



**BOSTON & MAINE CORPORATION
MAINE CENTRAL RAILROAD COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY**

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

206584

**LAW DEPARTMENT
(978) 663-1029**

November 7, 2002

Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001



**Re: Boston and Maine Corporation—Application to Abandon and Discontinue
Service—Mystic Wharf Branch—Suffolk County, Massachusetts
Finance Docket No. AB-32 (Sub No. 92)**

Dear Secretary Williams:

Enclosed for filing in the above-referenced matter please find an original and ten (10) copies of the Boston and Maine Corporation's Motion to Withdraw Abandonment Application.

Thank you for your attention to this matter. Please feel free to contact me if you should have any questions or comments.

Sincerely,

Robert B. Culliford
Corporate Counsel

cc: Service List
Lauren W. Mazzella, Esq.

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206584

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO.
AB-32 (Sub No. 92)**



**BOSTON AND MAINE CORPORATION
ABANDONMENT AND DISCONTINUANCE OF SERVICE
SUFFOLK COUNTY, MASSACHUSETTS**

MOTION TO WITHDRAW ABANDONMENT APPLICATION

Dated: November 5, 2002

PROCEEDINGS
NOV 8 2002
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Public Record

**Robert B. Culliford
Iron Horse Park
North Billerica, MA 01862
(978) 663-1029**

**Counsel for:
*The Boston and Maine Corporation
The Springfield Terminal Railway
Company***

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO.
AB-32 (Sub No. 92)**



**BOSTON AND MAINE CORPORATION
ABANDONMENT AND DISCONTINUANCE OF SERVICE
SUFFOLK COUNTY, MASSACHUSETTS**

MOTION TO WITHDRAW ABANDONMENT APPLICATION

The Boston and Maine Corporation ("B&M") hereby moves to withdraw without prejudice its application to abandon and discontinue service over the so-called Mystic Wharf Branch (the "Line"), originally approved on December 21, 2001 in the above-referenced Finance Docket Number. In support of this Motion, the B&M states that it has not yet consummated its abandonment and discontinuance authority, and has been negotiating with the Massachusetts Port Authority ("Massport") for the conveyance of the underlying real estate and trackage constituting the Line.¹ This conveyance will be conducted pursuant to the Board's class exemption procedures for the acquisition and operation of rail lines contained at 49 C.F.R. Part 1150 and is scheduled to be completed on November 13, 2002. In further support of its motion to withdraw its application, the B&M states that it will retain an easement to perform all common carrier freight rail service and maintenance operations over the Line as part of the conveyance, and that Massport and the B&M have negotiated an agreement that will provide for such rail service and maintenance operations. To achieve the objective of the parties, Massport

¹ Massport was originally granted a public use condition in the December 21, 2001 decision authorizing abandonment and discontinuance. While the parties were unable to conclude negotiations during the initial 180 period imposed by this condition, negotiations have continued in good faith and the B&M and Massport are confident that the conveyance will be complete on or before November 13th.

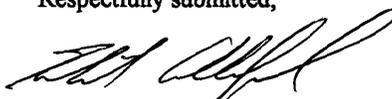
will also be filing a Motion to Dismiss simultaneously with the Notice of Exemption referenced above.

In addition, on or about September 18, 2002, the Springfield Terminal Railway Company ("ST"), an affiliate of the B&M providing rail service over the Line pursuant to an operating lease, served a Notice of Intent to Abandon and Discontinue Service upon all interested parties pursuant to 49 C.F.R. Section 1152.20(a). This Notice of Intent was initially filed to ensure that the Line was completely removed from the Board's jurisdiction in the event that the conveyance to Massport was not successful. However, in light of the progress made in negotiations since the filing of the Notice of Intent, ST did not file a Petition for Exemption within the time period required by 49 C.F.R. Section 1152.20(b)(1). Moreover, ST will also be conveying its interest in the Line to Massport under the same terms and conditions as the B&M, and does not intend to re-serve its Notice of Intent in reliance upon the closing of that transaction.

WHEREFORE, the Boston and Maine Corporation respectfully requests that its Motion to Withdraw its abandonment application be allowed without prejudice to future filings regarding service over the Line.

Dated: November 5, 2002

Respectfully submitted,



Robert B. Culliford
Iron Horse Park
North Billerica, MA 01862
(978) 663-1029

Counsel for:

*The Boston and Maine Corporation
The Springfield Terminal Railway Company*

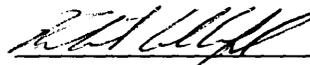
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 7, 2002 the foregoing Motion to Withdraw Abandonment Application in STB Docket No. AB-32 (Sub No. 92) was served on those parties listed at 49 C.F.R. §1152.24(c) by mailing a copy United States first class mail, postage prepaid, to the following:

The Honorable Jane Swift (certified mail)
Governor of Massachusetts
Office of the Governor
360 State House
Boston, MA 02133 •

Department of Telecommunications
and Energy
Transportation Division
One South Station
Boston, MA 02110

James H. Scanlan, Secretary
Executive Office of Transportation
and Construction
10 Park Plaza - Suite 3170
Boston, MA 02116


Robert B. Culliford