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**RICHARD BLUMENTHAL**  
ATTORNEY GENERAL



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**Office of The Attorney General  
State of Connecticut**

February 20, 2008

United States Department of Transportation  
Surface Transportation Board  
Office of the Secretary, Case Control Unit  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



**RE: Boston & Maine Corporation and Springfield Terminal Railway  
Abandonment Over Canal Branch – Southington, Connecticut  
STB Docket No. AB 32 (Sub No 101X)  
AB 355 (Sub No. 35X)**

Dear Madam or Sir:

Enclosed please find the original and ten copies of the Petition for Issuance of a Public Use Condition filed on behalf of the Connecticut Department of Transportation (CDOT), which is a state government entity.

CDOT requests issuance of a Public Use Condition for the railroad property as opposed to authorizing an outright abandonment of 0.73+/- miles between milepost 24.00 and 24.73 of the Canal Branch line. This segment of the Canal Branch terminates directly adjacent to the Route 10 Exit ramps from Interstate – 84 in Southington, CT and connects directly to an active rail line connecting the cities of New Britain and Hartford. This is an important transportation and utility right-of-way for the State of Connecticut which should not be severed.

CDOT seeks an order prohibiting the carrier from disposing of the property for a period of 180 days from the effective date of the abandonment authorization to allow negotiations with the carrier for the purchase of assets and overage trackage rights.

Very truly yours,

Alan N. Ponanski  
Assistant Attorney General

**FILING FEE WAIVED**

Enclosures  
Cc: All parties of record

**ENTERED  
Office of Proceedings  
FEB 27 2008  
Part of  
Public Record**

**FILING FEE WAIVED**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



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**Docket No. AB 32 (Sub No. 101X)  
AB 355 (Sub No. 35X)**

**BOSTON & MAINE CORPORATION (B&M) AND THE SPRINGFIELD  
TERMINAL RAILWAY COMPANY (ST) ABANDONMENT EXEMPTION IN  
SOUTHINGTON, CONNECTICUT (CANAL BRANCH)**

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**PETITION FOR ISSUANCE OF A PUBLIC USE CONDITION**

Pursuant to 49 U.S.C Section 10905 and 49 C.F.R. Section 1152.28, the Connecticut Department of Transportation (CDOT), by and through its counsel of record, hereby requests the Board find that the Canal Branch Line properties are suitable for other public uses including interim trail use, and place the following conditions on the abandonment:

(1) An order prohibiting the carrier from disposing of the asset except for public use on reasonable terms. The justification for this condition is that this segment of the Canal Branch Line terminates directly adjacent to the Route 10 Exit ramps from Interstate-84 in Southington, Connecticut and connects to an active rail line connecting the cities of New Britain and Hartford. This is an important transportation and utility right-of-way for the State of Connecticut which should not be severed. The time period sought is 180 days from the effective date of the abandonment authorization. CDOT needs this much time to prepare a cost estimate, title search and an appraisal report for its negotiations with the carrier B&M and ST.

(2) An order barring removal or destruction of potential trail-related

structures because these structures have considerable value for recreational trail purposes. The time period sought is 180 days from the effective date of the abandonment authorization for the same reasons as indicated above.

If allowed to acquire the subject rail line and trackage rights necessary on linking any active remaining B&M, S'I and/or Pan Am Railways lines, CDOT intends to both preserve the existing rail corridor right-of-way for the purpose of restoring rail freight service and preserve the rail corridor or expand transportation assets for other public use purposes. Also because the Branch Canal Line would make an excellent interim recreational trail, DOT would seek the conversion of the property to trail use in accordance with local plans.

There are a variety of uses currently under review, including restoring freight service and use for a bicycle or recreational trail. However, no decision has yet been made regarding the final use of the right-of-way. Given the potential for future rail use and linking other active rail lines, the Board is requested to impose a condition that would require PAR and others to leave the line intact. It would be consistent with the public interest to preserve the rail corridor even if PAR and others have no continuing need for this particular segment of the line. CDOT will prepare a cost estimate, title search and an appraisal for the negotiation with PAR.

Therefore, the Board is requested to authorize CDOT to negotiate with B&M and ST as part of and represented by Pan Am Railways, (PAR) located at 1700 Iron Horse Park, North Billerica, Massachusetts, during the existing 180-day period that the Board

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has established to allow negotiation to pursue the acquisition of both the Canal Line segment in Southington, Connecticut and any overage trackage rights necessary on linking active remaining B&M, ST or PAR lines in order to preserve existing rail corridors and expand transportation assets for public use purposes.

The property extends from railroad milepost 24.00 to milepost 24.73, which traverse through United States Postal Service Zip Code 06489, a distance of 0.73 miles, in Hartford County, Connecticut.

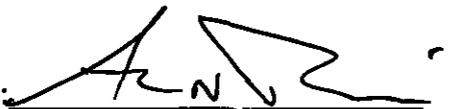
A map of the involved right-of-way is attached as Exhibit A.

A copy of this statement was sent to the railroad (PAR, B&M, ST).

**Conclusion and Request for Relief**

CDOT respectfully requests that the Board issue an order finding a public use condition and that the rail properties are appropriate for other public purposes; that CDOT is authorized to negotiate with the carrier for a time period of 180 days regarding the potential acquisition in fee of the right-of-way involved in this proceeding as well as the potential acquisition of overage trackage rights; and that the carrier should not dismantle or dispose of the existing assets pending termination of the negotiations with CDOT

CONNECTICUT DEPARTMENT  
OF TRANSPORTATION  
RICHARD BLUMENTHAL  
ATTORNEY GENERAL

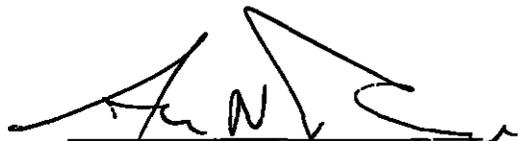
BY: 

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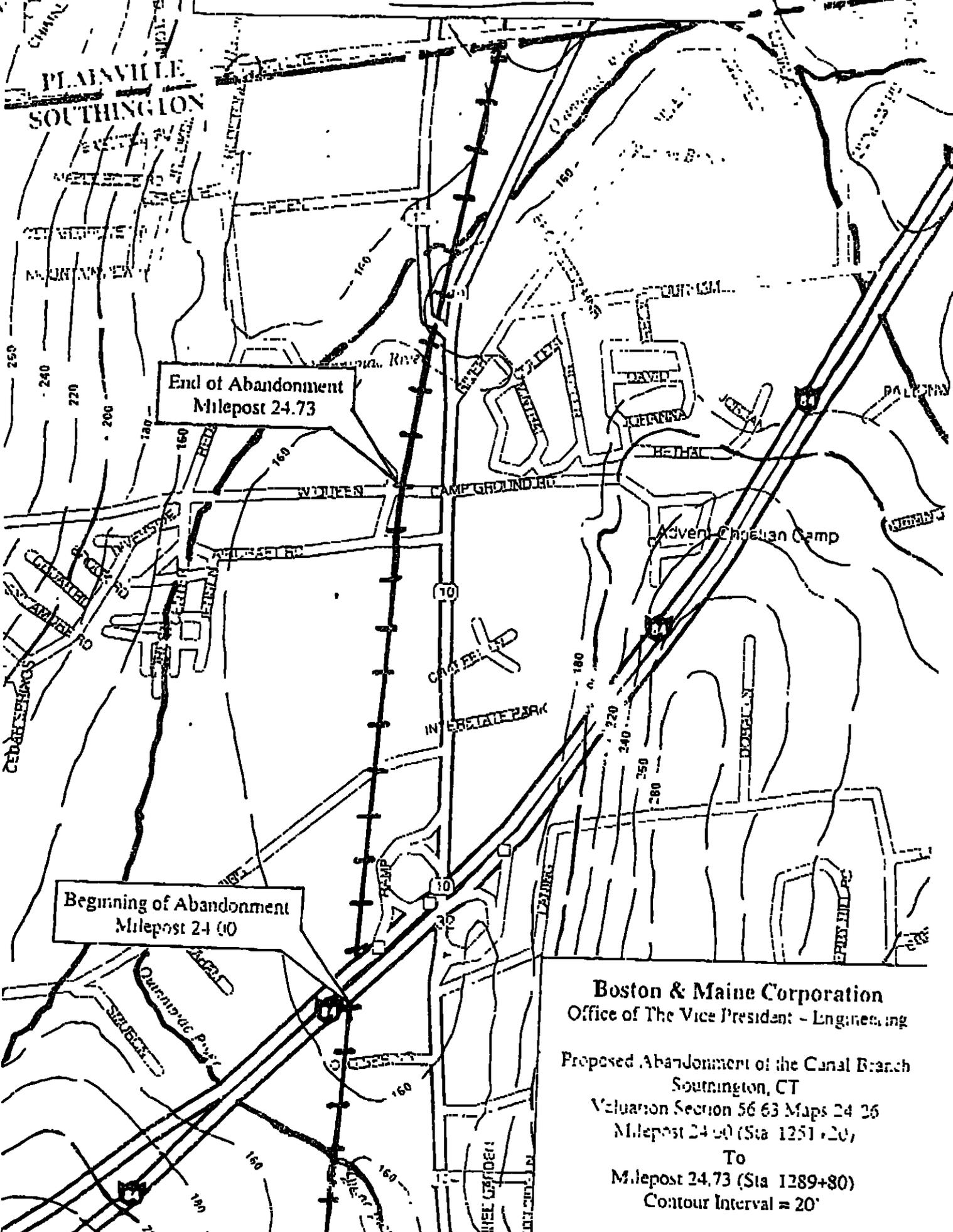
**CERTIFICATE OF SERVICE**

I certify that on this 20<sup>th</sup> day of February, 2008, a copy of the Petition For Issuance Of A Public Condition was sent by first class mail, postage prepaid to.

Michael Q. Geary  
Staff Attorney  
Pan Am Railways  
1700 Iron Horse Park  
North Billerica, Massachusetts 01862



Alan N. Ponanski  
Assistant Attorney General



End of Abandonment  
Milepost 24.73

Beginning of Abandonment  
Milepost 24.00

**Boston & Maine Corporation**  
 Office of The Vice President - Engineering  
 Proposed Abandonment of the Canal Branch  
 Southington, CT  
 Valuation Section 56.63 Maps 24.26  
 Milepost 24.00 (Sta 1251+20)  
 To  
 Milepost 24.73 (Sta 1289+80)  
 Contour Interval = 20'