to the Vermont Department of Forests and Parks, which later turned portions of it over to the Vermont Highway Department. During the next few years, several highway relocation and rehabilitation projects using this right-of-way were completed.

On January 10, 1957, the I.C.C. gave formal permission to the Montpelier & Barre Railroad to commence operations on fourteen miles of track between Montpelier and the quarries and on 7.7 miles of yard tracks and industrial sidings. Pinsly was also authorized to issue 3,000 shares of \$100 per value stock.

The first M&B train operated over the line on January 15, 1957 to service the Rock of Ages quarry in Graniteville and the Wells-Lamson quarry in Websterville. At this time, the M&B had about twenty employees, and Pinsly was hopeful that business would warrant a second train crew in the near future. In this regard, in an article in the January 12, 1957 *Burlington Free Press*, Pinsly was quoted as saying, "It's up to the people. The area needs a railroad and we need the people's support for a successful operation. You can't run a railroad on love and snow."

The first day of M&B operations weather-wise was not soon forgotten by the employees. The first train left Montpelier for Barre and Graniteville at 8 A.M. pushing a snowplow to break open the line. Subzero temperatures and winds accounted for a

wind chill factor that was practically out of sight, and opening ceremonies planned for the occasion were mercifully postponed.

Company officials immediately commenced the task of reestablishing positive relations with former B&C customers and securing new sources of freight traffic for the line. In spite of the inroads made by trucks in the granite-hauling market and the impending expansion of the interstate highway system into the area, positive prospects were held for the M&B largely because the line was short in length, eager to serve the transportation needs of the many businesses that bordered its tracks, and uncomplicated in its operating characteristics (except for the 5 percent grades and switchbacks on Millstone Hill).

During the summer of 1957, various modernization projects were completed by the new owner. The drab shop buildings along the bank of the Winooski River in Montpelier, long an eyesore to motorists traveling U.S. Route 2 on the opposite side of the river, were covered with attractive new siding. To complete this project, workmen had to erect staging that extended into the river. In September 1957, what was reported to be the largest electric sign in the state was erected on the roof of the newly renovated shop building. The eight- by ninety-foot sign, which spelled out "Montpelier & Barre Railroad," was placed by the Barre Sign Company. At night the sign emitted a red glow that could be seen a great distance, and it soon became a local landmark. Next, the company installed two-way radios in the locomotive cabs, offices, and automobiles of supervisory personnel so that switching movements and communications could be greatly speeded up.

One factor that did threaten the M&B's viability, however, was the parallel track of the Central Vermont's Barre Branch, which threaded a path from Montpelier Junction into the capital and then ran alongside the M&B for another six and one-half miles to Barre City. Both Pinsly and Donald M. Kerr, general manager of the Central Vermont, recognized that this duplication of trackage and service was not economically justifiable.

The B&C had been trying for some time to complete a deal with the CV to use, lease, or buy the latter's tracks. One plan reportedly had fallen through because the B&C had not yet broken its connection with the B&M at Wells River. The CV, obviously, was interested in acquiring all the traffic originating from or consigned to the B&C.

According to CV sources, this duplication of facilities in the area had long been a source of concern to them. However, until the B&C ceased operations, no feasible solution could be found. This might imply that either the B&C had lacked

sufficient capital to buy the CV branch or that the two roads simply could not reach a mutually satisfactory arrangement for joint operations in the Montpelier-Barre area.

In any case, Pinsly and Kerr commenced negotiations for the sale of the CV's Barre Branch to the M&B. On September 20, they announced that the M&B would buy the eight-and-one-half-mile branch for \$352,000.

Incidentally, one persistent rumor at the time of the B&C abandonment was that the Central Vermont would take over the B&C, shut down the line to Wells River, and operate trains from Montpelier Junction to Montpelier, Barre, and the quarries. In doing so, it was said, the CV would combine the best features of both roads' trackage and facilities. Time was soon to prove that while some of the details were correct, the idea of the CV operating the line was not.

The I.C.C. approval of the M&B's purchase of the CV's Barre Branch was received on March 17, 1958. In the report, the Commission remarked:

The trackage involved is almost entirely of 80- and 90-pound second-hand rail, most of which was laid prior to 1905. It has steep grades which at one point rise 72.5 feet within 1.4 miles, 35 curves aggregating about 60 per cent of the total mileage, and 11 bridges and culverts installed in 1875. Within the next ten years an estimated \$350,000 should be spent to recondition the line and place it in the classification standard suitable for the volume of tonnage moving thereover.

In testimony supplied to the I.C.C., the CV had conceded that the branch was unprofitable, and speaking in support of the Pinsly offer to purchase the line, CV officials expressed the opinion that:

The traffic handled from the Montpelier-Barre area by the CV and M&B together (estimated at 4,300 carloads annually in 1957) is not sufficient to sustain competitive railroads operating between Montpelier and Barre. Most of the tonnage over the line consists of granite quarried at a nearby mountain top and hauled to Barre for finishing over a line which has extremely severe grades and difficult operating conditions. Central Vermont would not consent to operate the quarry branch under any circumstances and for that reason asserts that the Montpelier should be entitled to a line haul on all the granite moving from Barre to Montpelier Junction in order to supplement the revenues from the initial movement. Otherwise, the Montpelier might not be able to operate successfully, and if its operations become so burdensome to warrant discontinuance of service, the consequence would be that the granite industry would suffer irreparable injury.

I.C.C. approval of the agreement meant that the

M&B could look forward to an additional 3,100 carloads of freight annually, 6,200 tons of less-than-carload freight, and an additional \$200,000 in annual gross revenues. Also, consolidation of the Barre Branch and the M&B into one operating entity would provide the Pinsly firm with a potential market of ninety customers in Montpelier, Barre, and surrounding towns, fifty of whom were already established clients. Twenty of these businesses represented the quarry operators, stonecutters, polishers, and tool and abrasives suppliers congregated in Barre, Websterville, and Graniteville. Of great importance also were customers dealing in lumber, feed, grain, beverages, farm equipment, highway salt, and other rail-oriented commodities.

The I.C.C. approval of the plan cited the effective date of the change of ownership as 12:01 A.M., May 1. The last Central Vermont train to arrive in Barre pulled in on April 30 with engineer William Martin at the throttle of engine 8162, an Alco S-4. After the train's return to Montpelier Junction, general agent George Murtagh closed the freight office for the last time. Murtagh had been on the job here since November 1932, and he had seen a lot of changes. Five clerks in Barre, four in Montpelier, and the five-man train crew transferred to other locations on the CV system.

M&B president Samuel Pinsly was on hand early on the morning of May 1 to accompany a small group of officials over the former CV line from Montpelier Junction to Montpelier. Boarding this first train at 6 A.M. with Pinsly was his wife; vice-president and general manager Robert C. Chapin; superintendent of maintenance Ben Sloboda; general freight agent Charles Cerasoli; and, of course, the four-man crew.

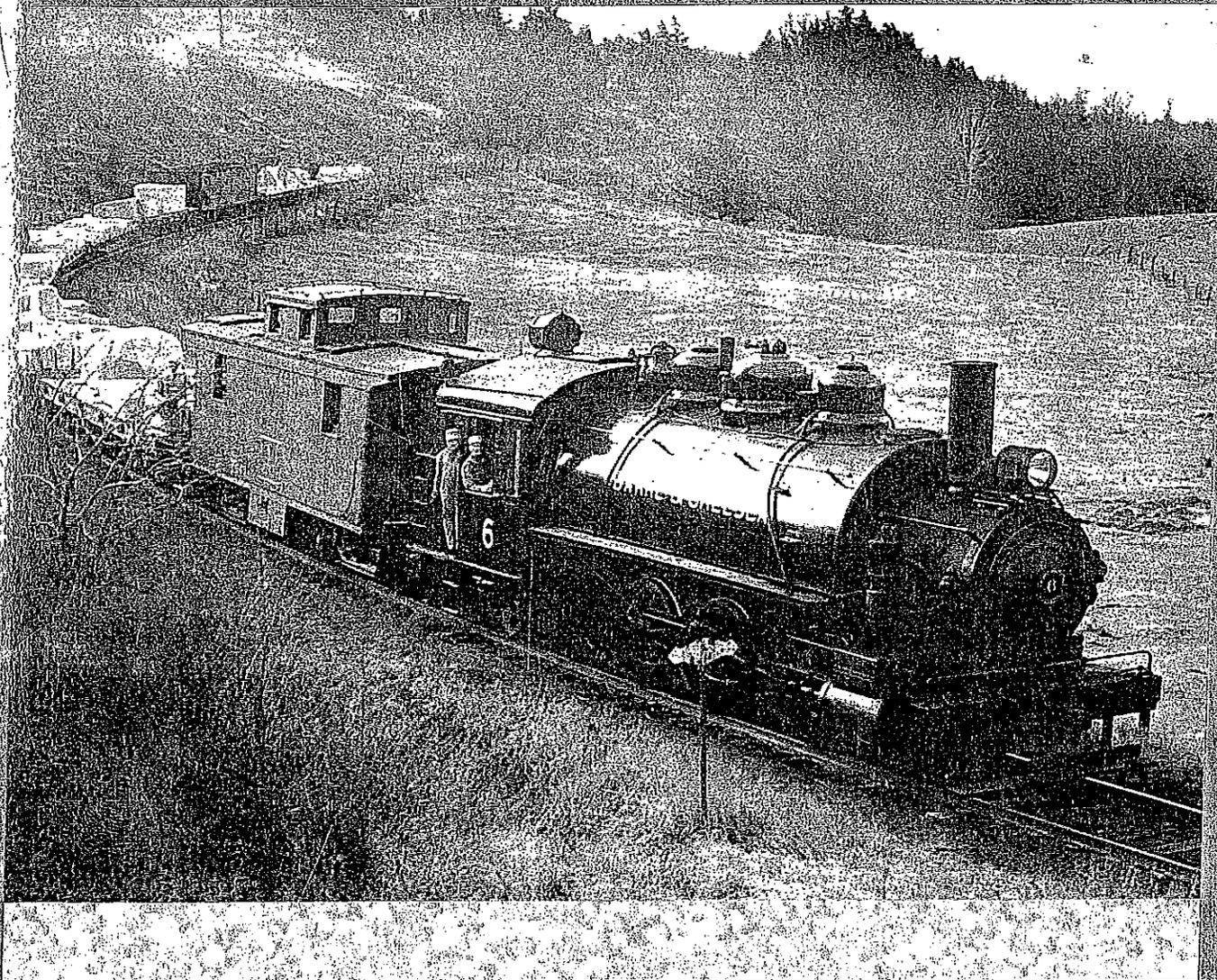
The M&B started using the former CV trackage from Montpelier Junction to the U.S. Route 2 crossing at Dodge's Bridge, on the Barre-Montpelier road almost immediately. At this point, the M&B switched to the former B&C line to obtain a nearly gradeless line into Barre City. Parts of the former CV trackage between Route 302 and Barre Junction were relatively steep, and often freight trains had to be split and taken over this grade in two sections. The unused trackage from both lines was soon removed.

Little time was wasted in remodeling both the passenger station and freight house in Barre. The former was converted into offices, while the latter was renovated to serve as company headquarters. A new loading dock and crane were erected at Barre to facilitate the handling of granite shipments. Regular service consisted of two round trips daily between the quarries and the CV connection at Montpelier Junction.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 12**

# SKY ROUTE TO THE QUARRIES



*History of the Barre Railroad*

BILL GOVE

B

7

## The Sky Route Is Falling

**T**HE REVISION of ownership on the Barre and Chelsea Railroad didn't provide any renewed life into the struggling railroad; business continued to decline during the early 1950s. Support was not forthcoming from the shippers and the traveling public, and as profits took a steady drop, the Barre and Chelsea formally requested permission from the Interstate Commerce Commission on December 13, 1955, to abandon operations. The Barre and Chelsea was operating 48 miles of track at that time, which included the former Montpelier and Wells River line to Wells River. Then on January 1, 1956, the Barre and Chelsea management found it necessary to discontinue what still remained of any passenger service on the Barre and Chelsea Railroad.

Interstate Commerce Commission examiners held hearings on the abandonment request during 1956, but during the interim successful negotiations began regarding the sale of the railroad to Samuel M. Pinsley of Boston, an owner/operator of several small short-line railroads. Pinsley agreed to purchase the physical assets of the Barre and Chelsea Railroad and then form a new railroad corporation that would operate only that portion of the railroad from Montpelier to the quarries on the Hill in Barre, 14 miles of main line and about 7 miles of sidings. The agreement stated that the old Montpelier and Wells River track from Barre Transfer to Wells River would have to be dismantled.

With that agreement in hand, management ran the

last scheduled Barre and Chelsea freight run between the towns of Montpelier and Wells River on November 15, 1956. The event was understandably a sad one for the veteran employees of the Barre and Chelsea Railroad, an emotion-filled trip over a line that once supported as many as six regular passenger trains daily plus several daily freight runs. The track between the two towns was pulled up that same winter, and the right-of-way property was later sold to the Vermont Department of Forests and Parks.

The new railroad corporation formed by Samuel Pinsley became known as the Montpelier and Barre Railroad. The Barre and Chelsea had officially ceased to operate in mid-November, and after waiting a few weeks for Interstate Commerce Commission approval, the Montpelier and Barre began to function in mid-January of 1957. The first Montpelier and Barre train to make a run up the Sky Route to the Quarries went up the Hill on January 15, 1957, to the Rock of Ages quarry in Graniteville and to the Wells-Lamson quarry in Websterville.

The initial seven-man board of directors of Pinsley's Montpelier and Barre Railroad corporation included three local businessmen who had previously been associated with the directorship of the former Barre and Chelsea Railroad: J. Wendell Smith and Maurice Kelley of the granite industries and Loren H. Allen.

Samuel Pinsley made a public statement to the shippers at that time that was somewhat reminiscent



It was a sad occasion on November 15, 1956, as general manager Charles Morrell, conductor John Spaulding, and brakeman Calvin Richards checked the bulletins at the Montpelier depot prior to the last run to Wells River.

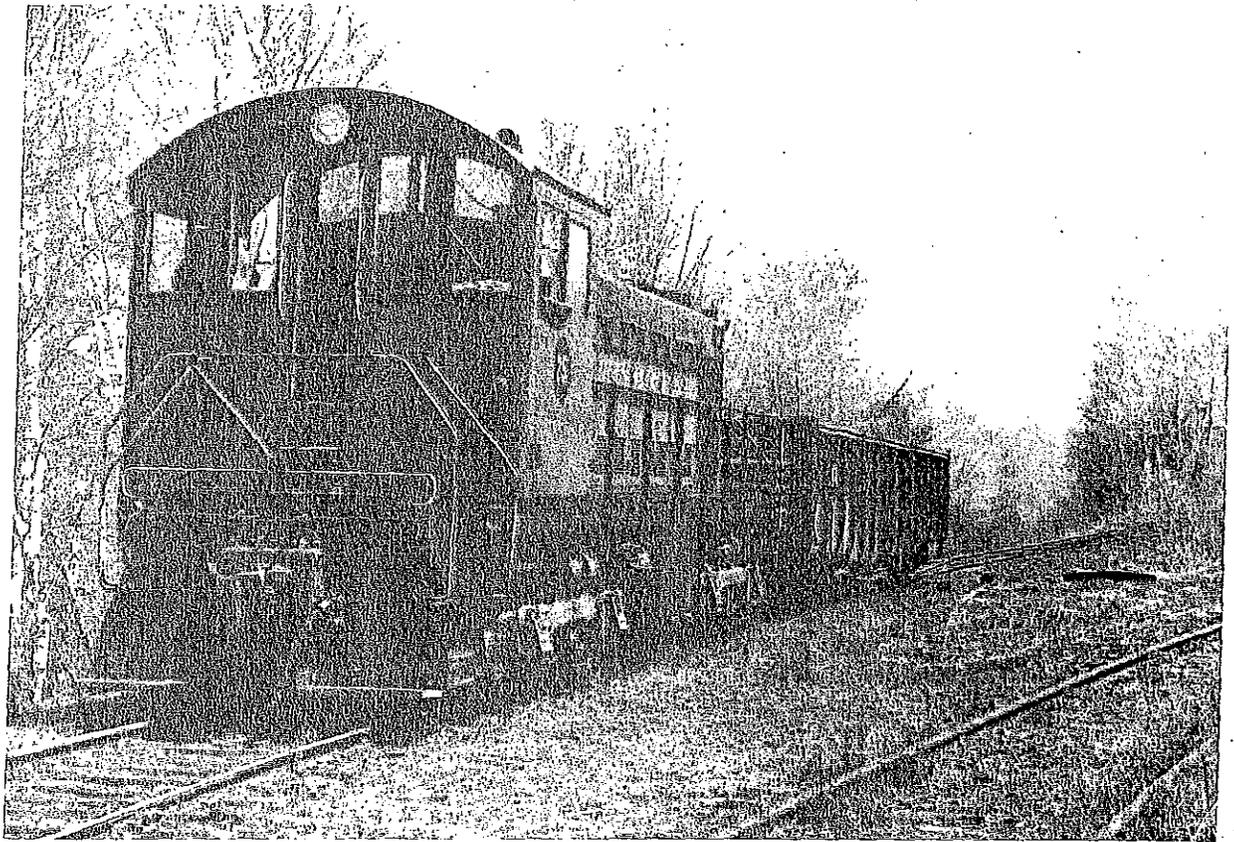
of statements that shippers had heard many times in years past. He promised that the new railroad's customers would receive "the finest service they ever had." This assurance was made in all sincerity, and Pinsley had the experience to carry it out if conditions had been favorable. Unfortunately, this did not prove to be the case.

For a number of years prior to the purchase of the railroad by Samuel Pinsley, the Barre and Chelsea Railroad and the Montpelier and Wells River Railroad had tried to work out an agreement with the Central Vermont for a joint operation or a lease arrangement of the duplicating tracks between Montpelier and Barre Transfer and between the Transfer and Barre village. The Central Vermont, however, would make no agreement as long as the competing connection to Wells River existed, because that line was probably

handling freight that could be shipped over the Central Vermont.



Probably sharing a little reminiscing over better railroad days in the past while checking orders for the last run to Wells River, November 15, 1956: Charles Morrell, John Spaulding, and Calvin Richards.



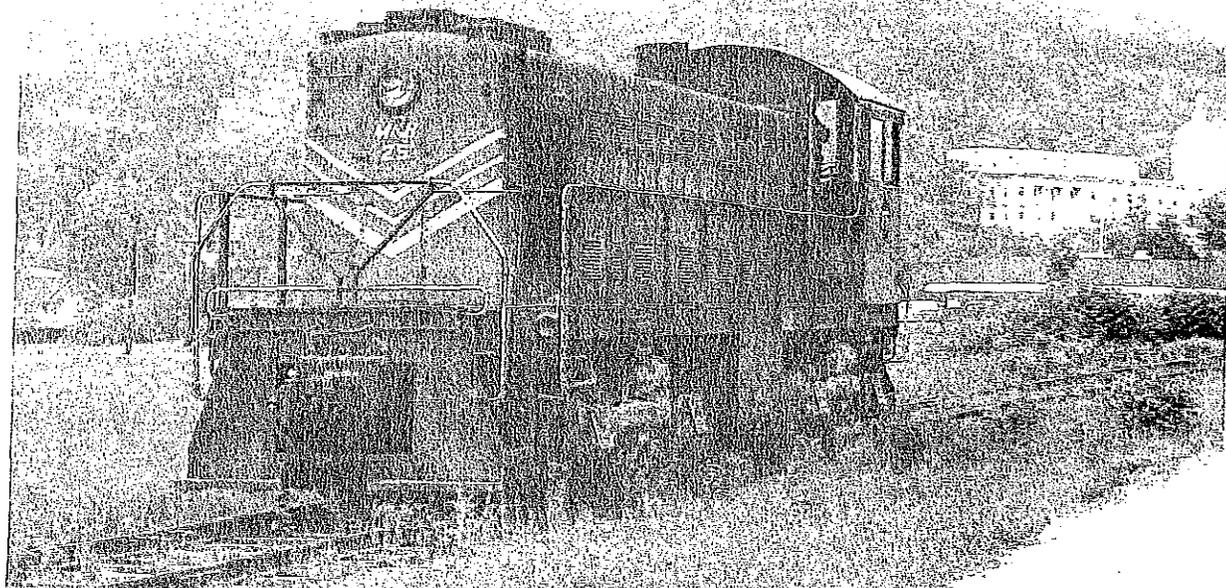
Montpelier and Barre No. 25 at the switchback in 1972. *Photo by author.*

But now that there was a new owner, and now that the connection to Wells River was broken, the Central Vermont became amenable to a deal. Samuel Pinsley agreed to purchase the track of the Central Vermont's Barre Branch, from Montpelier to Barre village, plus the Montpelier depot, for \$352,000. At a later date he was also able to purchase the 2 miles of track from Montpelier village out to the connection with the Central Vermont main line at Montpelier Junction.

On April 30, 1958, the Central Vermont made its final freight run over its Barre Branch, with engineer William Martin at the controls. Central Vermont General Agent George Murtagh closed his freight office; he had been there since 1932. The Central Vermont had (in 1939) already discontinued passenger service over the Central Vermont Barre Branch, a short line that once supported as many as seven or eight regular passenger trains daily between Montpelier and Barre.

Then on May 1, 1958, the Montpelier and Barre Railroad finalized the purchase it obviously needed to remain extant; the company took over the former Central Vermont track and was able to remove the duplicate tracks. In order to eliminate a difficult 2.4 percent grade on one end of the old Barre and Chelsea tracks, the Montpelier and Barre used the old Central Vermont tracks from Montpelier Junction to Dodge's Bridge on Rt. 302 and then the old Barre and Chelsea trackage into Barre City. The remaining rails were pulled up.

Larger locomotives were soon seen along the Montpelier and Barre Railroad as Pinsley replaced the 70-ton diesels with some elderly 100-ton units acquired from the Boston and Maine Railroad. But despite the measures to economize, operating revenues declined. Costs were rising, and markets for railroad traffic were shrinking.



The Montpelier and Barre acquired a half dozen elderly diesel units from the Boston & Maine Railroad. No. 25 was a 105-ton engine, seen here traveling light between Montpelier village and Montpelier Junction in 1972 on the track that was acquired from the Central Vermont Railroad. *Photo by author.*

While Vermont granite had once been a premier building material used for large structures, prestressed concrete slabs were now specified for reasons of economy. The decrease in granite traffic was further aggravated by the construction of the interstate highways to expedite truck traffic.

The year 1971 was apparently the last year that the railroad provided any profit for the Pinsley ownership; a net income of \$10,343 was realized. By then, inbound traffic accounted for 85 percent of the business and, strangely enough, this included various colored granite shipments from such distant locations as North Dakota, Virginia, Canada, and Europe for finishing in the local sheds.

Track maintenance also continued to suffer and plague railroad operations as the share of track traffic constantly grew, both with granite coming off of the hill to the sheds below and with finished goods shipped from the sheds. Ironically, one of the major trucking firms at this time was a Pinsley-owned company known as Granite Center Delivery.

In the early 1970s there were only about ten men left on the Montpelier and Barre Railroad payroll; there had been twenty-two employees at the formation of the corporation in 1957. They were running only one engine. By the latter 1970s the engine was dispatched up the Hill only on request.

The result was inevitable. By December 1978, the S. M. Pinsley Company came to the same point of defeat that previous owners had suffered; it filed an application to the Interstate Commerce Commission for abandonment of the Montpelier and Barre Railroad. A strong wave of concern swept through the offices of the state and regional economic development groups because of the threat of curtailing economic growth. The transportation service provided by the Montpelier and Barre Railroad was not a large factor of support for local industries, but for a small number of them it was important. The State of Vermont thus stepped directly into the picture, and after 2 years of negotiations with the Pinsley family, a successful ownership transfer was worked out.

On September 19, 1980, the Pinsley Company agreed to sell the railroad property to the State of Vermont for \$740,000, excluding the Barre depot at Depot Square and the adjoining parking areas. There had been considerable consternation in the hallowed offices of the Montpelier legislators because the state had already become owner of three other railroads with only mixed success. But saving the Montpelier and Barre was deemed to be advantageous for economic growth, especially in view of Vermont's effort to persuade Bombardier, Inc., to locate a new light-weight rail vehicle assembly plant on the Hill in Barre.

Prior to the state's actual purchase of the railroad, a new company had been formed to operate the rail-

road, provided that the state became the owner of the physical property. Early in 1980 the Washington County Railroad Company was put together with stock purchased by thirty of the Montpelier and Barre Railroad's largest customers. The combine was created by the efforts of Bertil Agell, executive director of the Central Vermont Economic Development Corporation, and Agell became the first president of the Washington County Railroad. In September 1980 the State of Vermont entered into an agreement for a 10-year lease of the property to the Washington County Railroad.

The new Washington County Railroad went into operation in December 1980 with three employees



Track maintenance suffered as revenues vanished.



The logical and inevitable competition given by the trucking industry had been a growing bane for many years. The City of Barre is viewed from the railroad crossing on Graniteville road in 1972. *Photo by author.*

and a single locomotive leased from the Lamoille Valley Railroad. Other than the new Bombardier plant, however, which was built in 1981, there appeared to be very little on which to build a new customer base.

Over the next 18 years the Washington County Railroad struggled along under the mantle of two or three different corporations with successive leases to operate on the state-owned track. Then in September 1999 the Washington County Railroad was taken over by Vermont Rail Systems, Inc., a small-line railroad management system founded by Jay Wolfson in 1963.

Wolfson was a pioneer in providing a model regarding the establishment of a working relationship between state-owned railroad properties and a private operator. His son, David Wolfson, is now managing the conglomerate of various Wolfson enterprises. The Wolfsons' Vermont Rail System is presently operating five different railroads in Vermont on state-owned trackage. In fact, there is only one other railroad operating in Vermont that is not under the Wolfson umbrella, the New England Central, operating on the former rail system of the Central Vermont Railroad.

The Washington County Railroad has managed to stay alive, but just barely. A single engine, a GP9, is

kept in a shed at Barre, and a two-man crew travels to Barre once or twice a week from the Burlington headquarters to take care of what little business company management can acquire. In fact, there are only two customers at this point in 2003, Sprague Energy and Allen Lumber Co., but Vermont Rail Systems is said to be aggressively seeking new customers. Ironically, the product on which the Sky Route came into existence, granite, is now practically nonexistent as a freight item.

The backbone of support for the Washington County Railroad ever since its inception in 1980 had been the rail car plant built by Bombardier on Barre's Millstone Hill. For 21 years the newly constructed commuter cars were hauled off the Hill by the Washington County Railroad, but in 2002 the large plant was permanently closed down. The steep grade up the Hill lay idle; the future of Barre's railroad is again in serious jeopardy.

The once proud and prosperous little railroad that had conquered the steep grades to reach the quarries and that had saved the granite industry from an early death in the 1880s is now but a little-known bit of the past. The Sky Route to the Quarries, once such a vital

link for the residents on the Hill and the quarry workers and stone craftsmen of the village, has been dying a lingering demise. Unfortunately, the Washington

County Railroad, still functioning as a modern-day remnant of the once proud Barre Railroad, is now just a heavy hauler way past its prime.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 13**



STATE OF VERMONT  
DIVISION OF ADMINISTRATION  
133 State Street, Montpelier, Vermont 05602



April 14, 1960

Mr. Robert L. Merchant  
Director of Operations  
Vermont Agency of Transportation  
Montpelier, Vermont 05602

Dear Mr. Merchant:

For your request I have made an estimate of the value of the real estate and hardware owned by Montpelier and Barre Railroad Company, Incorporated located in the Cities of Montpelier and Barre and the Towns of Berlin and Barre Town, Vermont.

The value of this property is estimated to be:

Six Hundred Seven Thousand Dollars (\$607,000).

Sincerely,

A handwritten signature in cursive script that reads "Reginald E. Drvis".

Reginald E. Drvis  
Chief of Appraisals  
Property Administration Division

ESTIMATE OF VALUE

of property owned by  
Montpelier-Barre Railroad Company, Incorporated

Located at  
— . Montpelier, Berlin, Barre City and Barre Town, Vermont

Prepared for  
State of Vermont  
Agency of Transportation

April 14, 1980

By: Reginald E. Orvis  
Chief Appraiser  
Agency of Transportation

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STATE OF VERMONT  
DIVISION OF ADMINISTRATION  
133 State Street, Montpelier, Vermont 05602



April 14, 1969

Mr. Robert L. Marchant  
Director of Operations  
Vermont Agency of Transportation  
Montpelier, Vermont 05602

Dear Mr. Marchant:

Transmitted herewith is a report of the estimated value of the real estate and hardware, rails, ties and bridges, owned by Montpelier-Barre Railroad Company, Incorporated located in the cities of Montpelier and Barre and the Towns of Berlin and Barre Town, Vermont.

The value of this property is estimated to be:

Six Hundred Seven Thousand Dollars (\$697,000).

Sincerely,

Reginald E. Orvis  
Chief of Appraisals  
Property Administration Division

#### Assumptions and Limiting Conditions

1. The entire real estate holdings is assumed to be those identified on colored railroad track maps which were furnished to the appraiser by the Plans and Title section of the Property Administration Division.
2. The appraiser assumes no responsibility for legal matters, including validity of title. For the purpose of this value estimate it is assumed the Montpelier-Barre Railroad Co., Inc., owns the real estate identified on the above mentioned maps in fee, unencumbered except for obvious highway and right-of-way crossings.
3. The estimate of value for hardware (trails, ties and bridges) is included herein for the sole purpose of showing the estimated value of all of the property which the Agency may acquire. Such estimates are furnished the appraiser by the Agency and are believed to be reliable but are not either his opinion or responsibility.
4. This value estimate does not include any of those parcels which are subject to reversionary rights.
5. The value estimate applies for a reasonable but limited time.

#### Purpose of Estimate of Value

The purpose of this report is to estimate the value of the real estate and hardware (rails, ties and bridges) owned by the Montpelier-Barre Railroad Co., Inc., in the Cities of Montpelier and Barre and the Towns of Berlin and Barre Town. This estimate of value is made to provide a basis for the State of Vermont's Agency of Transportation to acquire and offer just compensation for this property.

### General Property Description

A corridor of land assembled for railroad purposes and containing an approximate area of 127.5 acres. This corridor passes through the cities and/or townships of Montpelier City, Berlin, Barre City and Barre Town as it proceeds from its beginning in Montpelier City southeasterly to its terminus in Barre Town. The length of this corridor is approximately 14 miles and it varies in width, as shown on the aforementioned maps, from about 12' to 250'. The indicated average width is about 91' which is within the range of several typical sections of 50 to 100 feet in width.

In the City of Montpelier the corridor commences at the westerly fringes of commercially developed land and proceeds southeasterly about 3.2 miles through the City in close proximity to and generally parallel to the Winooski River, which the line crosses at four locations. The neighborhoods passed through are generally commercial, light industrial and interior residential, and significant highway crossings are Main Street and U. S. Route 2 at the easterly edge of the City. The topography of the corridor and adjoining land is level.

In the Town of Berlin, the corridor continues from the Montpelier City line at the fourth Winooski River crossing in a southeasterly direction parallel to the Stevens Branch River for about 2.3 miles to the Barre City line. The neighborhood passed through ranges from undeveloped back land to commercial and residential uses. It crosses U. S. Route 302 at "Dodges Crossing". From U. S. Route 302 to the Barre City line portions of the land occupied by the corridor are river bank between the Stevens Branch and the highway.

In the City of Barre, the corridor continues southeasterly from the Berlin Town line for about 3.5 miles to the Barre Town line southerly of

Quarry Hill Road and the East Parkside Terrace development. The neighborhoods passed through vary from residential to commercial and industrial. In several areas the corridor is a dividing line between commercial and industrial uses. It crosses numerous streets and the arterial highway Vermont Route 62. The topography is generally level except from the Jail-house Branch stream crossing to the Barre Town Line where it is on a slight upgrade and the adjoining lands become more variable in terrain. From the Berlin Town Line to the former Jones Brothers granite sheds, the corridor is adjacent to U. S. Route 302 and is in a flood plain wooded area.

In the Town of Barre the corridor continues southeasterly on a varied upgrade from the Barre City Line for about five miles to its terminus in U. S. Route 302 near the Rock of Ages quarry. The neighborhoods passed through consist of residential, municipal and industrial uses. This is the most rural section of the corridor and adjoining lands are more generally undeveloped. Some of the adjoining lands are areas of large granite gravel piles and granite quarries, operating and abandoned. The topography varies from level fields and woods to steep wooded hillsides to quarried lands.

Existing improvements consist of the Station building and one freight building at Depot Square in Barre City, a maintenance building off Barre Street in Montpelier City and the hardware, tracks, ties and bridges. There is a saw shed off from Granite Street in Montpelier City which is not considered to be Montpelier-Barre Co.'s property because the lessee has the right of removal. The buildings are generally in poor condition.

### Highest and Best Use

It is estimated that the highest and best use of this railroad corridor with a status of legal abandonment is for liquidation or disposal by subdividing it into several parcels for sale to adjoining owners and/or to investors and developers.

This highest and best use is predicated on the fact the Montpelier-Barre Railroad Co., Inc., has filed for or has been granted abandonment because the line can no longer be profitably operated and it is not in the public's interest to continue its operation at a loss. Also, it assumes there is no apparent demand to maintain this corridor intact for uses other than a railroad.

### Method of Estimating Value

The approach used to value the real estate, land and buildings, is the "Anticipated Use or Development Method". This method will result in an estimate of the net worth of the real estate after factors for unsalable parcels, time to sell (discount factor), selling costs and profit have been deducted from the gross anticipated sales.

The estimated salvage value of hardware (rails, ties and bridges) is added to the net worth of the real estate. This addition is made to indicate the total estimated value of all of the property which the Agency may purchase. A copy of the estimate for this property, in addition to the real estate, is attached to the agenda of this report.

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## Valuation Data and Conclusions

### Gross Anticipated Sales

The gross anticipated sales are developed in the breakdown for subdivision of the railroad real estate included herein. This breakdown approximates the number and location of subdivided parcels and it indicates the estimate of value for each parcel. These estimates of value were made with consideration given to several sales in the Montpellier-Barro area. A tabulation of these sales is included in the addenda of this report.

From an inspection of the property and adjoining properties, it is estimated there are approximately 90 marketable parcels with a gross anticipated sales of 1859,100, adjusted to \$773,200.

### Unsaleable Parcels

There are portions of the corridor which are of little use to anyone, either as additions or separate economic units and it is probable such portions may never sell in the foreseeable future. For this reason a deduction of 10% from the gross anticipated sales is made to result in an estimated adjusted gross sales of \$773,200.

### Discount for Time to Sell

The time required to sell or dispose of all of the subdivided parcels is estimated to be six years or fifteen parcels per year. This amounts to an average selling time of three years for the entire marketable subdivision. It is estimated that the appropriate discount rate is 12%. This appears to be conservative in view of the present money market conditions and inflationary pressures. However, economic conditions are considered to be abnormal at this time and it is anticipated some degree of stability will be occurring over the next few months. Subsequently inflation and interest rates should decrease to some degree. For this reason a discount rate of 11 to 15% indicated by the present market is figured to 12%.

Selling Cost

A selling cost of \$500 per parcel is allowed for subdivision permits, survey cost, legal fees, etc.

Profit

A profit of 25% is allowed for because the highest and best use is for subdivision and part of the cost will be the subdivider's profit on the anticipated net sales. This allowance is in line with profits expected by developers in the present market.

Estimate of Value

Summary of Data: Area - 127.5 Acres, more or less

Estimated Parcels - 90

Estimated Selling Time - 6 years (Avg. 3 yrs.)

Discount Rate - 12%

Discount Factor for 3 years - 0.711780

Unsaleable parcels - 10% factor

Profit - 25%

Estimate of Value:

Gross Anticipated Sales	\$899,100
Unsaleable parcels (deduct 10%)	85,900
Adjusted Gross Sales	\$773,200
Discounted Adjusted Gross Sales	
$773,200 \times 0.711780$	\$550,350
Less per parcel selling cost	
90 x \$500	<u>45,000</u>
Net Sales	\$505,350
Less profit @ 25%	<u>126,340</u>
Net Present Worth of Real Estate	\$379,010
	Rounded to: \$379,000
Plus Estimated Salvage value of Hardware	
(Rails, Ties, Bridges)	\$228,300
Estimated Value of Property	\$607,300
	Rounded to: \$607,000

BREAKDOWN FOR SUBDIVISION OF MONVELIER-BARRE RAILROAD REAL ESTATE

PARCEL	IDENTIFICATION	TRACK MAP NO.	SIZE	ESTIMATED ACRE VALUE	ESTIMATED VALUE
1	State Liquor Warehouse to Winooski River, Stations 38-73	V-BA 1	4.18	20,000	83,600
2	Taylor Street to North Branch Station 82-87	V-BA SL 2	0.61	40,000	24,400
3	North Branch to Main Street Station 88-91	V-BA SL 2	0.03	60,000	1,800
4	Main Street to Blue Seal Store Station 92-94	V-BA SL 2	0.05	60,000	3,000
5	Blue Seal Store to 97+50 Station 94-97+50	V-BA SL 2	0.15	40,000	6,000
6-14	97+50 - Salt Shed Area Station 97+50 - 105	V-BA SL 2	0.4	9 Remnants @ \$200 each	1,800
15	Salt Shed to Granite St. Station 105-120	V-BA SL 2	4.4	10,000	44,000
16	Granite Street to 130 Station 120-130	V-BA 3	2.0	10,000	20,000
17	Barre Street to Winooski River Station 130-139	V-BA 3	1.14	3,000	3,400
18	Winooski River to Pioneer St. Station 142-151	V-BA 3	1.4	10,000	14,000
19	Pioneer St. E'ly of Van Horn's at Sta. 162; Station 151-162	V-BA 3	1.19	20,000	23,800
20	From e'ly of Van Horn's #162 to Grossman's; Station 162-172	V-BA 3	1.19	2,000	2,400
21	Grossman's to Winooski River Station 172-189	V-BA 3 4	1.9	20,000	38,000

PARCEL	IDENTIFICATION	TRACK MAP NO.	SIZE	ESTIMATED ACRE VALUE	ESTIMATED VALUE
22	Windsor River to Route 2 at Reserve Artery Station 186+75 - 188+50	<u>V-8A</u> 4	0.3	Remnant Parcel	500
23	US Rte. 2 - Berlin Town Line at Windsor River Station 190-208	<u>V-8A</u> 435 also <u>V52.2</u> 2	2.6	5,000	13,000
24	Berlin Town Line to Stephen's Branch at Tower Rest. & Rte. 302 C.V. Station 208, M.B. Sta. 87	<u>V-8A</u> 5 also <u>V52.2</u> 2	25.8	1,000	25,800
25	US Rte. 302 to Sewer Plant Station 271-275	<u>V-8A</u> 9	0.9	20,000	18,000
26	Sewer Plant to R.O.W. for F126-1(B) project Sta. 275-288	<u>V-8A</u> 9	3.0	1,500	4,500
27	US Rte. 302 at Dodge's Crossing to Berlin-Barro City Line MB Station 90-136	<u>V52.2</u> 2 & 3	5.5	2,500	13,750
28	Berlin-Barro City Line to 165 (Jones Bros.) MB Sta. 136-165	<u>V52.2</u> 3 & 4	3.2	1,000	3,200
29	Jones Bros. to 181 MB Station 165-181	<u>V52.2</u> 4	2.0	20,000	40,000
30	181-Willey Street MB Station 181-190	<u>V52.2</u> 4	1.0	remnant	1,000
31	Willey St. to Second St. MB Station 190-201	<u>V 53</u> S.L. 1	1.6	40,000	64,000
32	Second St. to Berlin St.	<u>V 53</u> S.L. 1	0.4	40,000	16,000
33	Berlin St. to Blackwall St.	<u>V 53</u> S.L. 1	0.6	40,000	24,000
34-39	Blackwall to Rte. 62	<u>V 53</u> S.L. 1	0.48	6 remnants \$1,000 each	6,000

PARCEL	IDENTIFICATION	T. CK MAP NO.	SIZE	ESTIMATED ACRE VALUE	ESTIMATED VALUE
40	Rte. 62 - Granite St.	$\frac{V-53}{S.L. 1}$ also $\frac{V-88}{2}$	2.9	20,000	58,000
41	Granite St. to Prospect St.  2 buildings	$\frac{V-88}{2}$ also $\frac{V-53}{S.L. 2}$	4.28	60,000	106,000 50,000
42	Prospect St. to So. Main St.	$\frac{V-53}{S.L. 2}$	0.92	20,000	18,400
43-52	So. Main St. to Ayers Street	$\frac{V-53}{S.L. 2}$	1.22	10 remnants \$51,000 ea.	10,000
53-59	Ayers St. to Quarry St.	$\frac{VIVT}{3}$	3.2	3,000 7 parcels	9,600
59-71	Quarry St. to e'ly edge of East Parkside development Station 21-39	$\frac{VIVT}{3}$	3.3	2,000 13 parcels	6,600
72	From Station 39 through the "Switch Back" to Quarry Hill Crossing	$\frac{VIVT}{S.A. 2}$	16.7	500	8,350
73-76	Quarry Hill to Town Highway #52	$\frac{VIVT}{4}$	1.9	1,000 4 parcels	1,900
77	TN #52 to Wilson Industrial Park at Station 46	$\frac{VIVT}{4}$	1.0	300	1,200
78	Wilson Industrial Park Station 46-61+50	$\frac{VIVT}{4}$	2.9	5,000	14,500
79	Wilson Park to Lower Websterville Road on Main Line #1	$\frac{VIVT}{5}$	1.6	3,000	4,800
80-86	Lower Websterville Road to end of Main Line #1 at Station 82	$\frac{VIVT}{5}$	1.2	2,000 7 parcels	2,400

PARCEL	IDENTIFICATION	TRACK MAP NO.	SIZE	ESTIMATED ACRE VALUE	ESTIMATED VALUE
87	Main Line #2 to Vt. Granite Co. (End of Parcel B)	<u>VIVT</u> E	10.0	900	5,000
88	From end of Parcel B on VIVT/5 to End of ownership	<u>VIVT</u> 7 & 8	8.8	500	4,400
TOTALS			127.46		899,100

SUMMARY OF MARKET SALES DATA CONSIDERED

<u>GRANTEE</u>	<u>LOCATION</u>	<u>DATE</u>	<u>AREA</u>		<u>PRICE</u>
			<u>ACRES</u>	<u>SQ. FT.</u>	
M. & M. Motors, Inc.	Montpelier	June 1979	1.0	---	\$ 800
State of Vermont	Montpelier	July 1975	4.0	---	10,000
Richard G. Hutchins	Montpelier	Feb. 1979	1.17	---	5,000
Montpelier Properties	Montpelier	Dec. 1978	0.53	---	2,500
James W. Barraft	Montpelier	Dec. 1975	5.9	---	47,000
Gosa Leasing Corp.	Berlin	Aug. 1975	2.7	---	47,000
Schwartz	Berlin	Nov. 1978	2.0	---	42,500
H. K. Webster Stores	Montpelier	Apr. 1974	0.5	---	20,000
J. & D. Industries	Montpelier	Nov. 1977	1.0	---	46,000
Packard	Montpelier	Dec. 1978	1.0	---	50,000
State of Vermont	Montpelier	Sept. 1970	1.82	---	110,000
Anderson-Friburg, Inc.	Barre	Mar. 1974	0.12	---	300
Bledsoe-Barre, Inc.	Barre	Feb. 1976	0.33	---	1,000
No. Barre Granite, Inc.	Barre	Aug. 1978	0.5	---	1,500
B. P. & B. J. Scott	Barre	Dec. 1976	---	8750	600
Erl Martin	Barre	Jan. 1979	---	1950	375
F. & F. Rubio	Barre	Oct. 1978	---	3000	650
Couillard Heating Oils	Barre	Feb. 1978	---	7650	2,001
E. C. Lavolo	Barre	Nov. 1976	---	7350	2,000
Dessureau Machines, Inc.	Barre	Nov. 1973	---	1800	500
D. I. & D. C. Murray	Barre	June 1979	0.33	---	4,500
C. R. Frost	Barre	July 1979	0.12	---	1,800
H. Vailancourt	Barre	June 1978	---	2968	1,000
Charles Thygeson, Sr.	Barre	Feb. 1976	0.35	---	6,100

<u>GRANTEE</u>	<u>LOCATION</u>	<u>DATE</u>	<u>AREA</u>		<u>PRICE</u>
			<u>ACRES</u>	<u>SQ. FT.</u>	
Rouleau Granite Co.	Barro	Aug. 1978	2.07	---	\$45,000
Burnes & Blanchard	Barro	May 1979	0.49	---	11,000
Rouleau Granite Co.	Barro	July 1979	0.17	---	4,000
John S. Gordon	Barro	July 1979	---	933	1,000
Hill-Martin Corp.	Barro	Mar. 1974	---	500	1,000
Miles Block Co., Inc.	Barro	Feb. 1979	0.29	---	49,000

Appendix A

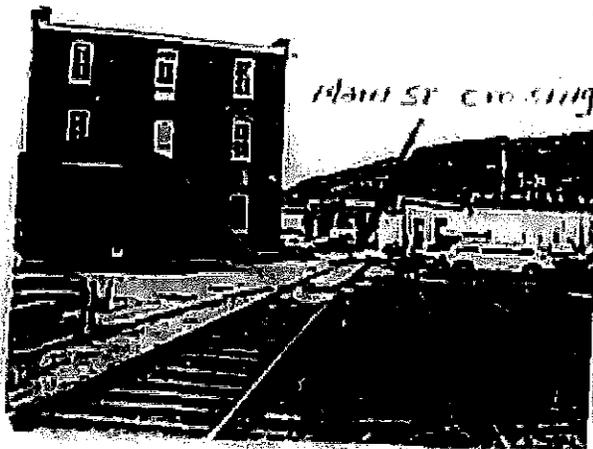
Photographs of Subject Property

Photographs



**PARCEL NO.**  
**DATE TAKEN:**  
**BY:**  
**DIRECTION:**  
**IDENTIFICATION:**

April 11, 1969  
Edward L. Hyhonen  
Southeasterly along Memorial Drive.  
Tracks proceeding southeasterly from Valley St. crossing toward  
eastern fronteller.



**PARCEL NO.**  
**DATE TAKEN:**  
**BY:**  
**DIRECTION:**  
**IDENTIFICATION:**

April 11, 1969  
Edward L. Hyhonen  
Northwesterly  
Main St. crossing as viewed from easterly of former Coast Building  
in Montpelier.

Photographs of Subject Property

Photographs



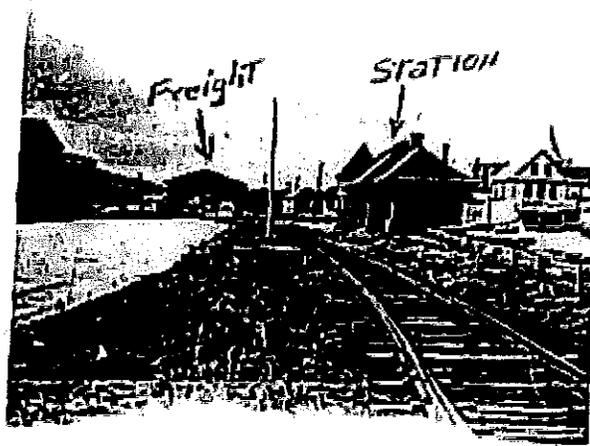
**PARCEL NO.**  
**DATE TAKEN:** April 11, 1980  
**BY:** Edward L. Nyhagen  
**DIRECTION:** Southeasterly  
**IDENTIFICATION:** Portion of repair shop and yard with view of tracks as they proceed toward Granite Street in Montpelier.



**PARCEL NO.**  
**DATE TAKEN:** April 11, 1980  
**BY:** Edward L. Nyhagen  
**DIRECTION:** Easterly  
**IDENTIFICATION:** Grade crossing at U.S. Route 502 in Berlin.

Photographs of Subject Property

Photographs



**PARCEL NO.**  
**DATE TAKEN:** April 11, 1989  
**BY:** Edward L. Nyhagen  
**DIRECTION:** Northeastly  
**IDENTIFICATION:** Buildings and land in Barre City at Depot Square.



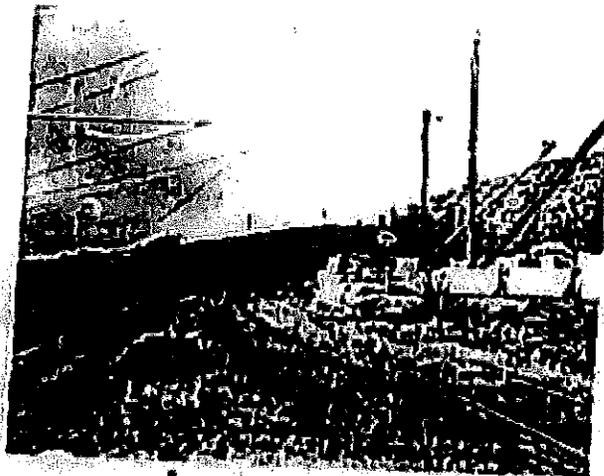
**PARCEL NO.**  
**DATE TAKEN:** April 11, 1989  
**BY:** Edward L. Nyhagen  
**DIRECTION:** Southeastly  
**IDENTIFICATION:** Grade crossing at So. Main St. in Barre City.

Photographs of Subject Property

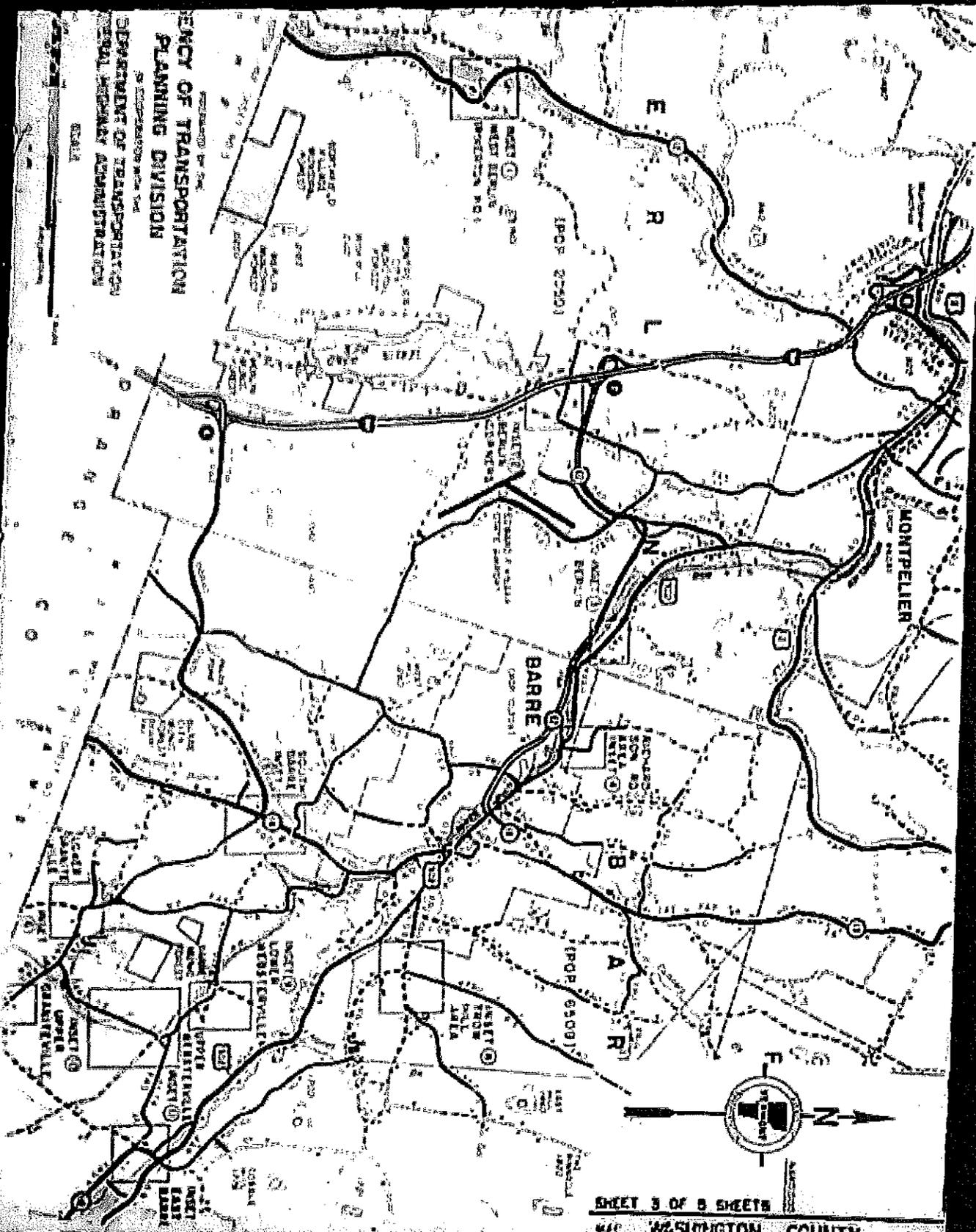
Photographs



**PARCEL NO.**  
**DATE TAKEN:** April 11, 1980  
**BY:** Edward L. Nyhagen  
**DIRECTION:** Westerly  
**IDENTIFICATION:** Wilson Industrial Park grade crossing in Barro Town.



**PARCEL NO.**  
**DATE TAKEN:** April 11, 1980  
**BY:** Edward L. Nyhagen  
**DIRECTION:** Northerly  
**IDENTIFICATION:** Portion of track corridor in Barro Town as viewed from crossing of St. Sylvester's in Upper Grantovilla.



PREPARED BY THE  
**AGENCY OF TRANSPORTATION**  
**PLANNING DIVISION**  
 DEPARTMENT OF TRANSPORTATION  
 GENERAL INVESTIGATION DIVISION

I walked the Poulsbo and Barre Railroad tracks on December 4, 5 and 12, 1979, for the purpose of determining a reasonable net salvage value for the track components. I consulted with the Controller and Barre's Vice President-Operations on December 12, 1979.

My estimate was originally prepared on December 13, 1979 and is based on experience, recent data available and consultations with Agency, Railroad and Contractor personnel.

*George C. Miley*  
George C. Miley  
Transportation Engineer  
FRA Track Safety Inspector  
for Vermont

*Attch'd H*

Montpellier & Barro Railroad  
 Value of Track Materials

13.0 Miles Main; 7.10 Sidings

Rail

Relay	543.05 H.T. @1140	\$ 76,027
Re-roller	1629.61 H.T. @175	121,921
Scrap	286.87 H.T. @155	<u>15,778</u>

Total \$213,726

Angle Bars

Relay	384 Pair @13.50	11,344
Relay	547 Pair @13.50	1,914
Scrap	133.14 H.T. @155	<u>7,323</u>

Total \$ 10,581

Tie Plates

Relay	79.4 H.T. @1140	\$10,456
Scrap	226.5 H.T. @155	<u>12,458</u>

Total \$ 23,014

Spikes

Scrap	87.18 H.T. @155	\$ 4,795
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Ties

Scrap/Landscape	13.0 MI. @1500 (incl. Removal)	\$ 10,400
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Turnouts

Relay	40.8 H.T. @1140	19,712
Scrap	117.6 H.T. @155	<u>6,468</u>

Total \$ 12,180

Bridges

Salvage	29,589 lbs. @59.25	\$9,149
Cost to Salvage		<u>1,500</u>

NET TOTAL \$ 3,649

S U M M A R Y

Total Value (Except Ties, Bridges)	\$264,296
Cost to Salvage @ \$2500/Min	<u>\$ 50,000</u>
Net Value Track Metals	\$214,296
Net Salvage - Ties	\$ 10,100
Net Salvage - Bridges	<u> 3,015</u>
TOTAL NET VALUE	\$227,411

All Prices F.O.B. Manipalor, Yoresont.

## WINDFELDER & DARRIC RAILROAD

### Value of Track Materials

#### RAIL

Approximate total mileage of 13.0 main track and 7.10 of sidings and spurs. 1.2 miles of 90# RA and 3.0 miles of 85# - various rollings - are in reasonable condition to relay where such rollings are still in use. Balance is 80# and lighter and not suitable for relaying, 15% of which has been assumed as scrap and 85% as reroller. 15% wear was taken on each. Prices were existing market values at time of estimate preparation arrived at in conversation with L. D. Foster representative and in line with most recent sale by State of Vermont.

#### ANGLE BARS

Count of 320 per mile for 85# and 90# was used and 352 per mile for balance. Deduction made for 40# Beter joints in 85#, 3% for broken bars. Weight of 49 pounds used throughout and 10% wear.

#### TIE PLATES

Count of 6000 per mile for 85# and 90# at 7 pounds each and 5% wear. Balance of trackage counted at 75% of 6000 at 7 pounds with 10% wear.

#### SPIKES

Counted at 12,000 per mile at 0.3 lbs. each with 10% wear. Replacement with new spikes has been rare in recent years. Therefore, it was not deemed feasible to assign any relay value.

#### TIES

Replacement ties in recent years have been part-worn. Most recent dismantling by a contractor in Vermont was on the Clarendon & Pittsford where tie value was \$600 per tie. In recognition of better tie condition - on main track only value was increased to \$650 per tie.

### TURNOUTS

Total of 66 in place in generally poor condition. Individual components may be salvaged on a selective basis for possible yard/low-speed use. Assume 25¢ (17) could be assembled from various parts, balance is scrap. Calculated at 4800 lbs. per turnout.

### BRIDGES

- 3 Single-Span Thru Truss
- 1 2-span Thru Truss
- 1 3-span Thru Plate Girder
- 1 3-span Rolled Beam, 1 Beam/Rail
- 1 Single-span Rolled Beam, 3 Beams/Rail
- 2 Plate Girder, 1 Girder/Rail

Conversations with bridge engineer of Main Central Railroad and President of Bridges, Inc. - a local contractor - developed that in their experience the salvage value of thru truss and thru plate girder railroad bridges might equal the cost of removal and that rolled beam bridges might be worth twenty five cents (25¢) per pound.

### NET SALVAGE CALCULATION

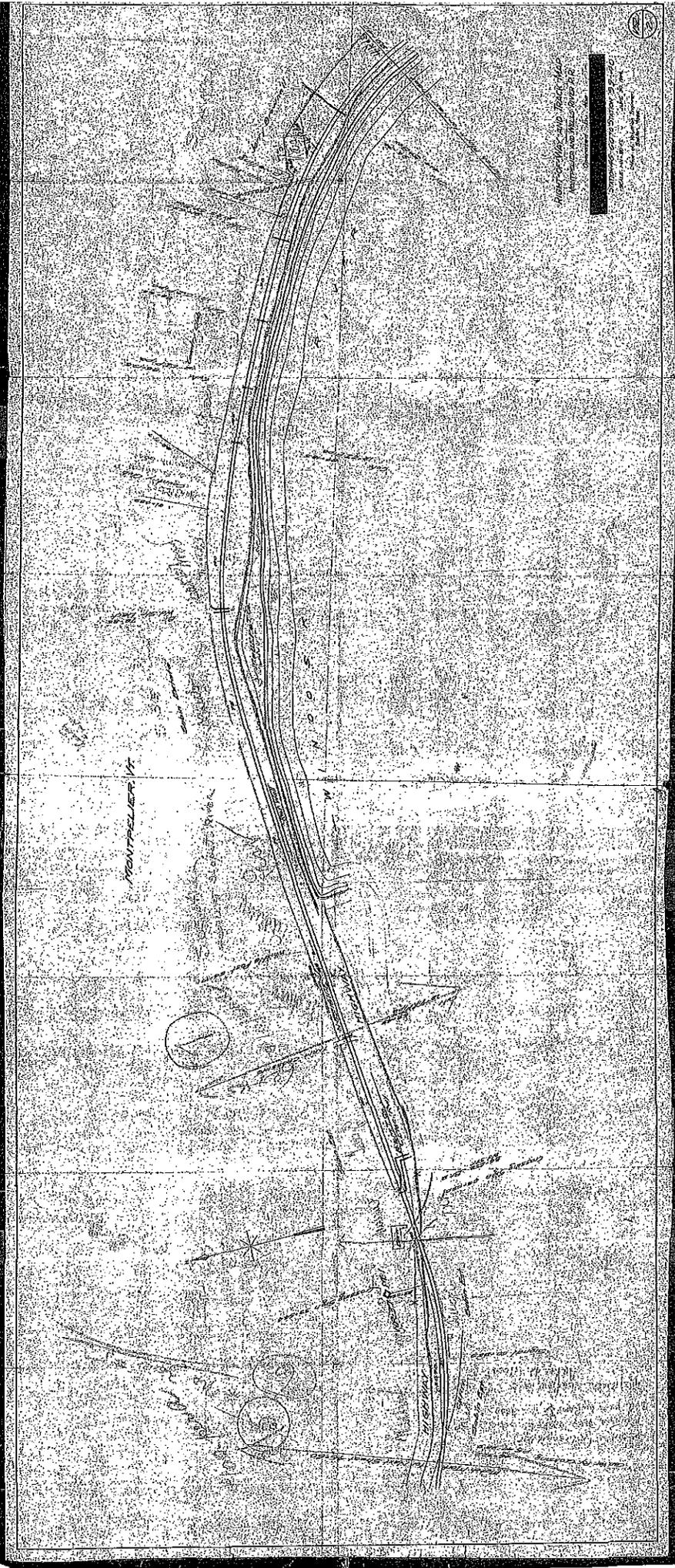
102' 35" x 11 1/2" x 1" (single) @ 150#/foot	15,025
Cost to Salvage	<u>11,000</u>
NET	4,025
132' 18" x 1" x 1" (double) @ 120#/foot	11,520
Cost to Salvage	<u>1,500</u>
NET	10,020

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 14**



Hand-drawn map showing a route or boundary. Includes a scale bar and a north arrow.



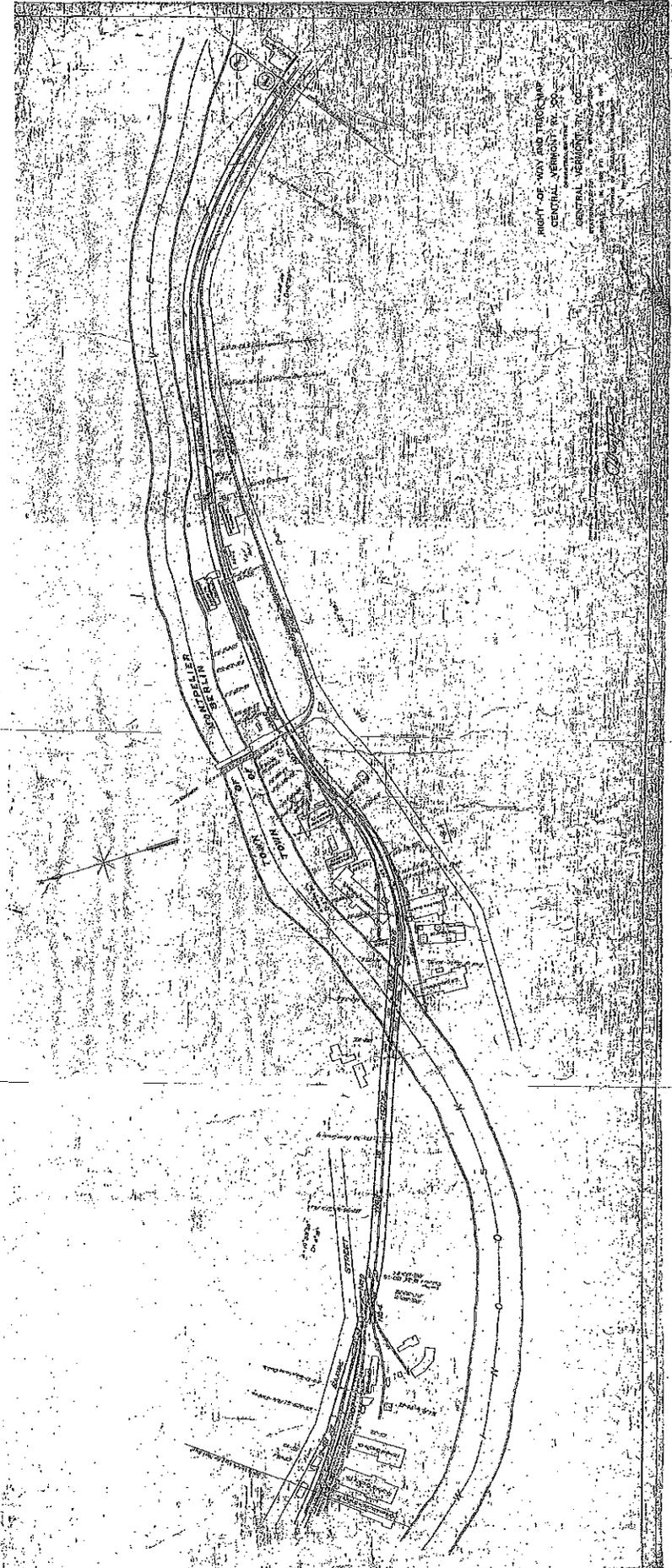
FRONTIER

ROAD



FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

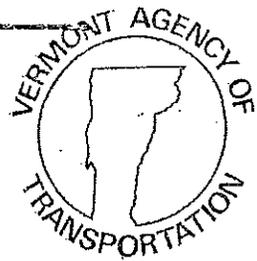
**EXHIBIT 15**



PROJ. OF WEY AND TRUCKEE  
CENTRAL VERMONT RR.  
CENTRAL VERMONT RR. CO.

FINANCE DOCKET NO. 36016  
PETITION FOR DECLARATORY ORDER

**EXHIBIT 16**



STATE OF VERMONT  
TRANSPORTATION BOARD

133 State Street, Montpelier, Vermont 05602



Re: Montpelier and Barre Railroad  
Company, Inc.

November 12, 1980

CONDEMNATION ORDER OF STATE TRANSPORTATION BOARD FIXING COMPENSATION  
TO BE PAID FOR THE TAKING OF LAND AND RIGHTS THEREIN IN THE  
CITY OF MONTPELIER, CITY OF BARRE, TOWN OF BERLIN AND TOWN OF BARRE

In accordance with Chapters 5 of Title 19, Vermont Statutes Annotated, and Chapter 55 of Title 3, Vermont Statutes Annotated, and in accordance with the Notice of Hearing dated October 29, 1980, after hearing duly held at Montpelier, on November 10, 1980 the State Transportation Board at the time and place of hearing examined the premises, heard the parties interested in the land therein described regarding compensation, and has fixed the compensation to be awarded as follows:

All occupied structures located on the land and premises referred to below are to be vacated, and possession given up to the State Transportation Board, or or before the expiration of ninety days from the date of filing of this order with the City or Town Clerk of the City or Town in which said land and premises are located, unless prior to that time the property owners execute a lease agreement for continued occupancy as a tenant with the State Agency of Transportation. The balance of the land and premises acquired by this order must be vacated and possession given up to the State Transportation Board on the date of filing of this order with the City or Town Clerk of the City or Town in which said land and premises are located.

Any owner or interested person, affected by this order, who is dissatisfied with the amount of damages awarded by the State Transportation Board as set forth in this order may, within ninety days after the date this order is filed with the City or Town Clerk, institute an appeal by a Petition in writing to the Washington Superior Court and will be entitled to a hearing or a trial by jury if desired.

For further information of premises and rights acquired by this order reference is hereby made to plans entitled "Montpelier Barre R.R. Co. Inc." as filed on the 28th day of October, A.D., 1980, in the offices of the Clerks of the City of Montpelier, City of Barre, Town of Berlin and Town of Barre or any revisions thereto subsequently filed therein.

Property Owner:

Montpelier and Barre Railroad Company, Inc.  
Marjorie P. Silver, President

150 Causeway Street  
Boston, MA 02114

Montpelier and Barre Railroad Company, Inc.  
c/o Benedict S. Sloboda,  
Vice-President, Engineering

Depot Square  
Barre, VT 05641

Mortgagee:

Boston and Maine Railroad

150 Causeway Street  
Boston, MA 02114

Tenants, Lessees, and Other Interested Parties:

Richard E. Davis, Esq.

P.O. Box 666  
Barre, VT 05641

Central Vermont Economic Development Corporation  
Bertil Agell, Executive Director

43 State Street  
Montpelier, VT 05602

State of Vermont  
Agency of Administration  
Division of State Buildings  
Irving Bates, Director

2 Western Avenue  
Montpelier, VT 05602

State of Vermont  
Department of Liquor Control  
Jean Hickey, Director

Green Mountain Drive  
Montpelier, VT 05602

Green Mountain Power Corporation  
Bernard Brault, Vice-President

Green Mountain Drive  
Montpelier, VT 05602

City of Montpelier  
Chairman, Board of School Directors

Montpelier, VT 05602

Capital City Gas Company  
Donald Rowan, Agent

Box 748  
Montpelier, VT 05602

New England Telephone and Telegraph Company  
David Usher, District Plant Manager

Box 449  
Burlington, VT 05401

H. K. Webster Company Stores of Vt., Inc.  
Wallace K. Patterson, Agent

Richford, VT 05476

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

Tenants, Lessees, and Other Interested Parties, contd.:

Twin State Sand and Gravel Co., Inc. Attention: President	Box 276A West Lebanon, NH 03784
International Salt Company Attention: Vice-President, Highway and Chemical Division	Clarks Summit, PA 18411
Allen Lumber Company Robert Allen, Agent	Box 470 Barre, VT 05641
Hospital Mortgage Group, Inc. Morris Wiener and Lee Gray, Trustees of Trasco Realty and Trust	2701 S. Bayshore Drive Coconut Grove, FL 33133
C. T. Corporation Systems	192 College Street Burlington, VT 05401
Hutch Concrete c/o Richard Hutchins	East Montpelier, VT 05651
Berlin Fire District No. 1 c/o William Keaton	MR #1 Barre, VT 05641
Young and Emslie Water System c/o Dean Hedges	Box 833 Montpelier, VT 05602
Jones Brothers Company c/o Maurice L. Kelley	102 North Main Street Barre, VT 05641
Hartford Oil Co., Inc. c/o Alfred Guarino	Box 350 White River Junction, VT 05001
Conrad and Ruth Belanger	7 Pinewood Road Montpelier, VT 05602
Arthur and JoAnn Belanger	7 Pinewood Road Montpelier, VT 05602
D. M. Miles Coal Co., Inc. c/o Vincent Sassone	Box 387 Barre, VT 05641
Hill-Martin Company Booth Martin, Agent	450 North Main Street Barre, VT 05641

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

Tenants, Lessees, and Other Interested Parties, contd.:

Calder & Richardson, Inc. Allan L. Merrill, Agent	Box 344 Barre, VT 05641
Granite Center Delivery, Inc. Richard E. Davis, Esq., Agent	3 William Lane Barre, VT 05641
Rouleau Granite Co., Inc. Bertrand Rouleau, Agent	Box 567 Barre, VT 05641
R. L. Clark Store, Inc. Rupert M. George, Agent	50 Prospect Street Barre, VT 05641
Bonacorsi & Sons, Inc. Alice Bonacorsi, Agent	16 Prospect Street Barre, VT 05641
Calmont Beverage Co., Inc. Silvio Semprebon, Agent	21 South Main Street Barre, VT 05641
Barre Guild Consolidation Service, Inc. Glenn Sulham, Agent	51 Church Street Barre, VT 05641
South Barre Granite Company Georgianne Abbiati, Agent	Box 485 Barre, VT 05641
Paul R. and Hugette S. Savard d/b/a Alexander Milne Granite Co.	163 Circle Street Barre, VT 05641
Barre Area Development, Inc. Peter A. Foote, Agent	P.O. Box 336 Barre, VT 05641
Empire Gas of Barre, Inc. Norman Cohen, Agent	18 South Main Street Rutland, VT 05701
Rinaldo N. and Lorraine E. Conti	Box 7 Websterville, VT 05678
Rock of Ages George Anderson, Agent	Box 482 Barre, VT 05641
Wells and Lamson Quarry, Co. Maurice L. Kelley, Agent	102 North Main Street Barre, VT 05641
Northwood AMC Corporation M. Rouleau or R. Rouleau	304 North Main Street Barre, VT 05641

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

Tenants, Lessees, and Other Interested Parties, contd.

American Legion Post #10 c/o Daniel L. Brochu, Agent	RD #2 Barre, VT 05641
Granite Savings Bank J. Dente, Treasurer	North Main Street Barre, VT 05641
Granite Industries of Vermont Silvio Nativi	27 1/2 Flint Place Barre, VT 05641
Lawson Granite Company Albert G. Gherardi	Quarry Street Barre, VT 05641
Mahlon Gragen	61 West Street Barre, VT 05641
Gas Co. of Vermont, Inc.	205 North Main Street Barre, VT 05641
Barre Area Bicentennial Committee, Inc. Karl A. Rinker, Agent	South Main Street Barre, VT 05641
Farrell Distributing Corporation	110 East Spring Street Winooski, VT 05404
Pomerleau Real Estate Co. c/o Antonio Pomerleau	117 Deforest Hts. Burlington, VT 05401
S. L. Garand, Inc. Richard Garand, Agent	Pioneer Street Montpelier, VT 05602
Samuel Hoare	East Montpelier Road Montpelier, VT 05602
Antonio & Angeles Aja Angeles A. Zorzi, Trustee	369 Barre Street Montpelier, VT 05602
Montpelier Lodge of Elks No. 924	Drawer E. Country Club Road Montpelier, VT 05602
Valz Granite Co. Richard E. Davis, Agent	36 Vanetti Place Barre, VT 05641
Railroad Granite Co. R. LaPerle, Agent	Railroad Street Barre, VT 05641

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

Tenants, Lessees, and Other Interested Parties, contd.:

Washington Electric Co-Operative, Inc. John Rohr, Manager	East Montpelier, VT 05651
City Clerk City of Montpelier	Main Street Montpelier, VT 05602
Chairman, Board of Alderman City of Montpelier	Main Street Montpelier, VT 05602
Chairman, Board of Assessors City of Montpelier	Main Street Montpelier, VT 05602
City Manager City of Montpelier	Main Street Montpelier, VT 05602
Town Clerk Town of Berlin	RD #4 Montpelier, VT 05602
Chairman, Board of Selectmen Town of Berlin	RD #4 Montpelier, VT 05602
Chairman, Board of Listers Town of Berlin	RD #4 Montpelier, VT 05602
City Clerk City of Barre	P.O. Box 418 Barre, VT 05641
Chairman, Board of Aldermen City of Barre	P.O. Box 418 Barre, VT 05641
Chairman, Board of Assessors City of Barre	P.O. Box 418 Barre, VT 05641
City Manager City of Barre	P.O. Box 418 Barre, VT 05641
Town Clerk Town of Barre	Municipal Building Websterville, VT 05678
Chairman, Board of Selectmen Town of Barre	Municipal Building Websterville, VT 05678
Chairman, Board of Listers Town of Barre	Municipal Building Websterville, VT 05678
Town Manager Town of Barre	Municipal Building Websterville, VT 05678

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

Section of land and rights required from Montpelier and Barre Railroad Company, Inc.:

City of Montpelier:

Being all and the same land and premises conveyed to Montpelier and Barre Railroad Company, Inc., by the following instruments:

1. Quit-Claim Deed from Central Vermont Railway Inc., dated May 1, 1958, and recorded in Book 87, Page 194;
- 2. Quit-Claim Deed from Barre and Chelsea Railroad Company, dated November 15, 1956, and recorded in Book 87, Page 77;
3. Warranty Deed from Montpelier and Wells River Railroad, dated December 29, 1944, and recorded in Book 58, Page 404;

all of the City of Montpelier Land Records, and being more particularly described as follows:

( Being land and rights therein, as shown on plans of Montpelier and Barre Railroad Company, Inc., as filed on the 28th day of October, 1980, in the office of the Clerk of the City of Montpelier. )

Town of Berlin:

Being all and the same land and premises conveyed to Montpelier and Barre Railroad Company, Inc., by the following instruments:

1. Quit-Claim Deed from Central Vermont Railway, Inc., dated February 8, 1967, and recorded in Book 37, Page 113;
2. Quit-Claim Deed from Central Vermont Railway Inc., dated May 1, 1958 and recorded in Book 36, Page 580;

both of the Land Records of the Town of Berlin; in connection with said premises reference is made to the Quit-Claim Deed, dated November 15, 1956, from Barre and Chelsea Railroad Company to Montpelier and Barre Railroad Company, Inc., and recorded in Book 69, Page 457 of the City of Barre Land Records.

3. Warranty Deed from Montpelier and Wells River Railroad dated December 29, 1944 and recorded in Book 29, Page 229;

all of the Town of Berlin Land Records, and being more particularly described as follows:

Being land and rights therein, as shown on plan of Montpelier and Barre Railroad Company, Inc., as filed on the 28th day of October, 1980, in the office of the Clerk of the Town of Berlin.

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

City of Barre:

Being part of the same land and premises conveyed to Montpelier and Barre Railroad Company, Inc., by the following instruments:

1. Quit-Claim Deed from Central Vermont Railway, Inc., dated May 1, 1958, and recorded in Book 71, Page 463;
2. Quit-Claim Deed from Barre and Chelsea Railroad Company, dated November 15, 1956, and recorded in Book 69, Page 457;
3. Deed of Conveyance from Montpelier and Wells River Railroad, dated December 29, 1944, and recorded in Book 55, Page 17;

all of the Town of Berlin Land Records, and being more particularly described as follows:

Being land and rights therein, as shown on plans of Montpelier and Barre Railroad Company, Inc., as filed on the 28th day of October, 1980, in the office of the Clerk of the City of Barre.

Town of Barre:

Being all and the same land and premises conveyed to Montpelier and Barre Railroad Company, Inc., by the following instruments:

1. Quit-Claim Deed from Central Vermont Railway, Inc., dated May 1, 1958, and recorded in Book 71, Page 463;
2. Quit-Claim Deed from Barre and Chelsea Railroad Company, dated November 15, 1956, and recorded in Book 69, Page 457;

both of the Land Records of the City of Barre.

3. Deed of Conveyance from Montpelier and Wells River Railroad, dated December 29, 1944, and recorded in Book 11, Page 551;

all of the Town of Barre Land Records, and being more particularly described as follows:

Being land and rights therein, as shown on plans of Montpelier and Barre Railroad Company, Inc., as filed on the 28th day of October, 1980, in the office of the Clerk of the Town of Barre.

Said land is further described as follows:

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

copy

Section VI:

Beginning at a point in the northeasterly boundary of Barre Street, said point also being in the southerly boundary of the former Montpelier and Wells River Railroad right-of-way, 17 feet distant southerly from approximate station 56+85 of said Montpelier and Wells River Railroad centerline (hereinafter referred to as M&WRRR CL);

thence 130 feet, more or less, northwesterly and crossing said M&WRRR CL to a point in the northerly railroad boundary approximately 33 feet distant northerly from approximate station 55+67 of said M&WRRR CL;

thence 2,460 feet, more or less, easterly and southeasterly along said northerly and northeasterly railroad boundary and parallel to said M&WRRR CL to a point approximately 33 feet distant northeasterly from approximate station 80+27 of said M&WRRR CL;

thence 163 feet, more or less, southeasterly along said northeasterly railroad boundary to a point approximately 50 feet distant northeasterly from approximate station 81+88 of said M&WRRR CL;

thence 1,082 feet, more or less, southeasterly along said northeasterly railroad boundary and parallel to said M&WRRR CL to a point approximately 50 feet distant northeasterly from approximate station 92+56 of said M&WRRR CL;

thence 38 feet, more or less, southwesterly along said northeasterly railroad boundary to a point approximately 15 feet distant northeasterly from approximate station 92+40 of said M&WRRR CL;

thence 162 feet, more or less, southeasterly along said northeasterly railroad boundary and parallel to said M&WRRR CL to a point approximately 15 feet distant northeasterly from approximate station 94+00 of said M&WRRR CL;

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

thence 18 feet, more or less, northeasterly along said northeasterly railroad boundary to a point approximately 33 feet distant northeasterly from approximate station 94+00 of said M&WRRR CL;

thence 83 feet, more or less, southeasterly along said northeasterly railroad boundary to a point approximately 66 feet distant northeasterly from approximate station 94+73 of said M&WRRR CL;

thence 825 feet, more or less, southeasterly along said northeasterly railroad boundary and parallel to said M&WRRR CL to a point approximately 66 feet distant northeasterly from approximate station 102+60 of said M&WRRR CL;

thence 33 feet, more or less, southwesterly along said northeasterly railroad boundary to a point approximately 33 feet distant northeasterly from approximate station 102+60 of said M&WRRR CL;

thence 3,220 feet, more or less, southeasterly along said northeasterly railroad boundary and parallel to said M&WRRR CL to a point in the northwesterly boundary of Gallison Hill Road approximately 33 feet distant northeasterly from approximate station 134+98 of said M&WRRR CL;

thence 50 feet, more or less, southwesterly along said northwesterly boundary of Gallison Hill Road to a point approximately 5 feet distant northeasterly from approximate station 134+56 of said M&WRRR CL;

thence 313 feet, more or less, southwesterly along said northwesterly boundary of Gallison Hill Road and crossing said M&WRRR CL to a point in the southwesterly railroad boundary approximately 33 feet distant southwesterly from approximate station 131+45 of said M&WRRR CL;

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

thence 1,079 feet, more or less, northwesterly along said southwesterly railroad boundary and parallel to said M&WRRR CL to a point approximately 33 feet distant southwesterly from approximate station 120+67 of said M&WRRR CL;

thence 126 feet, more or less, southwesterly along said southwesterly railroad boundary to a point in the northerly boundary of U.S. Route #2 approximately 156 feet distant southwesterly from approximate station 120+38 of said M&WRRR CL;

thence 38 feet, more or less, southwesterly along said southwesterly railroad boundary and along the northerly boundary of U.S. Route #2 to a point approximately 164 feet distant southwesterly from approximate station 120+05 of said M&WRRR CL;

thence 214 feet, more or less, northwesterly along said southwesterly railroad boundary and along the northerly boundary of U.S. Route #2 to a point approximately 160 feet distant southwesterly from approximate station 118+22 of said M&WRRR CL;

thence 198 feet, more or less, easterly along said southwesterly railroad boundary and parallel to a crossover track to a point approximately 33 feet distant southwesterly from approximate station 119+65 of said M&WRRR CL;

thence 688 feet, more or less, northwesterly along said southwesterly railroad boundary and parallel to said M&WRRR CL to a point approximately 33 feet distant southwesterly from approximate station 113+04 of said M&WRRR CL;

thence 338 feet, more or less, southerly along the easterly railroad boundary to a point approximately 230 feet distant southwesterly from approximate station 115+58 of said M&WRRR CL;

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

thence 54 feet, more or less, northwesterly along the southerly railroad boundary and crossing a crossover track to a point approximately 248 feet distant southwesterly from approximate station 115+15 of said M&WRRR CL;

thence 422 feet, more or less, northerly along the westerly railroad boundary to a point approximately 33 feet distant southwesterly from approximate station 111+88 of said M&WRRR CL;

thence 740 feet, more or less, northwesterly and northerly along said southwesterly and westerly railroad boundary and parallel to said M&WRRR CL to a point approximately 33 feet distant westerly from approximate station 104+62 of said M&WRRR CL;

thence 12 feet, more or less, easterly along said westerly railroad boundary to a point approximately 21 feet distant westerly from approximate station 104+62 of said M&WRRR CL;

thence 4,752 feet, more or less, northerly and northwesterly along said westerly and southwesterly railroad boundary and along a line believed to be an old highway right-of-way boundary to the point of beginning.

Section VII:

Beginning at a point in the southerly boundary of U.S. Route #2 and in the northwesterly railroad boundary 324 feet distant easterly from the afore-said CVRR CL;

thence 46 feet, more or less, southeasterly along said southerly boundary of U.S. Route #2 and crossing a former crossover track to a point in the southeasterly railroad boundary approximately 366 feet distant easterly from approximate station 195+90 of said CVRR CL;

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

thence 990 feet, more or less, northeasterly and easterly along said northwesterly and northerly railroad boundary and parallel to said B&CRR CL to a point approximately 41.25 feet distant northerly from approximate station 89+76 of said B&CRR CL;

thence 156 feet, more or less, northwesterly along the southwesterly railroad boundary and parallel to said B&CRR CL (Main Line Track No. 1) to the point of beginning.

In connection with the above-described lands the following rights and easements are conveyed:

City of Montpelier:

<u>Stations</u>	<u>Rights and Easements</u>
1. CVRR 20+00 - 37+47	Easement to Use Railroad Right-of-Way Land and Premises for Railroad Purposes
2. CVRR 75+85 - 81+35	Easement to Use Railroad Right-of-Way Land and Premises for Railroad Purposes
3. CVRR 81+25 - 81+80	Easement to Cross Taylor Street
4. CVRR 91+24 - 92+11	Easement to Cross Main Street
5. CVRR 113+00 - 120+35	Right, Title, and Interest in and to Right-of-Way
6. CVRR 120+32 - 120+90	Easement to Cross Granite Street
7. CVRR 151+15 - 151+51	Easement to Cross Pioneer Street
8. CVRR 188+30 - 192+50	Easement to Cross U.S. Route #2

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

City of Montpelier, contd.:

Stations

9. CVRR 195+30 Lt. - 195+90 Lt.
10. CVRR 198+72 Lt. - 207+62 Lt.
11. M&WRRR 54+00 - 57+00
12. CVRR 92+04 - 97+40

Rights and Easements

- Easement to Cross U.S. Route #2
- Right, Title, and Interest in and to a Right-of-Way for Pedestrian and Vehicular Traffic
- Easement to Cross Barre Street
- Easement for Unloading, Loading, Delivering, and Picking up Freight

Town of Berlin:

Stations

1. CVRR 269+24 - 271+90
2. M&WRRR 86+96 - 89+80

Rights and Easements

- Easement to Cross U.S. Route #302
- Easement to Cross U.S. Route #302

City of Barre:

Stations

1. M&WRRR 176+86 - 178+04
2. M&WRRR 189+90-190+22
3. M&WRRR 201+08 - 201+57
4. M&WRRR 205+12 - 205+50
5. M&WRRR 218+42 - 218+94
6. M&BRR Trav. Line 9+24 -  
M&WRRR 251+34
7. M&WRRR 259+82 - 262+64
8. M&WRRR 270+03 - 271+06
9. M&WRRR 274+92 - 275+47

Rights and Easements

- Easement to Cross Jones Brothers Crossing
- Easement to Cross Willey Street
- Easement to Cross West Second Street
- Easement to Cross Berlin Street
- Easement to Cross Blackwell Street
- Easement to Cross Prospect Street
- Easement to Cross South Main Street
- Easement to Cross Hill Street
- Easement to Cross Ayer Street

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

City of Barre, contd.:

<u>Stations</u>	<u>Rights and Easements</u>
10. B&CRR 19+93 - 21+60	Easement to Cross Quarry Street
11. M&WRRR 201+52 - 205+14	Easement to Remove Railroad Tracks, Ties, and Fixtures
12. M&BRR Trav. Line 5+75 - 7+05	Right, Title, and Interest in and to a Right-of-Way
13. B&CRR SL 11+26 - B&CRR SL 4+10	Right, Title, and Interest in and to all Railroad Right-of-way "South Track" (through Boynton Street)

Town of Barre:

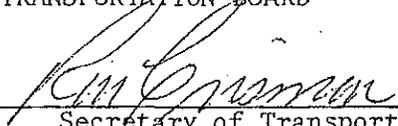
<u>Stations</u>	<u>Rights and Easements</u>
1. B&CRR 14+38 - 15+62	Easement to Cross Town Highway #1 (Quarry Hill Road)
2. B&CRR 71+35 - 74+92	Easement to Cross Town Highway #2 (Lower Websterville Road)
3. B&CRR 65+22 - 84+32	Easement to Cross Town Highway #2 (Lower Websterville Road)
3A. B&CRR 48+24 - 48+52	Easement to Cross Town Highway #186
B&CRR 56+86 - 57+12	Easement to Cross Town Highway #186

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.

Title to lands or rights therein vest in the State of Vermont as of the date the Transportation Board's Condemnation Order is filed with the Clerk of the Town in which the land is situated (Title 19, V.S.A., Sec. 236) and the State is entitled to full possession as of the date the award is tendered (Title 19, V.S.A., Sec. 230) regardless of any appeal for a judicial determination of the amount of compensation. A special date for vacating the premises beyond the above date may be arranged in some instances at the discretion of the Board on a showing of hardship or other sufficient reason provided the interests of the State are not jeopardized.

Dated at Montpelier, County of Washington and State of Vermont, this  
29th day of October, 1980.

STATE TRANSPORTATION BOARD

By:   
Secretary of Transportation

Approved as to legal form:

  
Assistant Attorney General

Re: Notice of Compensation Hearing  
Montpelier and Barre Railroad Company, Inc.