

209119

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-254 (Sub-No. 7X)

PROVIDENCE AND WORCESTER RAILROAD COMPANY
ABANDONMENT IN
SOUTHBRIDGE, WEBSTER AND DUDLEY, MASSACHUSETTS,
THOMPSON, CONNECTICUT

NOTICE OF EXEMPTION

FEE RECEIVED

OCT 15 2003

ENTERED
Office of Proceedings
OCT 15 2003
Part of
Public Record

Amy Silverstein
Assistant General Counsel
75 Hammond Street
Worcester, MA 01610
(508) 755-4000

**SURFACE
TRANSPORTATION BOARD**

Counsel for
Providence and Worcester Railroad Company

DATED: October 14, 2003

FILED

OCT 15 2003

**SURFACE
TRANSPORTATION BOARD**



FOUNDED 1844

209119
COPY

October 14, 2003

VIA UPS NEXT DAY

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
Mercury Building
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

OCT 15 2003

Part of
Public Record



RE: **STB Docket No. AB-254 (Sub-No. 7X)**
Providence and Worcester Railroad Company – Abandonment
Exemption in Southbridge, Webster and Dudley, Massachusetts,
Thompson, Connecticut

Dear Mr. Williams:

Enclosed for filing are the original and ten copies of Providence and Worcester Railroad Company's Notice of Exemption in the above-captioned proceeding. A check in the amount of \$2,800.00 to cover the filing fee is also enclosed. I would appreciate your acknowledgment of receipt of these documents by stamping the extra enclosed copy of this letter and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

Amy Silverstein
Assistant General Counsel

Enclosures

FEE RECEIVED

OCT 15 2003

**SURFACE
TRANSPORTATION BOARD**

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OCT 15 2003

**SURFACE
TRANSPORTATION BOARD**

PROVIDENCE AND WORCESTER RAILROAD COMPANY
75 HAMMOND STREET, WORCESTER, MA 01610 P.O. BOX 18551, WORCESTER, MA 01601
TELEPHONE (508) 755-4000 FAX (508) 795-0748

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-254 (Sub-No. 7X)



PROVIDENCE AND WORCESTER RAILROAD COMPANY
ABANDONMENT IN
SOUTHBRIDGE, WEBSTER AND DUDLEY, MASSACHUSETTS,
THOMPSON, CONNECTICUT

NOTICE OF EXEMPTION

Providence and Worcester Railroad Company ("P&W") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption is for abandonment of a portion of P&W's line of railroad known as the Southbridge Running Track from Milepost 0.18 in Webster, Massachusetts to Milepost 10.98 in Southbridge, Massachusetts (hereinafter "the line"), a distance of approximately 10.8 miles, which traverses through United States Postal Service ZIP Codes 01550, 01571, 01570 and 06277 in Southbridge, Dudley and Webster, Massachusetts and Thompson, Connecticut. In accordance with the aforesaid regulations, P&W makes the following responses:

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

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is December 3, 2003.

2. Certification Required in Section 1152.50(b).

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

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

(a) General.

(1) Exact name of applicant.

Providence and Worcester Railroad Company

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

P&W is a common carrier by railroad subject to the Interstate Commerce Act.

(3) Relief sought (abandonment of line or discontinuance of operations).

P&W seeks authority to abandon the line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

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

Amy Silverstein
Assistant General Counsel
Providence and Worcester Railroad Company
75 Hammond Street
Worcester, MA 01610

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

01550, 01571, 01570 and 06277

(e) Rural and community impact.

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

The properties proposed for abandonment may be suitable for other public purposes, but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

4. The Level of Labor Protection.

Since the line to be abandoned has been out of service for over two years, P&W believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of authority permitted in this matter, P&W will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

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

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

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R. 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing P&W's compliance with 49 C.F.R. 1105.11.

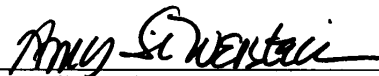
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in the Worcester Telegram & Gazette, Webster Times, Southbridge Evening News, Norwich Bulletin and the Patriot Press on October 8, 2003. Affidavits of publication from these newspapers will be forwarded to the Board as soon as they are received by P&W.

8. Verification.

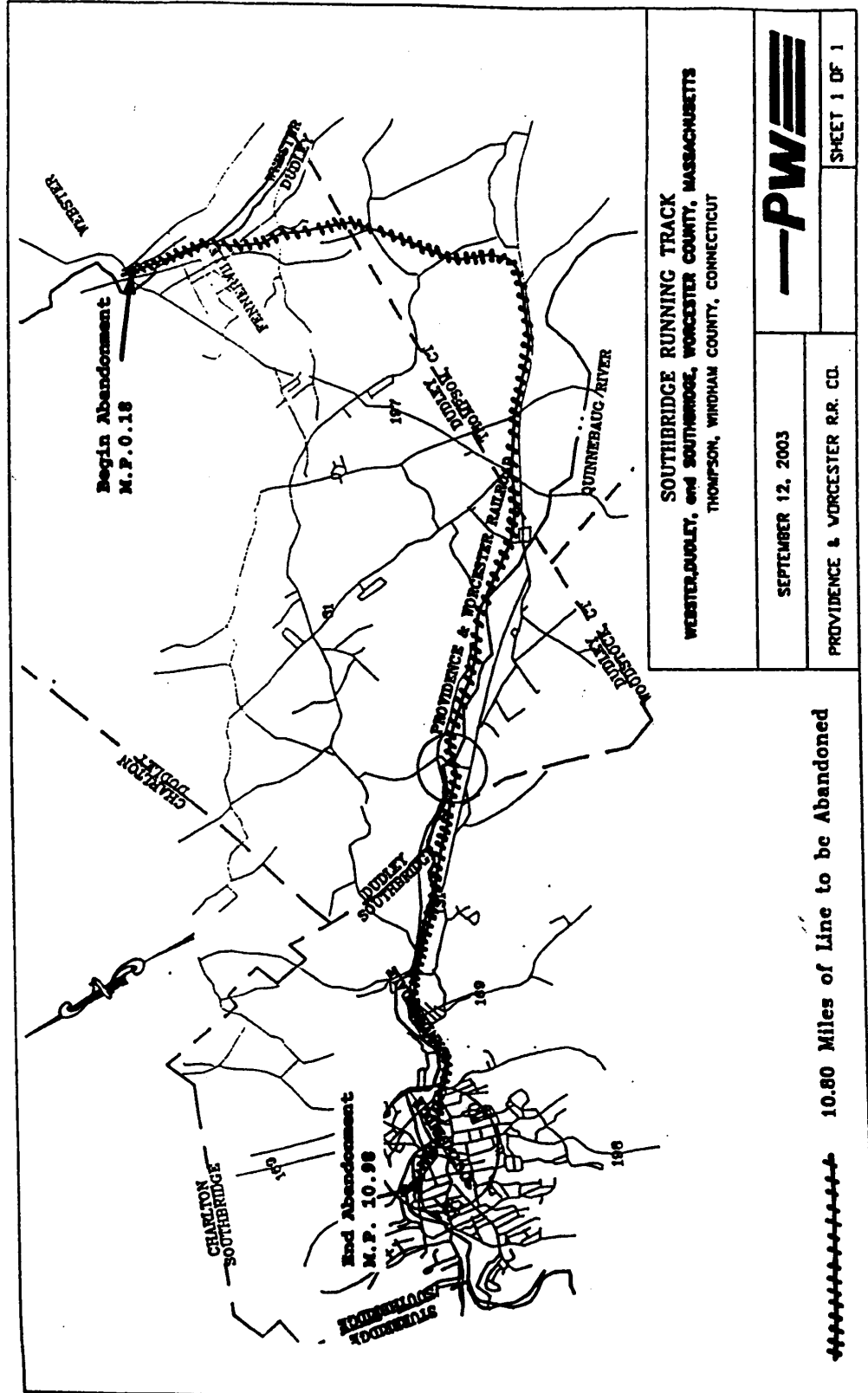
The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amy Silverstein", written over a horizontal line.

Amy Silverstein
Assistant General Counsel
Providence and Worcester Railroad Company
75 Hammond Street
Worcester, MA 01610

DATED: October 14, 2003



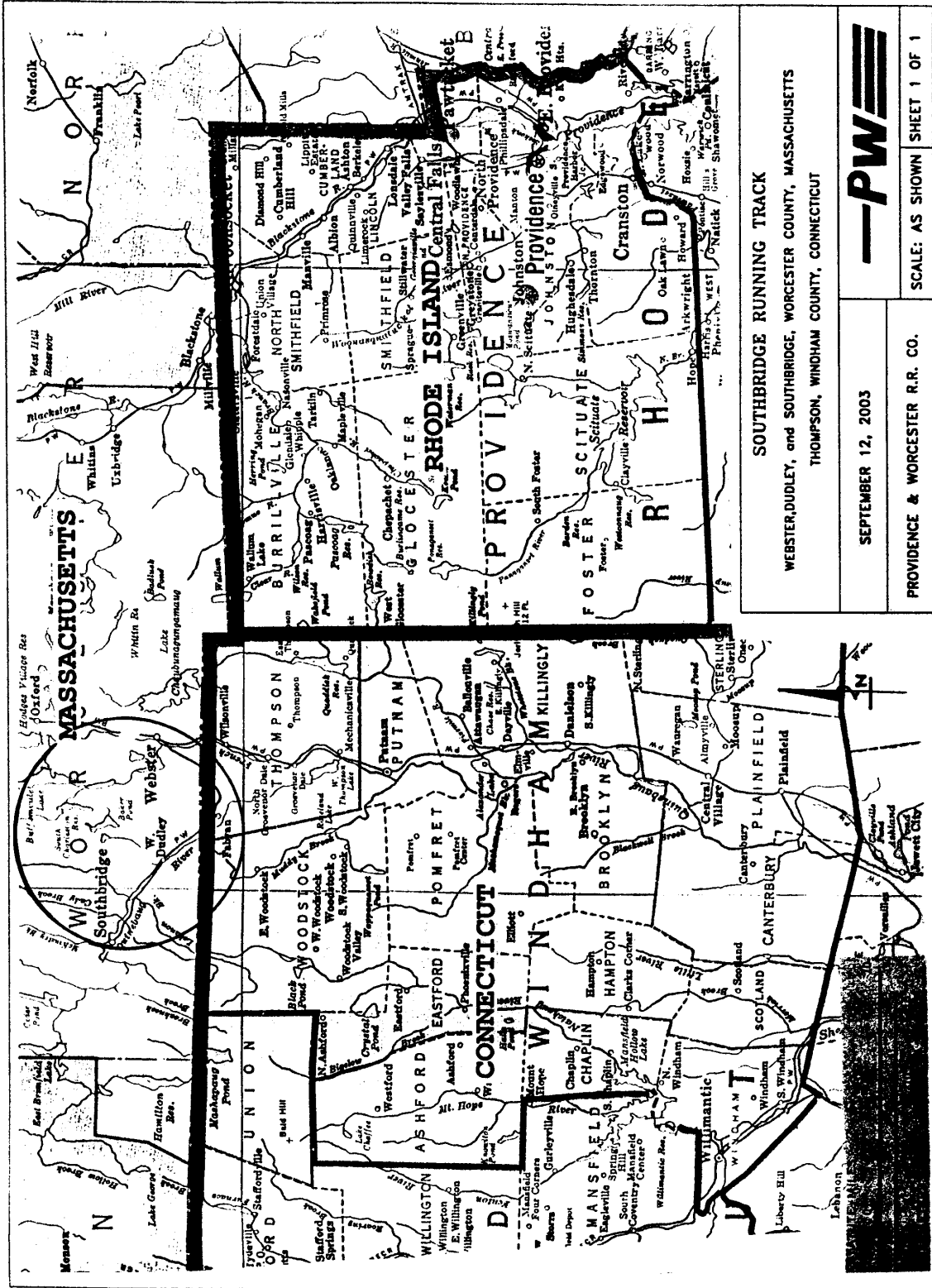
SOUTHBIDGE RUNNING TRACK
WESTFIELD, MA and SOUTHBIDGE, WORCESTER COUNTY, MASSACHUSETTS
THOMPSON, WINDHAM COUNTY, CONNECTICUT

PW

SEPTEMBER 12, 2003

PROVIDENCE & WORCESTER R.R. CO.

SHEET 1 OF 1



SOUTHBRIDGE RUNNING TRACK

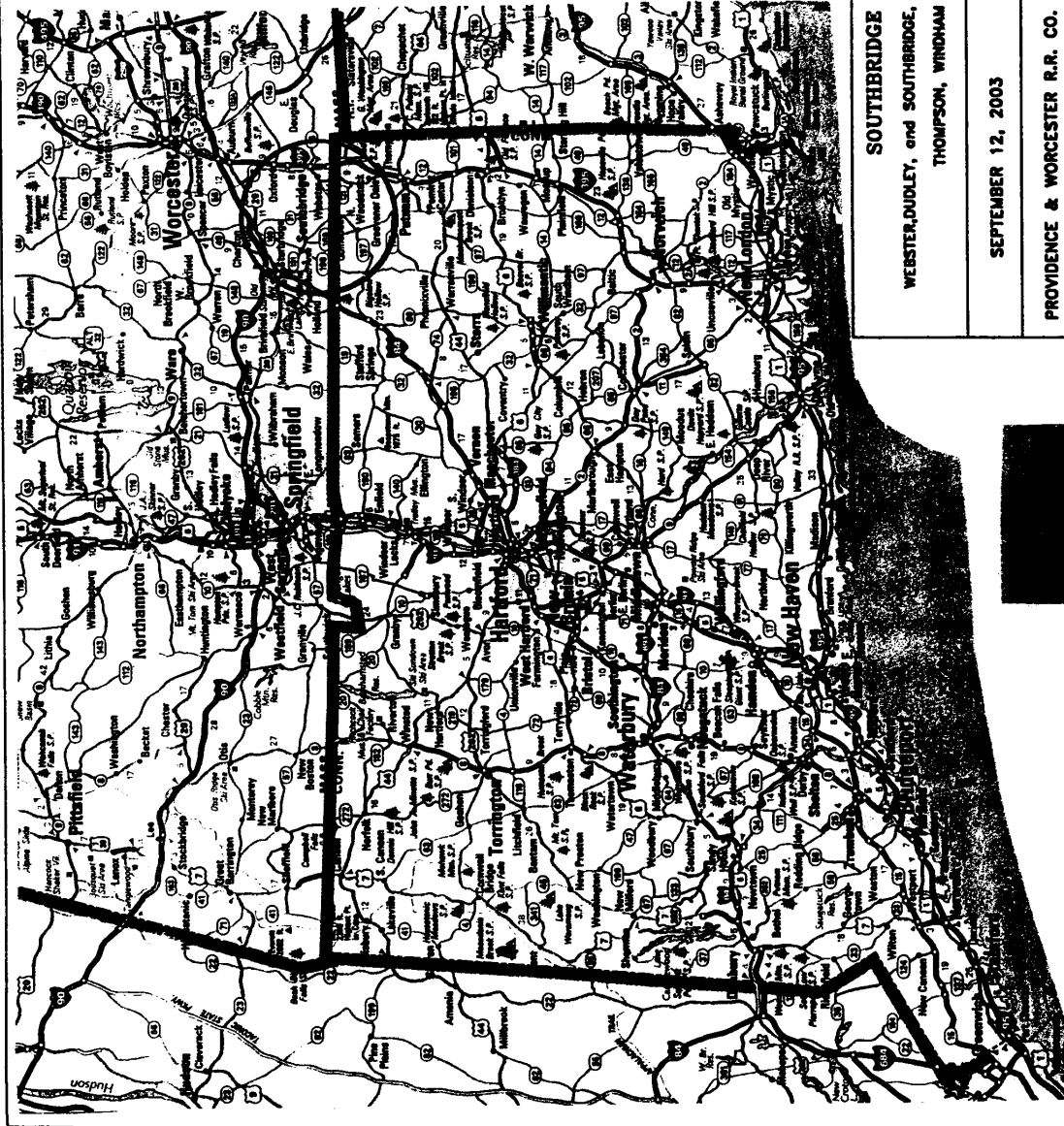
WEBSTER, DUDLEY, and SOUTHBIDGE, WORCESTER COUNTY, MASSACHUSETTS
THOMPSON, WINDHAM COUNTY, CONNECTICUT

SEPTEMBER 12, 2003

PROVIDENCE & WORCESTER R.R. CO.

PW

SCALE: AS SHOWN SHEET 1 OF 1



SOUTHBIDGE RUNNING TRACK
 WEBSTER, DUDLEY, and SOUTHBIDGE, WORCESTER COUNTY, MASSACHUSETTS
 THOMPSON, WINDHAM COUNTY, CONNECTICUT

PW

SEPTEMBER 12, 2003

PROVIDENCE & WORCESTER R.R. CO.

SCALE: AS SHOWN SHEET 1 OF 1

EXHIBIT B

CERTIFICATION REQUIRED

IN 49 C.F.R. SECTION 1152.50(B)

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line subject to the Notice of Exemption in Docket No. AB-254 (Sub-No. 7X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U. S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of Providence and Worcester Railroad Company by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.


Amy Silverstein

Dated: October 14, 2003

EXHIBIT C

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50 (d) (1)

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

On September 25, 2003, I caused to be served by U.S. first-class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50 (d) (1), upon the Massachusetts Executive Office of Transportation and Construction, Connecticut Department of Transportation, the Military Traffic Management Command of the U.S. Department of Defense, the National Park Service, National Center for Recreation and Conservation, and the U.S. Department of Agriculture.


Amy Silverstein

Dated: October 14, 2003

ENVIRONMENTAL REPORT

Providence and Worcester Railroad Company
Southbridge Running Track
Southbridge, Dudley and Webster, Massachusetts
Thompson, Connecticut

DOCKET NO. AB-254 (SUB-NO 7X)

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Providence and Worcester Railroad Company ("P&W") proposes to abandon 10.8 miles of its rail line known as the Southbridge Running Track from Southbridge through Dudley and Webster, Massachusetts and into Thompson, Connecticut. No shipments have occurred on this line since 1988. Prior to this, shipments were made for various industrial concerns including American Optical Company and West Dudley Paper Mill. P&W has not operated any repair or maintenance facilities along the right of way during its 27 years of ownership.

Abandonment of this portion of the line will result in no activity. Applicant does not intend to remove any rail or track material, crossties, ballast or bridges and plans to leave the right of way essentially untouched. Applicant does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil.

The only alternative would be to not abandon and to pass the opportunity costs of maintaining the line to other P&W customers. This would not be prudent utilization of carrier resources.

Three maps delineating the proposed project are attached. (See Attachments 1, 2 and 3)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There will be no effect on regional or local transportation systems or patterns.
There is no freight service on this line.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

On September 22, 2003, the Central Massachusetts Regional Planning Commission advised that abandonment is consistent with the existing land use plans. (See Attachment 4(a))

Applicant has not received a response to its September 11, 2003 letter to the Town of Thompson, Connecticut Planning and Zoning Commission. (See Attachment 4(b)) Based on the fact that the line has not generated any traffic during the past two years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

On September 17, 2003, the U.S. Department of Agriculture - NRCS for Worcester County, Massachusetts advised that "*the prime agricultural land classification will not change because there will be no change in land use. Abandonment.....will not result in the area converting to prime agricultural land.*" (See Attachment 5(a))

On September 17, 2003, the U.S. Department of Agriculture - NRCS for Wyndham County, Connecticut advised that "*the proposed abandonment should not result in any detrimental effects on the prime farmland soils in the area.*" (See Attachment 5(b))

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

The proposed project is not located within the Commonwealth of Massachusetts Coastal Zone Management Program or the State of Connecticut Coastal Zone Management Program; therefore, consistency with the States Coastal Zone Management Program is not required for the proposed project.

- (iv) **If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes.

(4) ENERGY

- (i) **Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the transportation of energy resources.

- (ii) **Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) **State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage in excess of the above thresholds.

(5) AIR

- (i) **If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal,**

or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act and it will result in either: (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of at least 20% (measured by car load activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed action will have no effect on public health and safety.

- (ii) If hazardous materials are expected to be transported identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or sites where there have been known hazardous waste material spills on the right of way.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

On October 10, 2003, United States Department of the Interior, Fish and Wildlife Service responded that *"no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). (See Attachment 6)*

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) WATER

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

On September 22, 2003, the Connecticut Department of Environmental Protection, Bureau of Water Management advised that *"the proposed*

action is consistent with State Water Quality Standards.” (See Attachment 7(a))

Applicant has not received a written response to its letter of September 11, 2003 to the Massachusetts Department of Environmental Protection. (See Attachment 7(b)) Applicant does not contemplate any action known to be inconsistent with federal, state, or local water quality standards

- (ii) **Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

On September 25, the U.S. Army Corps of Engineers replied that a *“Department of the Army permit is not required...to abandon a portion of the rail line.....However, if other federal, state and/or local agencies have jurisdiction over your proposed activity, you must receive all other applicable permits before you can begin work.”* (See Attachment 8)
Applicant does not believe that any other permits are required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

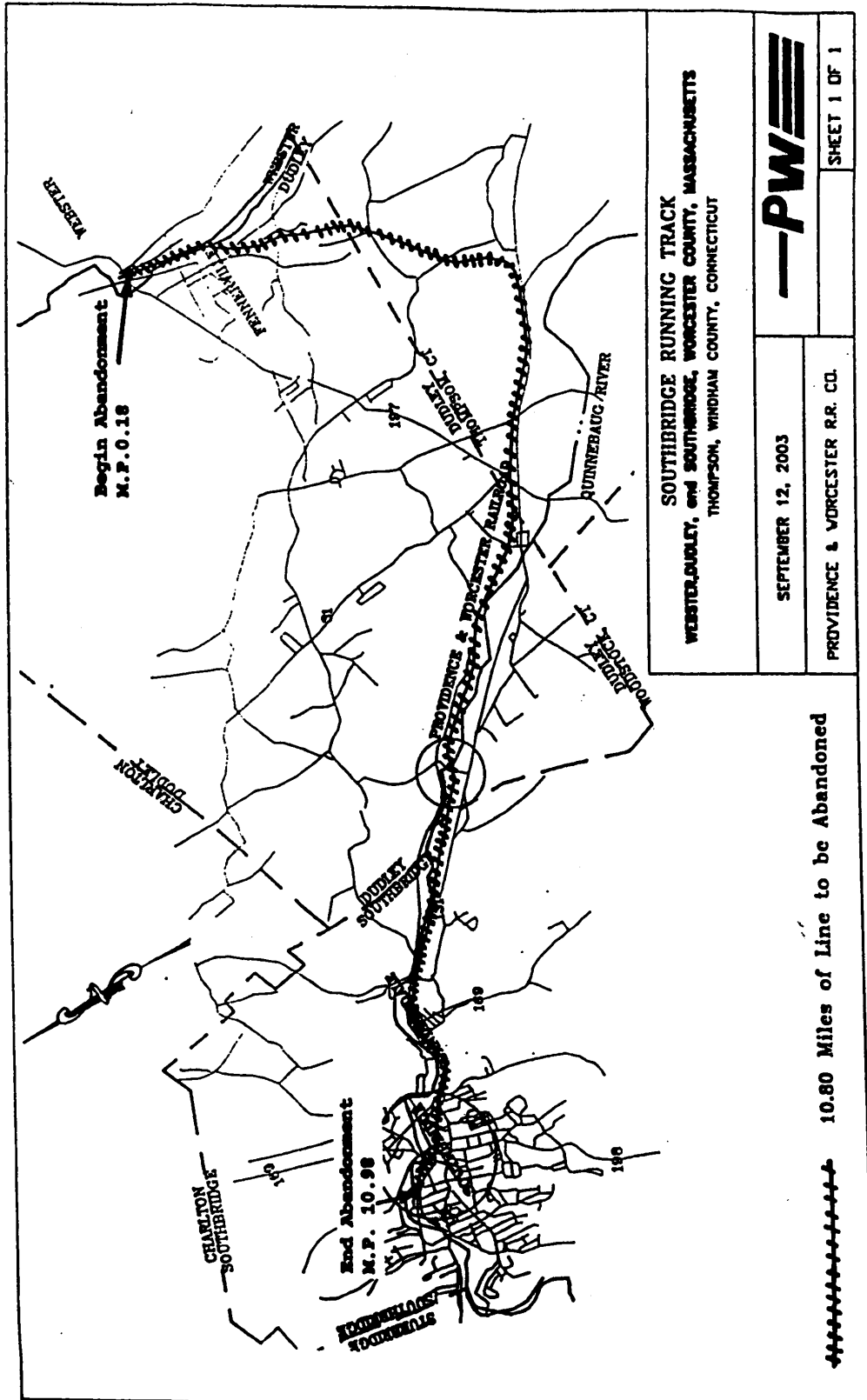
On September 22, 2003, the Connecticut Department of Environmental Protection, Bureau of Water Management advised that no permits under Section 402 of the Clean Water Act were required at this time. (See Attachment 7(a))

Applicant has not received a written response to its letter of September 11, 2003 to the Massachusetts Department of Environmental Protection. (See Attachment 7(b)) Applicant does not contemplate that any permits under Section 402 of the Clean Water Act are required at this time.

(10) MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore mitigating action will not be necessary.



SOUTHBIDGE RUNNING TRACK
WEBSTER, DUDLEY, and SOUTHBOROUGH, WORCESTER COUNTY, MASSACHUSETTS
THOMPSON, WINDHAM COUNTY, CONNECTICUT

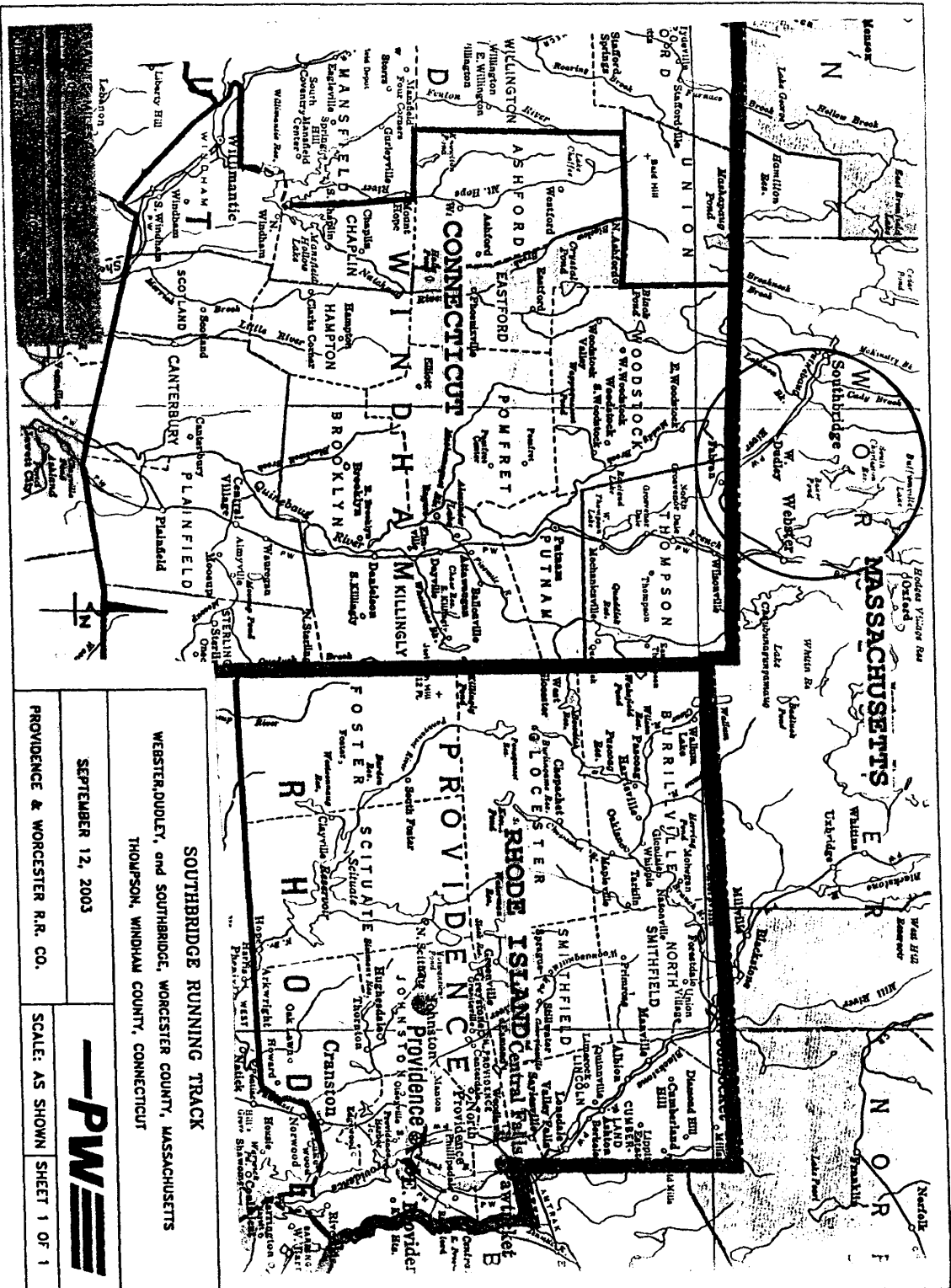
PW

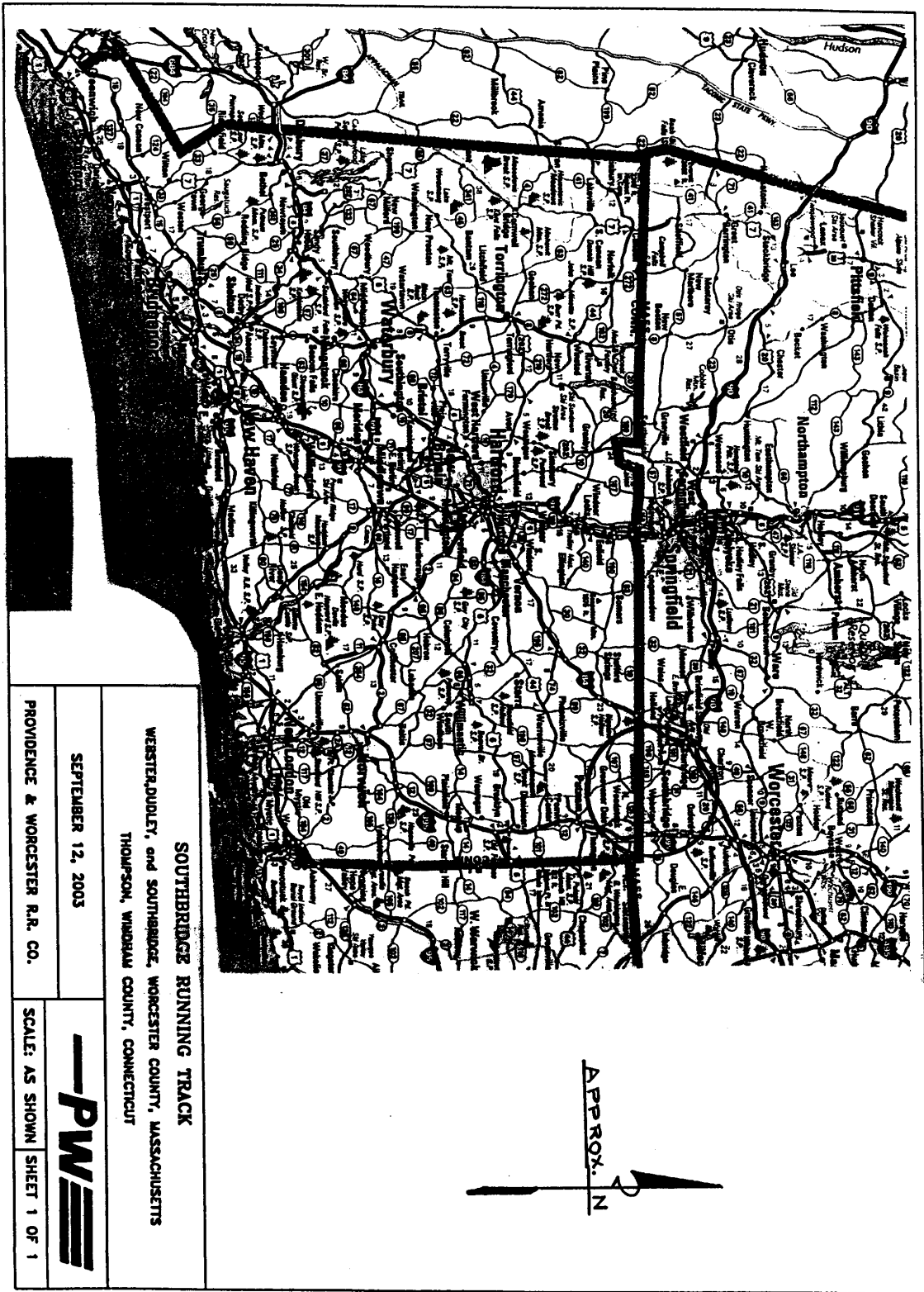
SEPTEMBER 12, 2003

PROVIDENCE & WORCESTER R.R. CO.

SHEET 1 OF 1

10.80 Miles of Line to be Abandoned





SOUTHERN BRIDGE RUNNING TRACK
WESTER, DUDLEY, and SOUTHERN BRIDGE, WORCESTER COUNTY, MASSACHUSETTS
THOMPSON, WINDHAM COUNTY, CONNECTICUT

SEPTEMBER 12, 2003

PROVIDENCE & WORCESTER R.R. CO.

—PW—
SCALE: AS SHOWN SHEET 1 OF 1

REC'D SEP 23 2003



- 35 Harvard Street
- Worcester MA 01609-2801
- Phone (508) 756-7717
- Fax (508) 792-6818

September 22, 2003

Amy Silverstein, Assistant General Counsel
Providence & Worcester Railroad Company
75 Hammond Street
Worcester, MA 01610

Re: Southbridge Running Track

Dear Ms. Silverstein:

The transportation staff of the Central Massachusetts Regional Planning Commission (CMRPC) is in receipt of your correspondence dated September 11, 2003 pertaining to the potential abandonment of the Southbridge Running Track. In response to this correspondence and pursuant to our telephone conversation last week, the staff offers the following comments on the STB statement: *"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."*

The potential construction of a multi-use trail along the dormant P&W Southbridge Branch has been included in the 1993, 1997, 2000 and 2003 *Regional Transportation Plan* (RTP) documents endorsed by the Central Massachusetts Metropolitan Planning Organization (CMMPO). The below paragraphs are an excerpt from the 2003 RTP document for your consideration and use in responding to STB.

Bicycle & Pedestrian Section:

B.3.2.4 Quinebaug River Rail Trail

The proposed Quinebaug River Rail Trail is an existing 11-mile rail corridor currently owned by the Providence & Worcester Railroad. Beginning in Webster's business district, the corridor briefly enters Thompson, CT, then passes through Dudley and into Southbridge where it terminates adjacent to the Department of Defense (DOD) site at the old American Optical complex.

In late 1999, legislation was proposed which would fund the acquisition of the rail line, including two railroad bridges. The bridges, the Main Street overpass at the rotary, and the Woodstock Road overpass were physical and visual barriers for traffic entering Main Street. As part of the Route 131 reconstruction project in Southbridge, MassHighway allocated additional funds to remove the bridges, and this was

completed in 2001. The removal of these bridges has left a gap in the proposed trail, however, the state is obligated to fund their replacement.

There is a significant amount of public support for this project, led by the Grand Trunk Trail Blazers. A local bicycling club, the Trail Blazers organized in 1992 to advocate the idea of converting the railway into a bike path. They have gained the support of local officials and state legislators who have attempted to expedite the release of state funding for the acquisition of the easement owned by Providence & Worcester Railroad. This funding has stalled over the last few years due to changing administrations and what had become a stale appraisal. A new appraisal was recently performed that determined the value of the easement at \$500,000 more than the original appraised amount of \$1.3 million. The P&W is still willing to accept the \$1.3 million at this point in order to close the deal and EOTC Secretary Daniel Grabauskas and the DCR have both approved the purchase. State Representative Mark Carron of Southbridge, who has championed this trail development for many years, feels that the \$1.3 million is close to being released. His office recently filed an application to access federal discretionary funds for the construction of the trail as well.

Freight Rail Section:

E.2 Rail Banking

Exercising their right of first refusal, the Commonwealth, through EOTC, should move where appropriate to purchase abandoned and unused railroad right-of-way in order to preserve the lines for future use, continuing the "rail banking" program on a statewide basis. By preventing the breakup and sale of the right-of-way, the state maintains the option of reinstated freight or passenger service. Rail banking also creates opportunities for converting the unused right-of-way into other transportation and/or recreational purposes including multi-use trails.

- P&W's dormant Southbridge Branch has the potential to be purchased by the Commonwealth as a rail-trail candidate. Area legislators are working to obtain the unused branch line for approximately \$1.3 million. A feasibility study that examines the potential for the development of the envisioned Quinebaug River Rail-Trail may be required prior to acquisition by the state.
- Continue the Commonwealth's statewide rail banking program. Within the CMRPC planning region, the P&W's Southbridge Branch, between Webster and

September 22, 2003

Page 3

Southbridge, where a multi-use trail is proposed, and, *if made available*, the Grafton & Upton Railroad line from North Grafton to Hopedale, have been identified as potential candidates for purchase by the Commonwealth. As previously discussed, each of these unused rail lines has the potential to be converted into a multi-use trail.

Thank you for the opportunity to offer comment on the potential abandonment of the Southbridge Running Track. Should you have any questions or require any additional information on this or other freight rail matters in the region, please contact me at your convenience.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rich Rydant", with a long horizontal flourish extending to the right.

Richard A. Rydant
Principal Transportation Planner

cc: State Representative Mark Carron
Hamer Clarke, Southbridge Engineer



FOUNDED 1844

September 11, 2003

Town of Thompson
Planning and Zoning Commission
815 Riverside Drive
North Grosvenordale, CT 06255

Dear Sir/Madam:

Please be advised that Providence and Worcester Railroad Company is considering abandonment of a portion of the rail line known as the Southbridge Running Track from Southbridge through Dudley and Webster, Massachusetts and into Thompson, Connecticut, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) requires that we develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

I would appreciate your comments on this matter. Because time is of the essence, kindly forward any comments and relevant information to me as soon as possible. Thank you for your cooperation. Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Amy Silverstein". The signature is written in a cursive, flowing style.

Amy Silverstein
Assistant General Counsel

Enc.

PROVIDENCE AND WORCESTER RAILROAD COMPANY
75 HAMMOND STREET, WORCESTER, MA 01610 P.O. BOX 16551, WORCESTER, MA 01601
TELEPHONE (508) 755-4000

Attachment 5 (a)

United States
Department of
Agriculture

Natural
Resources
Conservation
Service

52 Boyden Road
Holden,
Massachusetts, 01520
Tel: 508-829-4477

September 15, 2003

Amy Silverstein
Assistant General Counsel
Providence and Worcester Railroad Company
75 Hammond Street
Worcester, MA 01610

Dear Ms Silverstein:

The prime agricultural land classification will not change because there will be no change in land use. The abandonment of a portion of the rail line will not result in the area converting to prime agricultural land.

Sincerely,



Ronald E. Thompson
District Conservationist

United States Department of Agriculture

REC'D SEP 19 2003



Natural Resources Conservation Service
139 Wolf Den Road
Brooklyn, CT 06234-0327

(860) 774-8397 x100 (phone)
(860) 779-0148 (fax)
www.ct.nrcs.usda.gov

September 17, 2003

Ms. Amy Silverstein
Assistant General Counsel
Providence and Worcester Railroad Company
75 Hammond Street,
Worcester, MA 01610

Dear Ms. Silverstein:

As requested, I have prepared a map indicating prime farmland soils along the area contiguous to the rail line that is being considered for abandonment. The prime farmland soils are depicted on the attached map as green hatched areas.

The proposed abandonment of the rail line known as the Southbridge Running Track should not result in any detrimental effects on the prime farmland soils in the area.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in cursive script that reads "Joyce Purcell".
Joyce Purcell
District Conservationist

Enc.

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

Providence and Worcester Railroad Southbridge Running Track

Date: 09/17/2003

Brooklyn Service Center
USDA -NRCS
Assisted By: Joyce Purcell



Legend

P&W.sbp

☒ All areas are prime farmland

Railroads
Track



4000 0 4000 8000 Feet



REC'D OCT 14 2003



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087



October 10, 2003

Reference:

Project

Railroad abandonment
Docket # AB-254 (Sub No. 7X)

Location

Southbridge, Dudley, Webster, MA
Thompson, CT

Section of Environmental Analysis
Surface Transportation Board
1925 K Street NW
Washington, DC 20423

Gentlemen:

This responds to The Providence and Worcester Railroad Company's Amy Silverstein's recent correspondence requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your coordination. Please contact us at 603-223-2541 if we can be of further assistance.

Sincerely yours,

Michael J. Amaral
Endangered Species Specialist
New England Field Office



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



September 22, 2003

Amy Silverstein
Assistant General Counsel
Providence and Worcester Railroad Company
75 Hammond Street
PO Box 16551
Worcester, MA 01610

Re: Proposed Abandonment, Southbridge Running Track, Thompson Connecticut

Dear Ms Silverstein,

In response to your 9/11/03 letter concerning the above action, I concur that the proposed action is consistent with State Water Quality Standards and that no permits under Section 402 of the Clean Water Act are required at this time. This is based on the described action in your letter that the proposed abandonment consist of abandonment only and no disturbances to the rail, track bed, or right of way are proposed at this time.

If you have any questions, please don't hesitate to contact me at, (860) 424-3718 or e-mail: robert.hust@po.state.ct.us

Sincerely,

Robert Hust
Supervising Environmental Analyst
Bureau of Water Management
Planning and Standards division

Post-It® Fax Note	7671	Date	9/23/03	# of pages	1
To	Amy Silverstein	From	Robert Hust		
Co./Dept.	PR+W RR	Co.	CT DEB		
Phone #		Phone #	(860) 424-3718		
Fax #	(508) 795-0748	Fax #			

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September 11, 2003

FOUNDED 1844

Bill Gaughan
Regional Director
Commonwealth of Massachusetts
Dept. of Environmental Protection
Northeast Regional Office
205 Lowell Street
Wilmington, MA 01887

*Forwarded to Martin Shuberg
Central Mass Regional
Office*

Dear Mr. Gaughan:

Please be advised that Providence and Worcester Railroad Company is considering abandonment of a portion of the rail line known as the Southbridge Running Track from Southbridge through Dudley and Webster, Massachusetts and into Thompson, Connecticut, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9) (i) and (iii) requires that we develop a response to the following statements:

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable federal, state or local water quality standards. Describe any inconsistencies.
- (ii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.

We do not intend to remove any rail or track material, crossties or ballast and plan to leave the right of way essentially untouched. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil.

Based upon the above described actions, we would appreciate your concurrence in our position that the proposed project is consistent with applicable federal, state and local water quality standards, and that no permits under Section 402 are required at this time. Because time is of the essence, kindly forward any comments and relevant information to me as soon as possible. Thank you for your cooperation. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Amy Silverstein

Amy Silverstein
Assistant General Counsel

Enc.

PROVIDENCE AND WORCESTER RAILROAD COMPANY
75 HAMMOND STREET, WORCESTER, MA 01610 P.O. BOX 16551, WORCESTER, MA 01601
TELEPHONE (508) 755-4000



FOUNDED 1844

September 11, 2003

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

Dear Mr. Rosenberg:

Please be advised that Providence and Worcester Railroad Company is considering abandonment of a portion of the rail line known as the Southbridge Running Track from Southbridge through Dudley and Webster, Massachusetts and into Thompson, Connecticut, as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9) (ii) requires that we develop a response to the following statement:

"Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because we do not intend to remove any rail or track material, crossties or ballast and plan to leave the right of way essentially untouched. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil.

Based upon the above described actions, we would appreciate your concurrence in our position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required. Because time is of the essence, kindly forward any comments and relevant information to me as soon as possible. Thank you for your cooperation. Please do not hesitate to contact me if you have any questions.

Very truly yours,

Amy Silverstein
Assistant General Counsel

Enc.

PROVIDENCE AND WORCESTER RAILROAD COMPANY
75 HAMMOND STREET, WORCESTER, MA 01610 P.O. BOX 16551, WORCESTER, MA 01601
TELEPHONE (508) 755-4000

EXHIBIT E

HISTORIC REPORT

Providence and Worcester Railroad Company
Southbridge Running Track
Southbridge, Dudley and Webster, Massachusetts
Thompson, Connecticut

DOCKET NO. AB-254 (SUB-NO 7X)

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

Providence and Worcester Railroad Company ("P&W") proposes to abandon 10.8 miles of its rail line known as the Southbridge Running Track from Southbridge through Dudley and Webster, Massachusetts and into Thompson, Connecticut. No shipments have occurred on this line since 1988. Prior to this, shipments were made for various industrial concerns including American Optical Company and West Dudley Paper Mill. P&W has not operated any repair or maintenance facilities along the right of way during its 27 years of ownership.

Abandonment of this portion of the line will result in no activity. Applicant does not intend to remove any rail or track material, crossties, ballast or bridges and plan to leave the right of way essentially untouched. Applicant does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil.

The only alternative would be to not abandon and to pass the opportunity costs of maintaining the line to other P&W customers. This would not be prudent utilization of carrier resources.

A map which delineates the proposed project is attached. (Attachment 1)

1105.8(d)

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years or older and are part of the proposed action.

Attached is a three page copy of a U.S.G.S. topographic map. (Attachment 2) The portion to be abandoned is highlighted in yellow. The sheets are matchmarked on the sides to show where they should be matched with the accompanying sheets. All bridges which are 50 years old or older are marked. Dimension information is referenced in (4) below.

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:

The width of the right of way varies from 40 to 82 feet, with most of the right of way having a width of 82 feet. The right of way runs through wooded areas as well as commercial areas.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Pictures to be provided

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:

<u>Bridge No.</u>	<u>Location</u>	<u>Built</u>	<u>Length</u>
0.20	French River in Dudley/Webster, MA	1895	97'
7.10	Quinnebaug River in Dudley, MA	1890	163'
8.56	Quinnebaug River in Southbridge, MA	1901	36'
10.03	Morris Street in Southbridge, MA	1901	30'

Applicant has not performed any alterations since purchasing the property in 1976. Files received upon purchase indicate alterations in the 1940's to Bridge No. 7.10. Applicant has no further documentation related to any of the other bridges.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The Southbridge Running Track was operated by Penn Central and its predecessors beginning in 1851. Previous operators included the Southbridge and Blackstone Railroad, the Boston, Hartford and Erie Railroad, the New York and New England Railroad, and the Norwich and Worcester Railroad. Earlier this century, the right of way was an active spur serving the industrial concerns of Southbridge. The American Optical Company and the West Dudley Paper Mill both operated sidings to support their businesses. The utility of the railspur for transportation into and out of Dudley, Thompson and Southbridge declined beginning in the 1940s and 1950s with the advent of the interstate highway system.

The right of way was acquired by Applicant in 1976 pursuant to the Regional Rail Reorganization Act and as part of a larger purchase of railway property from Penn Central Railroad. The spur line was operated on an as needed basis for a limited number of customers until 1988. From 1976 until service was suspended in 1988, the rail volume often consisted of a single engine and boxcar. Applicant rehabilitated parts of the line and maintained and improved its crossings through state and local roadways.

Applicant has not operated any repair or maintenance facilities along the right of way during its years of ownership. No large scale rail yards were located along the line, however, a small rail yard was located at the terminus of the line in Southbridge.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

The only documentation in Applicant's possession are fabrication blueprints from the 1940's related to upgrades on Bridge No. 7.10.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

A review of Applicant's records indicates that there are four P&W-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

Applicant does not know of any significance or uniqueness to these structures that would warrant your consideration, since to our knowledge, they are not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody

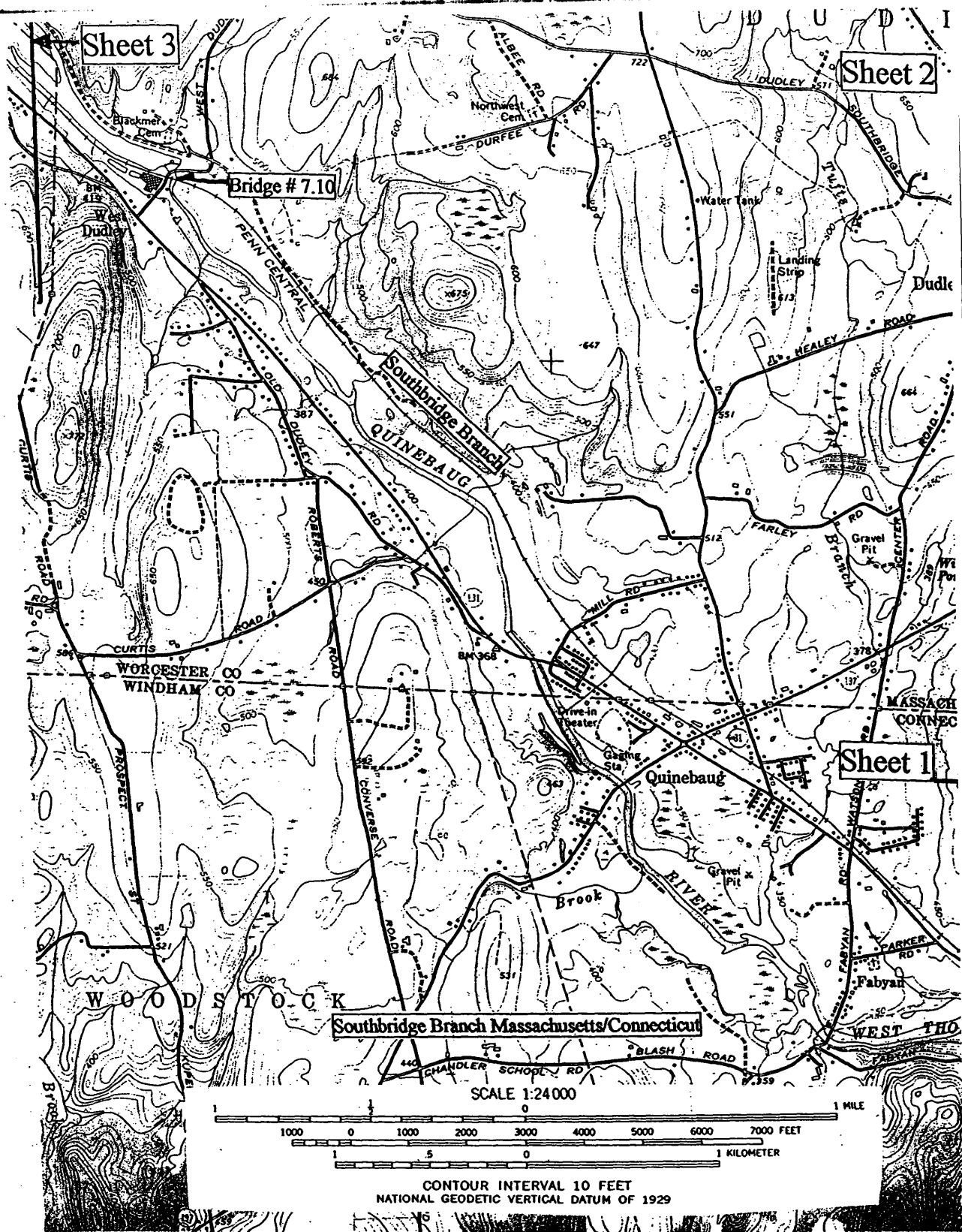
the distinctive characteristics of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

Applicant does not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or mad-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

Applicant knows of no prior subsurface ground disturbance or fill or environmental conditions that might affect the archaeological recovery of resources or the surrounding terrain.





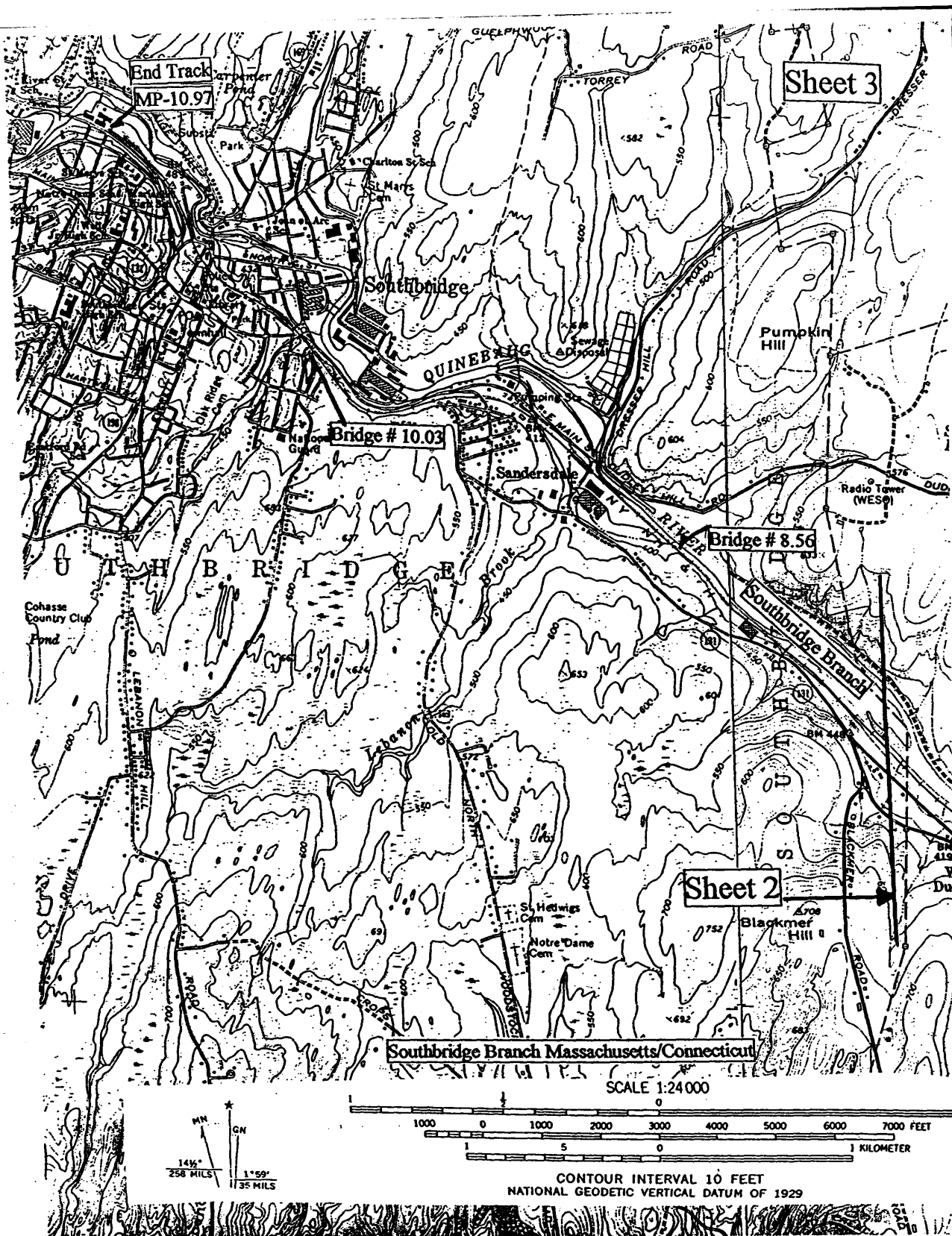


EXHIBIT F

**CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11 AND 1105.7 (b)**

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on September 24, 2003, copies of the Environmental Report and Historic Report were served upon the below listed parties, by first-class mail, postage prepaid:

Executive Office of Communities and Development
1 Congress Street, 10th floor
Boston, MA 02114

Intergovernmental Review Coordinator
Budget and Financial Division
Office of Policy and Management
450 Capital Avenue
Hartford, CT 06106

Commonwealth of Massachusetts
Environmental Protection Agency
Executive Office of Environmental Affairs
251 Causeway Street
Suite 900
Boston, MA 02114

Martin Suuberg
Regional Director
Commonwealth of Massachusetts
Department of Environmental Protection
Central Regional Office
627 Main Street
Worcester, MA 01608

Robert Hust
Supervising Environmental Analyst
State of Connecticut
Department of Environmental Protection
Bureau of Water Management
Planning and Standards Division
79 Elm Street
Hartford, CT 06106

Clayton Carlisle
Town Manager
Town of Southbridge
41 Elm Street
Southbridge, MA 01550

Robert Miller, Chairman
Board of Selectmen
Town of Webster
P.O. Box 249
Webster, MA 01570

Joseph Sendrowski, Chairman
Board of Selectmen
Town of Dudley
40 Schofield Avenue
Dudley, MA 01571

Douglas Williams
First Selectman
Town of Thompson
Municipal Building
Thompson Town Hall
Riverside Drive
North Grosvenordale, CT 06255

U.S. Environmental Protection Agency
Region 1
1 Congress Street
Boston, MA 02114-2023

U.S Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035

William Hubbard
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

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

Ronald E. Thompson
District Conservationist
U. S. Department of Agriculture
Natural Resource Conservation Service
Worcester County
52 Boydon Road
Holden, MA 01520

Joyce Purcell
District Conservationist
U. S. Department of Agriculture
Natural Resource Conservation Service
Wyndham County
139 Wolf Den Road
Brooklyn, CT 06234

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910

Town of Thompson
Planning and Zoning Commission
815 Riverside Drive
North Grosvenordale, CT 06255

Richard A. Rydant
Principal Transportation Planner
Central Massachusetts Regional Planning Commission
35 Harvard Street, 2nd floor
Worcester, MA 01609-2801

U.S. Fish & Wildlife Service
New England Field Office
70 Commercial Street – Suite 300
Concord, NH 03301-5087

In accordance with 49 C.F.R. §1105.8 (c), I hereby certify that on September 11, 2003, a copy of the Historic Report was served upon the below listed parties, by first-class mail, postage prepaid:

Ann M. Lattinville
Director of Architectural Review
Massachusetts Historical Commission
2220 Morrissey Blvd.
Boston, MA 02125-3314

John W. Shannahan
Director/State Historical Preservation Office
Connecticut Historical Commission
59 South Prospect Street
Hartford, CT 06106



Amy Silverstein

Dated: October 14, 2003

EXHIBIT G

VERIFICATION

COMMONWEALTH OF MASSACHUSETTS)
)
WORCESTER COUNTY)

Mary A. Tanona being duly sworn, states that she is Secretary and General Counsel of Providence and Worcester Railroad Company; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-254 (Sub-No. 7X) on behalf of Providence and Worcester Railroad Company; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.

Mary A. Tanona

Subscribed and sworn to
before me, a Notary Public
in and for the Commonwealth and
County above named, this 14th
day of October, 2003.

Wendy Awely
 Notary Public
 My Commission Expires: 6/14/2007