



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TRANSPORTATION

EOT

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

BERNARD COHEN
SECRETARY

24033

November 20, 2008

VIA E-FILING

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

FILED

RE: STB Finance Docket No. AB 32 (Sub No. 85X) and ~~No. AB 355 (Sub No. 37X)~~
Boston and Maine Railroad and Springfield Terminal Railway Company
Abandonment and Discontinuance of service in Middlesex County, Massachusetts

Dear Secretary Quinlan:

This request is filed on behalf of the Executive Office of Transportation and Public Works ("EOTPW"), a governmental agency of the Commonwealth of Massachusetts, which serves as the Commonwealth's principal executive agency for developing and implementing state transportation policy, planning and programs.

While not taking a position on the merits of this proposed abandonment and discontinuance of service, EOTPW requests the Surface Transportation Board to impose a Public Use Condition as well as issue a Notice of Interim Trail Use or abandonment ("NITU"), rather than authorize outright abandonment of a segment of right-of-way between Station 1304+77 and Station 1372+00 of the line of railroad known as the Lowell Industrial Track in Lowell, Middlesex County, MA.

TEN PARK PLAZA, BOSTON, MA 02116-3969

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A. Request for Public Use Condition

EOTPW asks the STB to find that this property is suitable for other public uses, specifically trail use and to place the following conditions on the abandonment:

1. An order prohibiting the carriers from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Imposition of this condition is justified since the subject rail corridor would make an excellent recreational trail benefiting the public, conversion of the property to other transportation and/or recreational trail use is consistent with local and regional plans and policies. EOTPW requests that the Board impose this condition for a period of 180 days from the effective date of the abandonment authorization. EOTPW requires this much time to assemble and review title information, complete plans for conversion to a rail trail or other public use, and conduct negotiations with the rail carriers.

2. An order barring removal or destruction of potential rail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. For the reasons stated above, EOTPW requests that the Board impose this condition for a period of 180 days from the effective date of the abandonment authorization.

B. Request for Interim Trail Use

As the railroad right-of-way that is the subject of this proceeding is suitable for railbanking, EOTPW makes the following additional request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail-banking under Section 8(d) of the National Trails Act, 16 U.S.C. §1247(d), and 40 CFR §1152.29, EOTPW is willing to assume full responsibility, on its own behalf or through a designee, for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case the user need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Boston and Maine Corporation and operated by Springfield Terminal Railway

The subject property is known as the Lowell Industrial Track, and extends from approximately Station 1304+77 to approximately Station 1372+00 in the City of Lowell, Middlesex County, Massachusetts. The right of way is part of a line of railroad proposed for abandonment in STB Finance Docket No. AB 32 (Sub No. 85X) and discontinuance of service in No. AB 355 (Sub No. 37X).

A map depicting the right-of-way is attached.

EOTPW acknowledges that the use of the right-of-way is subject to the user's continuing compliance with the responsibilities described above and is also subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the applicant's representative Michael O'Geary, Boston & Maine Corporation, Springfield Terminal Railway Company, 1700 Iron Horse Park, North Billerica, MA 01862 by U.S. Mail, postage pre-paid, first class, this 20th day of November, 2008.

Respectfully submitted,



Thomas Cahir

Deputy Secretary

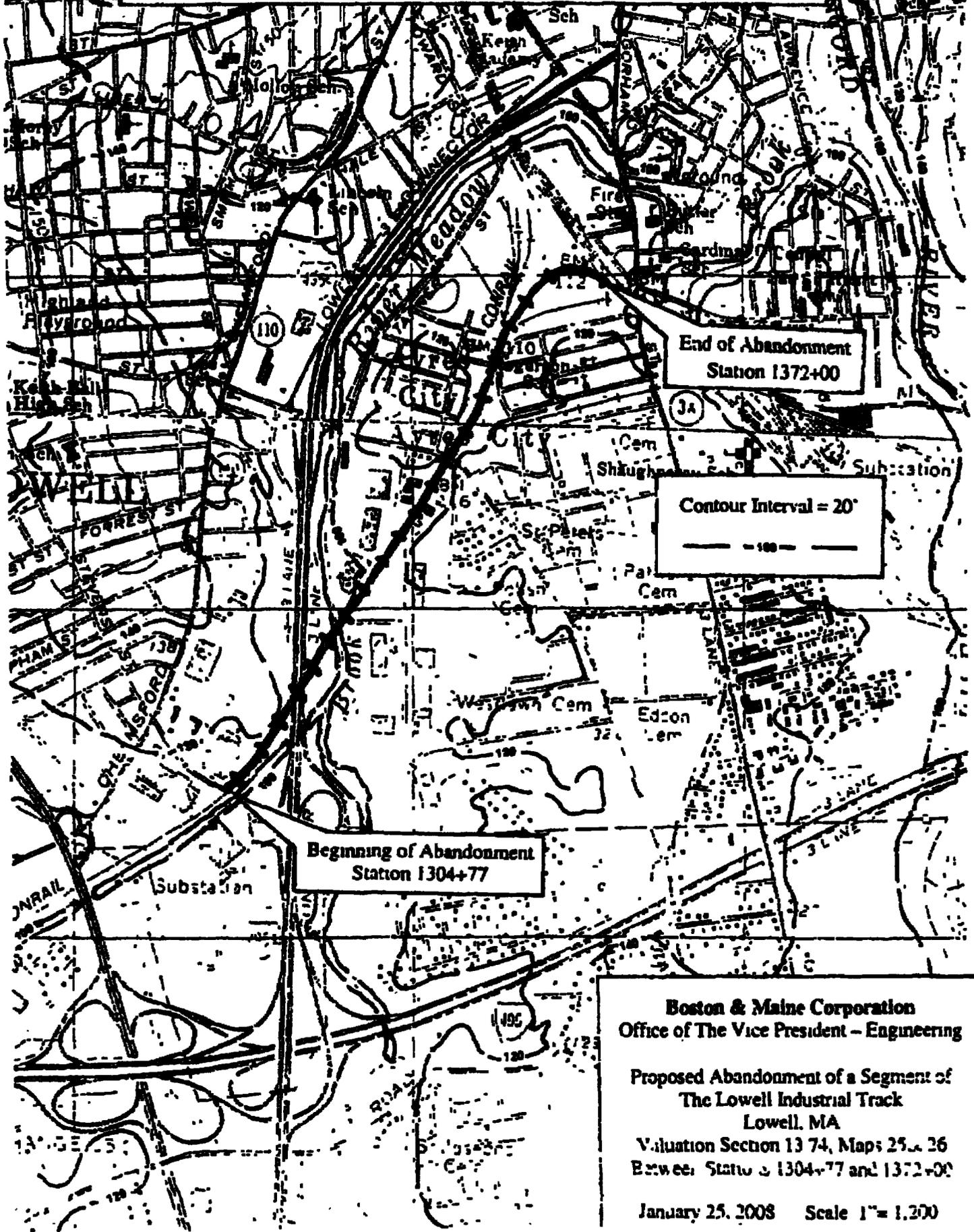
On behalf of

Executive Office of Transportation
and Public Works

Commonwealth of Massachusetts

cc: Michael O'Geary, Esq.
Timothy Doherty, EOTPW

5811213ET 11A
Abandonment Plan - Lowell Industrial Track



End of Abandonment
Station 1372+00

Contour Interval = 20'

— 100 —

Beginning of Abandonment
Station 1304+77

Boston & Maine Corporation
Office of The Vice President - Engineering

Proposed Abandonment of a Segment of
The Lowell Industrial Track
Lowell, MA

Valuation Section 1374, Maps 25 & 26
Between Station 1304+77 and 1372+00

January 25, 2008 Scale 1" = 1,200'