



PAN AM RAILWAYS

IRON HORSE PARK
NO. BILLERICA, MA 01862

LAW DEPARTMENT
(978) 663-1029



October 16, 2006

VIA FEDERAL EXPRESS

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

FILED
OCT 18 2006
SURFACE
TRANSPORTATION BOARD

**Re: Boston & Maine Corporation and Springfield Terminal Railway Company —
Abandonment and Discontinuance of Service — Over Fitchburg Freight Cut-Off
railroad line, Somerville - Middlesex County, Massachusetts Docket No. AB 32 (Sub
No. 99X) Docket No. AB 355 (Sub No. 33X)**

Dear Secretary Williams:

Enclosed for filing in the above captioned proceeding please find an original and ten copies of the **Verified Notice of Exemption** dated October 16, 2006 filed on behalf of the Boston & Maine Corporation and the Springfield Terminal Railway Company. Additionally, please find a check in the amount of \$3,100.00 representing the appropriate fee for filing.

Should you have any questions in regard to this filing, please contact the undersigned. Thank you for your assistance with this matter.

Respectfully submitted,

John P. Curtin
Staff Attorney

ENTERED
Office of Proceedings
OCT 18 2006
Part of
Public Record

FILE RECEIVED
OCT 18 2006
SURFACE
TRANSPORTATION BOARD

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. 32 (Sub No. 99X)
DOCKET NO. AB 355 (Sub No. 33X)

BOSTON & MAINE CORPORATION
SPRINGFIELD TERMINAL RAILWAY COMPANY
ABANDONMENT AND DISCONTINUANCE OF SERVICE - OVER
FITCHBURG FREIGHT CUT-OFF RAILROAD LINE, SOMERVILLE,
MIDDLESEX COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

John P. Curtin, Esq.
Law Department
Iron Horse Park
North Billerica, MA 01862

Counsel for:

BOSTON AND MAINE
CORPORATION

SPRINGFIELD TERMINAL
RAILWAY COMPANY

Dated: October 16, 2006

BEFORE THE SURFACE
TRANSPORTATION BOARD

DOCKET NO. AB 32 (Sub No. 97X)

DOCKET NO. AB 355 (Sub No. ~~29X~~)

33

BOSTON AND MAINE CORPORATION
SPRINGFIELD TERMINAL RAILWAY COMPANY
-ABANDONMENT AND DISCONTINUANCE OF SERVICE – FITCHBURG FREIGHT CUT-
OFF RAIL LINE, SOMERVILLE, MIDDLESEX COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

Boston and Maine Corporation (the "B&M") and the Springfield Terminal Railway Company ("ST") file this Verified Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption seeks to abandon and discontinue service by B&M and ST over a line of railroad known as the Fitchburg Freight Cut-Off railroad line in Somerville, Massachusetts, extending from railroad milepost 0.0 to milepost .86, in Middlesex County¹. In accordance with the aforementioned regulations, B&M and ST make the following responses:

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

1. Proposed Consummation Date.

The proposed consummation date of this discontinuance is December 6, 2006.

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.

Boston and Maine Corporation
Springfield Terminal Railway Company

¹ ST acquired its leasehold interest in the Line from the B&M in 1988 pursuant to a decision by the Interstate Commerce Commission. Finance Docket No. 30965; Delaware and Hudson Railway Company - Lease and Trackage Rights Exemption- Springfield Terminal Railway Company (Decided February 17, 1988).

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

B&M and ST are common carriers by railroad subject to the Interstate Commerce Act.

(3) Relief sought.

B&M and ST seek to abandon and discontinue service over the line.

(4) Detailed map of the line.

Map is attached hereto as Exhibit A

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

John P. Curtin, Esq.
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

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

Zip Code 02144

(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.

B&M and ST are unsure about the suitability of the Line for public non-rail purposes. The City of Somerville has proposed the use of the Line as a recreational rail trail. B&M and ST have no knowledge that would render this intended use as unsuitable.

4. The Level of Labor Protection.

B&M and ST understand that, in exempting the proposed abandonment and discontinuance, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. § 1152.50(c). Accordingly, B&M and ST anticipate that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for

the benefit of employees who may be adversely affected by the proposed abandonment and discontinuance.

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 Historical Report.

The Environmental/Historical Report required by 49 C.F.R. 1105.7 and 1105.8 is attached as Exhibit D to this Notice of Exemption, Attached, as Exhibit E, is a certificate affirming B&M and ST's compliance with 49 C.F.R. 1105.11.

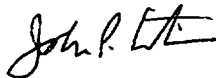
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published on July 10, 2006. An affidavit of publication from this newspaper is attached.

8. Verification

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

Respectfully submitted,

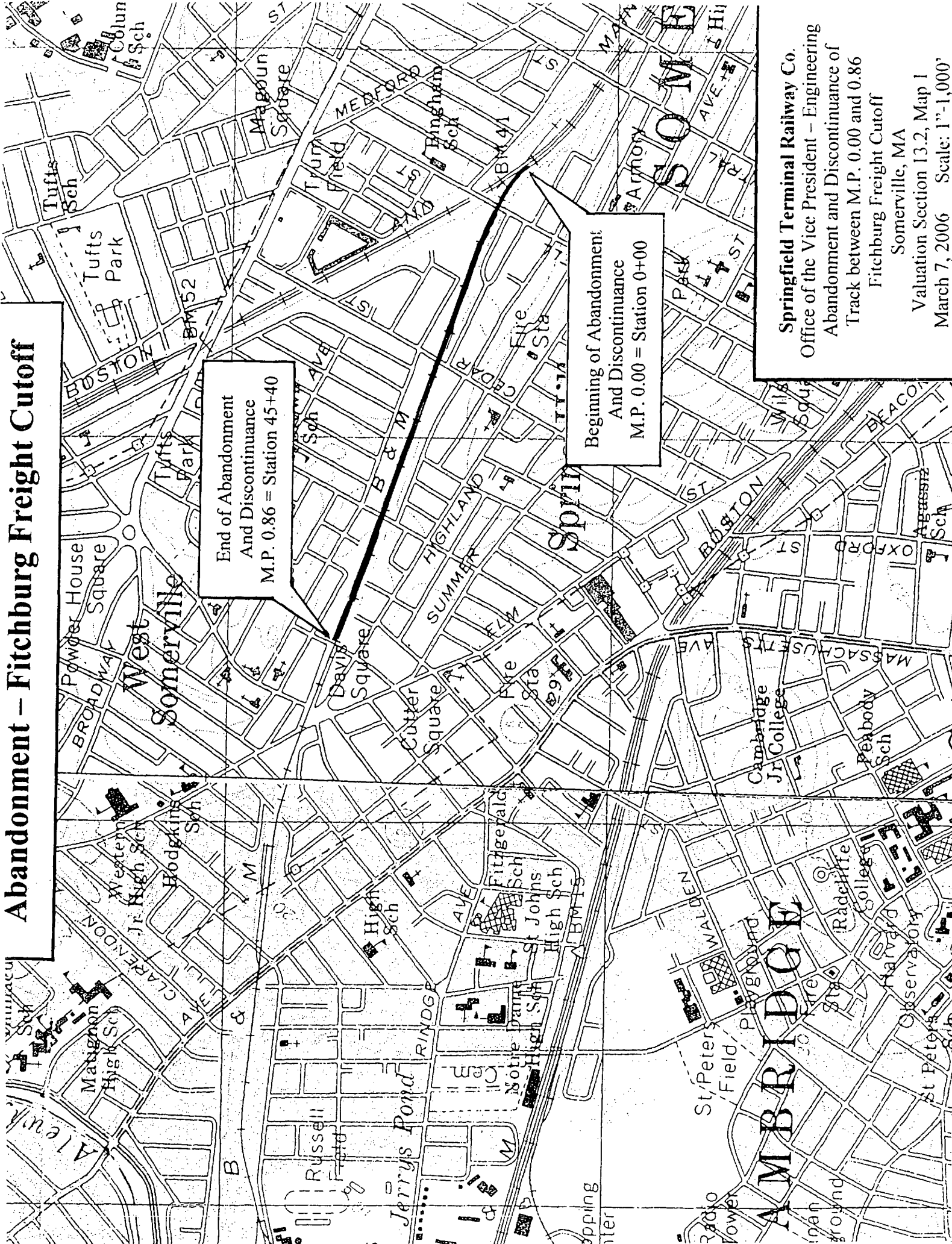


John P. Curtin
Staff Attorney
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

Dated: October 16, 2006

EXHIBIT A

Abandonment – Fitchburg Freight Cutoff



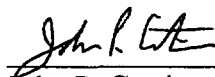
Springfield Terminal Railway Co.
Office of the Vice President – Engineering
Abandonment and Discontinuance of
Track between M.P. 0.00 and 0.86
Fitchburg Freight Cutoff
Somerville, MA
Valuation Section 13.2, Map 1
March 7, 2006 Scale: 1"=1,000'

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, which is the subject of the Notice of Exemption in Docket No. AB 32 (Sub No. 99X) and Docket No. 355 (Sub. No. 33X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; and (2) there is no overhead traffic on the line; and (3) no formal complaint filed by a user of rail service on the line (or state or local 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 the Boston and Maine Corporation and the Springfield Terminal Railway 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.



John P. Curtin

Dated: October 16, 2006

EXHIBIT C

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

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

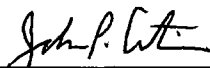
On June 1, 2006, I caused to be served by U.S. first-class mail, postage pre-paid, the notice required by 49 C.F.R. Section 1152.50(d)(1), upon:

Mr. Brian Cristy
Director, Transportation Division
Commonwealth of Massachusetts
Department of Telecommunications
and Energy
One South Station
Boston, MA 02110

Office of Special Assistant for
Transportation Engineering, Surface
Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd. - Suite 130
Newport News, VA 23606-2574

Ms. Mary Bomar
Regional Director
National Park Service
U.S. Customs House
200 Chestnut St., 5th Floor
Philadelphia, PA 19106

Mr. Dale Bosworth
Chief of Forest Service, USDA
201 14th Street, SW
Washington, DC 20090



John P. Curtin

Dated: October 16, 2006



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

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

LAW DEPARTMENT
(978) 663-1029

June 1, 2006

To: Service List

Re: **Boston and Maine Corporation and Springfield Terminal Railway Company -
Abandonment and Discontinuance of Service — Over Fitchburg Freight Cut-Off
railroad line, Somerville -Middlesex County, Massachusetts Docket No. AB 32 (Sub
No. 99X) Docket No. AB 355 (Sub No. 33X)**

Ladies and Gentlemen:

In accordance with the Surface Transportation Board's regulations at 49 CFR § 1152.50(d) (1), the Boston and Maine Corporation and the Springfield Terminal Railway Company hereby gives notice that on or about June 12, 2006 it intends to file with the Surface Transportation Board, Washington, D.C. 20423 a Notice of Exemption. Said Notice will seek permission for the abandonment and discontinuance of service on a portion of the so-called Fitchburg Freight Cut-Off (the "Line") in Somerville, Massachusetts, extending from railroad milepost 0.0 to milepost .86, which traverses through United States Postal Service ZIP Code 02144, a distance of 9/10 of a mile, in Middlesex County, Massachusetts. A map depicting the Line is attached. If permitted by the Board, the exempt procedure permitted by Subpart F of 49 CFR § 1152 will be used.

Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting such documentation.

Sincerely,

John P. Curtin
Staff Attorney

Enclosure

FITCHBURG FREIGHT CUT-OFF, SOMERVILLE, MA SERVICE LIST

AB 32 (Sub No. 99X)

AB 355 (Sub No. 33X)

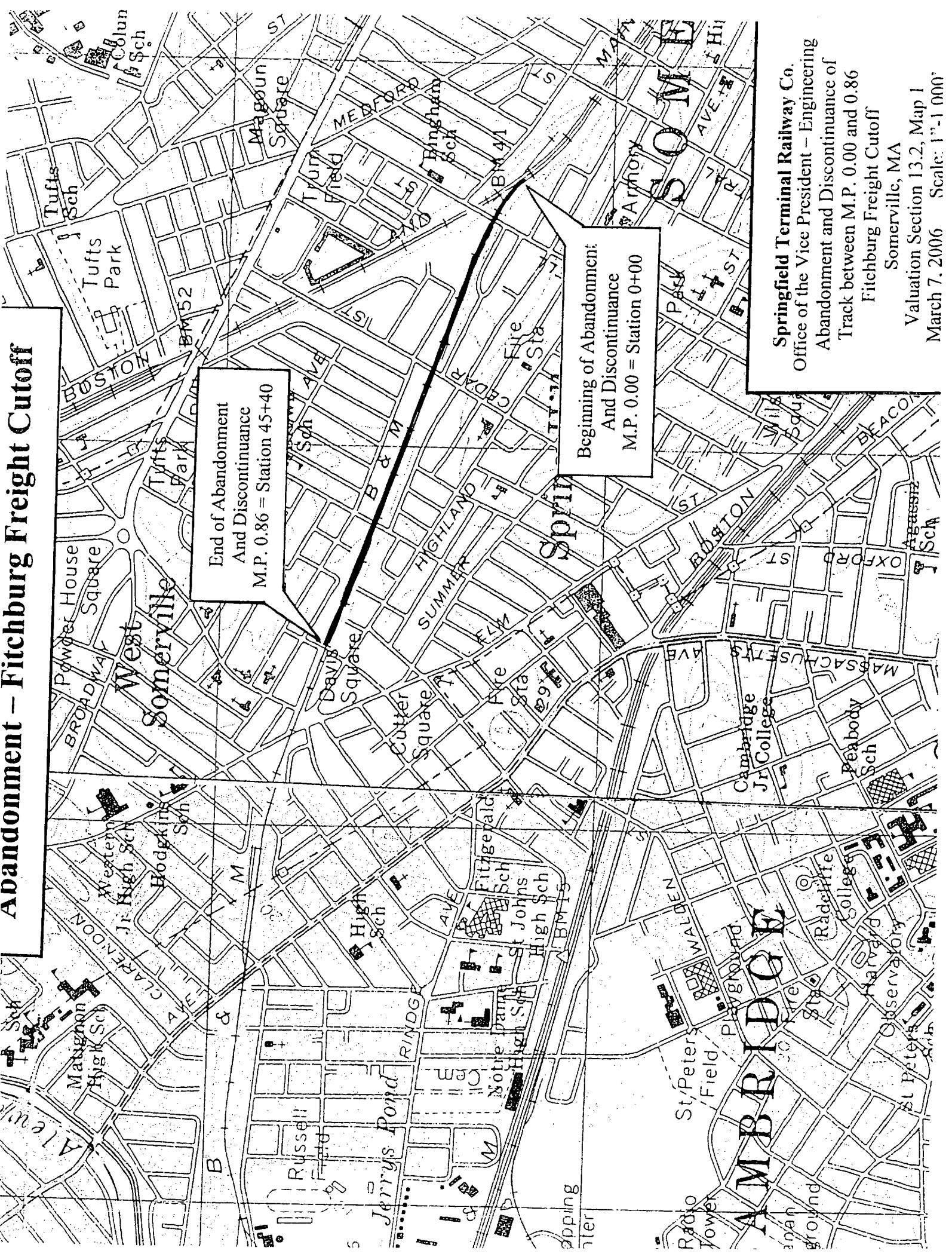
Mr. Brian Cristy
Director, Transportation Division
Dept. of Telecommunications and Energy
One South Station
Boston, MA 02110

Office of Special Asst. for Transportation Engineering
Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd. - Suite 130
Newport News, VA 23606-2574

Ms. Mary Bomar
Regional Director
National Park Service
U.S. Custom House
200 Chestnut St., 5th Floor
Philadelphia, PA 19106

Mr. Dale Bosworth
Chief of Forest Service, USDA
201 14th Street, SW
Washington, DC 20090

Abandonment – Fitchburg Freight Cutoff



End of Abandonment
And Discontinuance
M.P. 0.86 = Station 45+40

Beginning of Abandonment
And Discontinuance
M.P. 0.00 = Station 0+00

Springfield Terminal Railway Co.
Office of the Vice President – Engineering
Abandonment and Discontinuance of
Track between M.P. 0.00 and 0.86
Fitchburg Freight Cutoff
Somerville, MA
Valuation Section 13.2, Map 1
March 7, 2006 Scale: 1"=1,000'

**FITCHBURG FREIGHT CUT-OFF
SOMERVILLE, MA**

ENVIRONMENTAL/HISTORICAL REPORT

**Docket No. AB 32 (Sub No. 99X)
Docket No. AB 355 (Sub No. 33X)**

I. ENVIRONMENTAL REPORT

The following information is provided in accordance with 49 C.F.R. §1105.7(e):

(1) Proposed Action and Alternatives

The Boston and Maine Corporation ("B&M") and the Springfield Terminal Railway Company ("ST") (collectively the "Applicants") propose to abandon and discontinue service over a 9/10 mile portion of the so-called "Fitchburg Freight Cut-Off" line of railroad (the "Line"). A map of the proposed abandonment and discontinuance has previously been provided to all parties receiving this report, and is attached as Exhibit A.

Due to the inability to generate traffic over the Line, there is no reasonable alternative to abandonment and discontinuance.

(2) Transportation System

There will be no substantial effect on existing regional or local transportation systems or patterns. There is no passenger or freight traffic on the Line. Any traffic previously moving over the Line was rerouted more than two years ago.

(3) Land Use

(i) The Applicants believe that the proposed action is consistent with and in furtherance of local land use plans.

(ii) The Applicants believe the proposed action will have no effect or adverse impact on any prime agricultural land.

(iii) This action is outside the boundary of the Massachusetts coastal zone.

(iv) Applicants are unsure whether the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906.

(4) Energy

(i) The transportation of energy resources will not be affected by the proposed action.

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

(iii) The proposed action will increase overall energy efficiency in that it will allow Applicants to eliminate their potential responsibility for costly and energy-consuming maintenance operations for an unused portion of line.

(iv) The proposed action will not cause a diversion from rail to motor carrier in excess of the threshold levels set forth at § 1105.7 (e)(4)(iv)(A) or (B).

(5) **Air**

The proposed action will not result in any of the increases set forth at § 1105.7.

(6) **Noise**

The proposed action will not result in or exceed any of the thresholds set forth at § 1105.7(e) (6).

(7) **Safety**

(i) The proposed action will have no adverse effect on public health and safety.

(ii) No hazardous materials will be diverted to highway transportation.

(iii) No known hazardous waste sites or spills exist on the Line.

(8) **Biological Resources**

(i) Applicants know of no endangered or threatened species or critical habitats that will be affected by the proposed action. The Applicants requested comments from the U.S. Fish and Wildlife Service in this regard. The Service responded and has advised Applicants 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).”

(ii) Applicants believe no national or state parks or forests will be affected by the proposed action.

(9) **Water**

(i) The Applicant contemplates no action inconsistent with federal, state and/or local water quality standards.

(ii) The Applicant does not believe the proposed action will require any permits under § 404 of the Clean Water Act. No designated wetlands or 100-year flood plains will be affected by the proposed action.

(iii) Permits under § 402 of the Clean Water Act are not required for the proposed action.

(10) **Proposed Mitigation**

Because no adverse environmental impacts are expected to result from the proposed action, no mitigation will be needed or is planned.

(11) **Additional Information for Rail Constructions**

The proposed action is not a rail construction proposal, so this section does not apply.

II.

HISTORIC REPORT

The following information is provided in accordance with 49 C.F.R. § 1105.8 (d);

(1) **Maps**

A topographical map is attached hereto as Exhibit B.

(2) **Description of Right-of-Way**

The portion of Line at issue is approximately 9/10 of a mile in length. The width of the right-of-way is, with occasional variations, approximately 82.5 feet. The narrowest area is about 64 feet. The attached topographic map indicates the Line's topography.

(3) **Photographs of Railroad Structures**

The Applicants knows of no significant railroad structures on the Line that are 50 years or older. The Applicants have made written request for comments from the Massachusetts Historical Commission with regard to the anticipated effect of the proposed action on historical resources. The Historical Commission has responded and advised that "this project is unlikely to affect significant historic or archaeological resources."

(4) **Construction Dates**

Not applicable.

(5) **History of Operations**

Line segment is part of the former "Freight Cut-Off" that provided an improved clearance route for freight trains operating between Boston and West Cambridge to points West. The majority of the line was abandoned in 1978 and the right-of-way was utilized to construct the MBTA Red Line extension to Alewife. The remaining segment, now proposed for abandonment, was used for local delivery of freight cars. No local or overhead traffic has moved over the Line for at least two years. The proposed abandonment will not affect carrier operations in the area.

(6) **Summary of Useful Documents**

The Applicants possess standard valuation maps of all portions of the Line, which indicate any and all culverts, bridges, and other structures that may exist.

(7) **Opinion as to Historical Significance**

The Applicants know of no significant structures on the Line (such as bridges, trestles, stations, tunnels, track supports, etc.) that are 50 years or older. The Applicants are not aware of any culturally significant locations, archaeological sites or unique landforms located along the Line or that will be affected by the proposed action.

(8) **Description of Prior Subsurface Disturbance**

The Applicants know of no prior subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

III. **CERTIFICATE OF SERVICE**

This certifies that the Applicants have served copies of this Environmental/ Historical Report upon and, prior to such service, consulted, or attempted to consult, with the following parties:

Environmental/Historical Report Service List
Fitchburg Freight Cut-Off, Somerville, MA – AB 32 (Sub No. 99X); AB 355 (Sub No. 33X)

Debra Jean, CDBG
Financial Assistant
Department of Housing and
Community Development
100 Cambridge St., Suite 300
Boston, MA 02114

Richard Chalpin
Regional Director
Commonwealth of Massachusetts
Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Truman Henson
Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Coastal Zone Management Program
251 Causeway Street, Suite 800
Boston, MA 02114-2138

City of Somerville
Office of Strategic Planning and Community Development
James G. Kostaras, Executive Director
93 Highland Avenue
Somerville, MA 02143

Stephan Perkins
Office Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
New England, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Michael Amaral
Endangered Species Specialist
New England Office
U.S. Department of Interior
Fish & Wildlife Service
70 Commercial Street – Suite 300
Concord, NH 03301-5087

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

Mary Bomar
Regional Director
Northeast Region
National Park Service
U.S. Customs House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

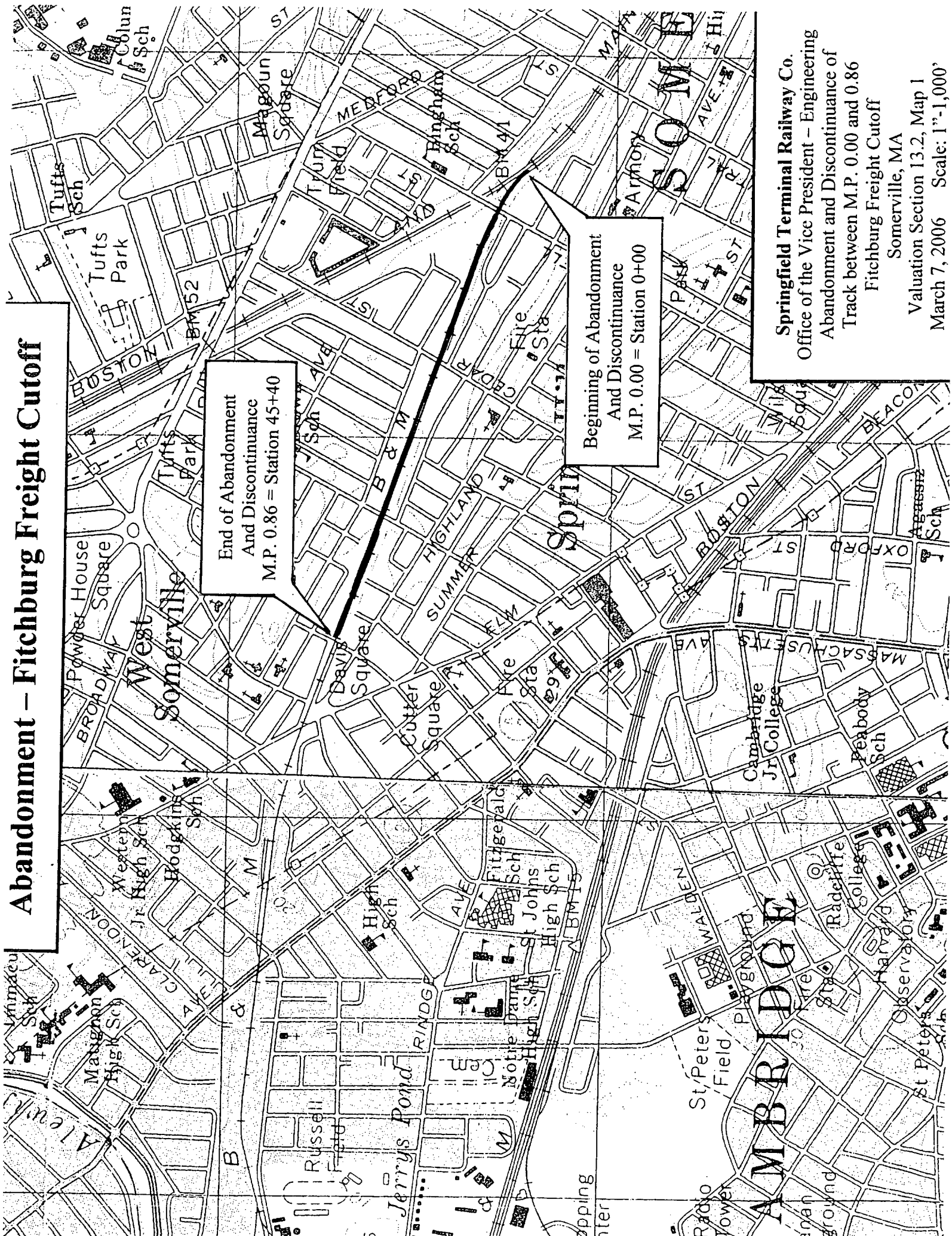
Dan Lenthall
District Conservationist
USDA - NRCS
319 Littleton Road – Suite 205
Westford, MA 01886-4133

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA, N/NGS2
1315 East-West Highway
Silver Spring, MD 20910-3293

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

EXHIBIT A

Abandonment – Fitchburg Freight Cutoff



End of Abandonment
And Discontinuance
M.P. 0.86 = Station 45+40

Beginning of Abandonment
And Discontinuance
M.P. 0.00 = Station 0+00

Springfield Terminal Railway Co.
Office of the Vice President – Engineering
Abandonment and Discontinuance of
Track between M.P. 0.00 and 0.86
Fitchburg Freight Cutoff
Somerville, MA
Valuation Section 13.2, Map 1
March 7, 2006 Scale: 1"=1,000'

EXHIBIT B

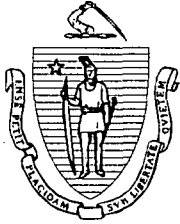
Abandonment - Fitchburg Freight Cutoff

End of Abandonment
And Discontinuance
M.P. 0.86 = Station 45+40

Beginning of Abandonment
And Discontinuance
M.P. 0.00 = Station 0+00

Springfield Terminal Railway Co.
Office of the Vice President - Engineering
Fitchburg Freight Cutoff
Topography Plan
Contour Interval - 10 Feet
Somerville, MA
Valuation Section 13.2, Map 1
April 20, 2006 Scale: 1"= 500'

APPENDIX TO
ENVIRONMENTAL/HISTORICAL REPORT



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Mitt Romney, Governor ♦ Kerry Healey, Lt. Governor ♦ Jane Wallis Gumble, Director

March 7, 2006

Mr. John Curtain
Attn: LAW DEPARTMENT
Gilford Rail System
Iron Horse Park
High Street
North Billerica, MA 01862

RE: Elimination of State Clearinghouse

Dear Mr. Curtain:

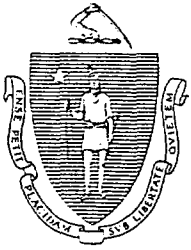
For your information, enclosed please find a copy of a memo dated 1/31/95 and a copy of State Executive Order 375, signed by Governor William Weld regarding the above.

Sincerely,

A handwritten signature in cursive script that reads "Debra M. Jean".

Debra M. Jean
CDBG Data Management Specialist

DJ
Enclosures



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 727-3600

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT-GOVERNOR

January 20, 1995

Alice Rivlin
Director
Office of Management and Budget
Executive Office of the President
Washington, DC 20503

Dear Director Rivlin:

I am writing to report that the Massachusetts State Clearinghouse's designation as the Single Point of Contact has been terminated, effective November 30, 1994. Pursuant to Executive Order 12372, Intergovernmental Review of Federal Programs, the Commonwealth's clearinghouse review procedure was established to provide a process for the review of proposals for federal funding by state agencies. After careful consideration of the program's costs and benefits, the Weld-Cellucci Administration has decided to discontinue the operation of the Commonwealth's Single Point of Contact.

If you have any questions, please feel free to have a staff member contact Sandra Coakley, Budget Officer, Massachusetts Executive Office of Communities and Development, at (617) 727-7001.

Sincerely,

William F. Weld

William F. Weld

EXECUTIVE OFFICE OF COMMUNITIES & DEVELOPMENT



William F. Weld, Governor
Argeo Paul Cellucci, Lt. Governor
Mary L. Padula, Cabinet Secretary

MEMORANDUM

TO: Intergovernmental Review Monitor Recipients and
Others Interested in State Clearinghouse Operations

FROM: Mary L. Padula, Cabinet Secretary
Executive Office of Communities and Development

DATE: January 31, 1995

SUBJECT: Elimination of State Clearinghouse

The Massachusetts State Clearinghouse within the Executive Office of Communities and Development has been eliminated. In signing State Executive Order 375, Governor William Weld revoked State Executive Order 232 which had established the State Clearinghouse as the Single Point of Contact for the Intergovernmental Review of Federal Grant Programs under federal Executive Order 12372.

In conjunction with this action, Governor Weld has also notified the United States Office of Management and Budget that the Commonwealth of Massachusetts will no longer have a formal process for the review by state agencies and regional planning agencies of proposals for federal funding.

The State Clearinghouse was established to provide a process for the coordinated review of proposals for federal funding to ensure their consistency with state policies and objectives. However, after careful examination of its costs and benefits, a decision was made to discontinue the operations of the State Clearinghouse/Single Point of Contact. In doing so, Massachusetts joins nearly 20 other states that no longer conduct reviews of federal proposals which are covered under Executive Order 12372.

The Executive Office of Communities and Development is notifying all state and regional government review agencies of this decision by the Weld-Cellucci Administration. EOCD is also alerting federal government agencies and organizations which frequently apply for federal funding in an attempt to ensure as smooth a termination of this process as possible.

NOTICE TO FEDERAL GRANT APPLICANTS:

EFFECTIVE IMMEDIATELY, PROPOSALS FOR FEDERAL FUNDING SHOULD NOT BE SENT TO THE STATE CLEARINGHOUSE/SINGLE POINT OF CONTACT. THERE WILL NO LONGER BE A REVIEW BY MASSACHUSETTS STATE GOVERNMENT AND REGIONAL PLANNING AGENCIES OF PROPOSALS FOR FEDERAL FUNDING UNDER E.O. 12372. THE GRANT APPLICANT SHOULD INDICATE ON THE FEDERAL GRANT APPLICATION COVER SHEET (FORM 424) THAT THE PROGRAM HAS NOT BEEN SELECTED FOR REVIEW.



WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LEUTENANT-GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 727-3600

SECRETARY OF STATE
REGULATIONS DIVISION
94 NOV -3 PM 2:27

BY HIS EXCELLENCY
WILLIAM F. WELD
GOVERNOR

EXECUTIVE ORDER NO. 375
(Revoking Executive Order 232)

WHEREAS, a process for coordinated state and local government review of proposed federal financial assistance and direct federal development was created by Executive Order 232 pursuant to federal Executive Order 12372; and

WHEREAS, Executive Order 232 established a State Clearinghouse for the review of all proposals for federal programs covered by Executive Order 12372; and

WHEREAS, the process established in Executive Order 232 has not resulted in enhanced intergovernmental review of proposals for federal programs and is elective under the terms of Executive Order 12372;

NOW, THEREFORE, I, William F. Weld, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as the Supreme Executive Magistrate, do hereby revoke Executive Order No. 232 effective November 30, 1994.

Given at the Executive Chamber in
Boston this 2^d day of November
one thousand nine hundred and
ninety-four.

William F. Weld

William F. Weld, Governor
Commonwealth of Massachusetts

Michael Joseph Connolly

Michael Joseph Connolly
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT

JOSEPH A. CURTATONE
MAYOR

JAMES G. KOSTARAS, AIA, AICP
EXECUTIVE DIRECTOR

MARCH 27, 2006

John P. Curtin
Guilford Rail System
Iron Horse Park, High Street
North Billerica, MA 01862

Re: Somerville Freight Cut Off – Somerville Community Path
Notice to Proceed – Notice of Exemption

Dear Mr. Curtin:

I am responding to your March 8, 2006 letter regarding the proposed abandonment and discontinuance of service for the Fitchburg Freight Cut-off in Somerville.

The ROW is suitable for an alternative use. The City of Somerville has requested that the Massachusetts Bay Transportation Authority lease this right-of-way for a 99-year period. The MBTA will retain ownership. *The abandonment of the freight service is necessary for the City to secure funds to extend the Path.* The City plans to extend the Somerville Community Path from Cedar Street to end of the Cut-off and beyond. The Path will potentially serve as a conduit for Transit Orientated Development in conjunction with a planned extension of the Green Line Subway line up the New Hampshire Main Line to Lowell Street and beyond. One thousand users a day use the existing path to connect to the Red Line subway in Davis Square. The City anticipates an equal level of users for the Path once the Green Line is built, potentially reducing 1400 motor vehicle trips a day including the resultant reduction in emissions and energy use.

The portion of the Cut-off from Grove Street to Cedar Street has previously been converted into a multi-use path known as the Somerville Community Path. The tracks and ties had been removed from that stretch at least 10 years ago. The portion of the cut-off from Cedar Street to the New Hampshire main line had last been utilized for freight service by the MaxPack Company (50 Clyde Street) for delivery of plastic pellets used to manufacturer plastic bags at least 10 years ago. The site is currently unused. The current owners of the MaxPack site are diligently pursuing the conversion of the property to residential use in the near future. As a result, freight service will no longer be needed.

Somerville's zoning regulations list this property as Residential C so future industrial use would not be appropriate. The surrounding neighborhood is well over 80% residential and more residential conversions are anticipated.

The site is not prime agricultural land. The Somerville Conservation Commission has previously reviewed this area and has determined that there are no Massachusetts Regulated Wetlands. The area lies outside the 100-year floodplain.



Volunteers and the abutting owner have done a preliminary review of state records related to hazardous spills and have not identified any significant spills or hazardous waste sites on the right-of-way.

The City has not identified any historic building or structures that exist on the site. The City will work with local rail history buffs to walk the corridor and identify any artifacts that may be worthy of keeping and integrating in historic interpretation displays on the site.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Stephen Winslow', with a long horizontal flourish extending to the right.

Stephen Winslow
Project Manager

cc: Kristi Chase, SPCD



United States Department of Agriculture
Natural Resources Conservation Service
319 Littleton Road, Suite 205, Westford, MA 01886-4133
978-692-1904, fax 978-392-1305
www.ma.nrcs.usda.gov

A partner in conservation since 1935

March 27, 2006

Mr. John Curtin
Boston & Maine Corporation
Maine Central Railroad Company
Iron Horse Park
North Billerica, MA 01862

Re: Fitchburg Freight Cut-Off, Somerville, MA
Abandonment and Discontinuance of Service
AB32 (Sub No. 99X)
AB355 (Sub No. 33X)

Mr. John Curtin:

I know of no adverse effects to the agricultural resources of the area with the abandonment of the above mentioned rail line.

Sincerely,


Dan Lenthall

District Conservationist



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
251 Causeway Street, Suite 800, Boston, MA 02114-2136
(617) 626-1200 FAX: (617) 626-1240

March 30, 2006

John P. Curtin
Boston & Maine Corporation
Iron Horse Park
North Billerica, MA 01862

RE: Fitchburg Freight Cut-Off - Abandonment and Discontinuance of Service,
Somerville

Dear Mr. Curtin:

The Massachusetts Office of Coastal Zone Management (CZM) has received your package of information dated March 8, 2006, for the Abandonment and Discontinuance of Service of the Fitchburg Freight Cut-Off.

The activities associated with this project fall outside the geographical boundaries of the Massachusetts Coastal Zone as delineated in Chapter 5: Massachusetts Coastal Regions and An Atlas of Resources, 1 June 1977 and further described in the Massachusetts Coastal Zone Management Plan and therefore are not subject to federal consistency review by this office.

Thank you for submitting the information to CZM. If you have any questions regarding our review process, feel free to call me at (617) 626-1219.

Sincerely,

Truman Henson
Project Review Coordinator



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

STEPHEN R. PRITCHARD
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

Mr. John P. Curtin, Esq.
Guilford Rail System
Iron Horse Park
N. Billerica, MA 01862

March 29, 2006

RE: Somerville, track abandonment; comments provided by FAX only [978-663-1213]

Dear Mr. Curtin:

The Department has reviewed the information provided in your letter dated March 8, 2006 regarding abandonment and discontinuance of 9/10 of a mile of the Fitchburg Freight Cut-off railroad line in Somerville. You provided notice to MassDEP of your intent to abandon this line in accordance with federal Surface Transportation Board (STB) regulations at 49 CFR § 1105.7 and § 1105.8. These regulations require you to prepare an Environmental/Historical Report after consulting with and gathering information from MassDEP and other agencies. Your letter seeks prior consultation in preparation of the Report, as required by the STB rules.

It appears that the requirements in the STB regulations at 49 CFR § 1105.7(e) will address MassDEP's main concern, the presence of oil and/or hazardous materials along the right-of-way as well as potential exposures that may result from the reuse of the right-of-way. Please note that the Massachusetts Contingency Plan, 310 CMR 40.0000 contains lists of concentrations for oil and hazardous materials in soil and groundwater, which, if exceeded, require reporting to MassDEP. Remedial actions may be required to eliminate exposure to contamination above Reportable Concentrations, depending on the eventual use of the right-of-way.

If you have any questions, please contact me at 978-694-3345.

Yours truly,

A handwritten signature in black ink, appearing to read "Richard J. Chalpin".

Richard J. Chalpin
Regional Director





United States Department of the Interior



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

March 31, 2006

Reference:	<u>Project</u>	<u>Location</u>
	Notice of exemption, railroad abandonment	Somerville, MA
	AB32 (Sub No. 99X)	
	AB355 (Sub No. 33X)	

John Curtin
Boston & Maine Corporation
Iron Horse Park
No. Billerica, MA 01862

Dear Mr. Curtin:

This responds to your 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



REPLY TO:
ATTENTION OF:

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

April 21, 2006

Regulatory Division
CENAE-R-PEA
File No. NAE-2006-1135

John P. Curtin, Atty.
Boston & Maine Corporation
Iron Horse Park
North Billerica, Massachusetts 01862

Dear Mr. Curtin:

We are responding to your March 8, 2006 letter, provided to our office via fax on March 27, 2006. We understand you intend to abandon a 0.86-mile segment of the existing Fitchbug Freight Cut-Off railroad line in Somerville, Massachusetts. It appears that a Department of the Army permit is not required for your proposed project. This determination is based on the information described in the March 8, 2006 letter, and the map attached thereto.

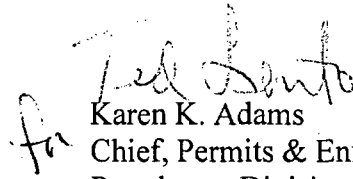
Section 10 of the Rivers and Harbors Act of 1899 requires a Department of the Army permit for all work seaward of mean high water (MHW) in navigable waters of the United States. Section 404 of the Clean Water Act requires a DA permit for any discharge of dredged or fill material into any waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. Based on the information you provided, we believe the abandonment of the railroad line will not include any of the aforementioned activities. This assumes that you do not intend to excavate, regrade, widen, remove or otherwise alter the existing railroad embankment or undertake any activity that would constitute a discharge of dredged or fill material into waters of the United States. If this is correct, a Department of the Army permit is not required.

Should you modify your proposal in any way that would entail a discharge of dredged or fill material into a water of the United States, you are advised to contact this office regarding additional permitting requirements. Application materials and other information are attached for your information. Please note that performing work within our jurisdiction without a Corps of Engineers permit can result in prosecution by the U.S. Government.

Our Corps of Engineers permit process does not supersede any other agency's jurisdiction. Therefore, 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.

If you have any questions regarding this letter, please contact Alan Anacheke-Nasemann at 978-318-8214.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karen K. Adams". The signature is written in a cursive style with a large, stylized "K" and "A".

Karen K. Adams
Chief, Permits & Enforcement Branch
Regulatory Division

Attachments



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

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

RECEIVED

MAR 09 2006

MASS. HIST. COMM

LAW DEPARTMENT
(978) 663-1029

March 8, 2006

To: Service List

Re: Fitchburg Freight Cut-Off, Somerville, MA
Abandonment and Discontinuance of Service
AB32 (Sub No. 99X)
AB355 (Sub No. 33X)

RC.39025

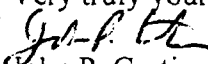
Ladies and Gentleman:

The Boston and Maine Corporation and the Springfield Terminal Railway Company hereby give notice of their intention to file a Notice of Exemption with the Surface Transportation Board regarding the abandonment and discontinuance of a segment of the Fitchburg Freight Cut-Off railroad line. The segment is approximately 9/10 of a mile in length and is located between milepost 0.0 and milepost 0.86 in Somerville, Middlesex County, Massachusetts. A map depicting the portion of the line to be abandoned is attached.

In connection with the Notice of Exemption, federal regulations at 49 CFR §1105.7 and §1105.8 require that we prepare an Environmental/Historical Report after consulting with and gathering information from your office regarding the anticipated impact of the proposed action on environmental and historical resources. Your input is welcome. Because time is of the essence, however, kindly forward any comments and any relevant information to the undersigned at your earliest convenience, and in any event, no later than two weeks from receipt of this letter.

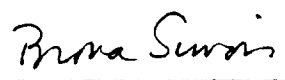
If you know of no adverse effect that the proposed abandonment and discontinuance of service will have, and/or do not object to the proposed action, please notify the undersigned in writing at the above address. Upon completion, your office will receive a copy of the Environmental/Historical Report for review and comment.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,

John P. Curtin
Staff Attorney

After review of MHC files and the materials you submitted, it has been determined that this project is unlikely to affect significant historic or archaeological resources.

Enclosure

 4/5/06
Brona Simon
State Archaeologist
Deputy State Historic Preservation Officer

Date



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

IRON HORSE PARK
NO. BILLERICA, MASS. 01862

LAW DEPARTMENT
(978) 663-1029

May 18, 2006

To: Service List

Re: Fitchburg Freight Cut-Off, Somerville, MA Abandonment and Discontinuance of Service

AB 32 (Sub No. 99X)

AB 355 (Sub No. 33X)

Ladies and Gentlemen:

On or about June 7, 2006, the Boston & Maine Corporation (the "B&M") and the Springfield Terminal Railway Company ("ST") will file a notice with the Surface Transportation Board ("STB") seeking an exemption for the abandonment and discontinuance of service over approximately 9/10 of a mile portion of railroad track known as the Fitchburg Freight Cut-Off railroad line between milepost 0.0 and milepost 0.86 (the "Line"). The Line is located in Somerville, Middlesex County, Massachusetts. Attached is an Environmental/Historical Report describing the proposed action and any expected environmental/historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about STB's environmental review process, please contact the Section of Environmental Analysis (SEA), 1925 K Street, NW, Washington, DC 20423, telephone (202) 565-1530 and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA would be appreciated within three (3) weeks. Additionally, please provide a copy of any comments to the undersigned at the above address.

Your comments will be considered by STB in evaluating the environmental/historical preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned at (978) 663-1029 or by mail at the above address.

Sincerely,

John P. Curtin
Staff Attorney

Encl.

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

Environmental/Historical Report Service List
Fitchburg Freight Cut-Off, Somerville, MA – AB 32 (Sub No. 99X); AB 355 (Sub No. 33X)

Debra Jean, CDBG
Financial Assistant
Department of Housing and
Community Development
100 Cambridge St., Suite 300
Boston, MA 02114

Richard Chalpin
Regional Director
Commonwealth of Massachusetts
Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Truman Henson
Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Coastal Zone Management Program
251 Causeway Street, Suite 800
Boston, MA 02114-2138

City of Somerville
Office of Strategic Planning and Community Development
James G. Kostaras, Executive Director
93 Highland Avenue
Somerville, MA 02143

Stephan Perkins
Office Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
New England, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Michael Amaral
Endangered Species Specialist
New England Office
U.S. Department of Interior
Fish & Wildlife Service
70 Commercial Street – Suite 300
Concord, NH 03301-5087

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

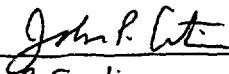
Mary Bomar
Regional Director
Northeast Region
National Park Service
U.S. Customs House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

Dan Lenthall
District Conservationist
USDA - NRCS
319 Littleton Road – Suite 205
Westford, MA 01886-4133

Edward J. McKay, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA, N/NGS2
1315 East-West Highway
Silver Spring, MD 20910-3293

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

DATE: October 16, 2006



John P. Curtin

VERIFICATION

I, John P. Curtin, being duly sworn, states that he is a Staff Attorney for the Boston and Maine Corporation and the Springfield Terminal Railway Company; that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB 32 (Sub No. 99X) and AB 355 (Sub No. 33X) on behalf of the Boston and Maine Corporation and the Springfield Terminal Railway Company; that he has carefully examined all of the statements in the Notice of Exemption; that he 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 his knowledge, information and belief.

 **PAMELA J. PRIMEAU**
Notary Public
Commonwealth of Massachusetts
My Commission Expires Mar 12, 2010

Ad Number 77CT0300
Client:
ID: discontinure rail service
Classification: LEGAL NOTICES
Size: 2x49
Begin Date: 07/10/2006
End Date: 07/10/2006

/BOSTON AND MAINE CORPORATI
IRON HORSE PARK
NORTH BILLERICA, MA 01862

To place an ad, please call : 617-929-1500 or email to: classified@globe.com

The Boston Globe

CERTIFIED

Below is your advertisement from THE BOSTON GLOBE, beginning 07/10/2006 and ending 07/10/2006, appearing 1 time(s) in the Classification, LEGAL NOTICES.

Thank you!

Boston Globe Advertising

07/08/06 2:49 PM

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

The Boston and Maine Corporation and the Springfield Terminal Railway Company give notice that on or about July 14, 2006, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a notice of exemption under 49 C.F.R. 1152 Subpart F-Exempt Abandonment's permitting the abandonment and discontinuance of service over approximately 9/10 of a mile portion of railroad track known as the Fitchburg Freight Cut-Off railroad line between milepost 0.0 and milepost .86 (the "Line"). The Line is located in Somerville, Middlesex County, Massachusetts and traverses through United States Postal Service Zip Code 02144. The proceeding will be docketed as No. AB 32 (Sub No. 99X) and No. AB 355 (Sub No. 33X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 565-1530.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and ten (10) copies of any pleading that raises matters other than environmental issues (such as trail use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423 (See 49 C.F.R. 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 C.F.R. 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (202) 565-1592. Copies of any comments or request for conditions should be served on:

John P. Curtin
Staff Attorney
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

TO GLOBE NEWSPAPER CO., INC.,

For Advertising in the BOSTON GLOBE

**BOSTON AND MAINE CORPORATION
IRON HORSE PARK
NORTH BILLERICA, MA 01862
Attn: Law Department**

LEGAL NOTICE

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

The Boston and Maine Corporation and the Springfield Terminal Railway Company give notice that on or about July 14, 2006, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a notice of exemption under 49 C.F.R. 1152 Subpart F-Exempt Abandonment's permitting the abandonment and discontinuance of service over approximately 9/10 of a mile portion of railroad track known as the Fitchburg Freight Cut-Off railroad line between milepost 0.0 and milepost .86 (the "Line"). The Line is located in Somerville, Middlesex County, Massachusetts and traverses through United States Postal Service Zip Code 02144. The proceeding will be docketed as No. AB 32 (Sub No. 99X) and No. AB 355 (Sub No. 33X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 565-1530.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and ten (10) copies of any pleading that raises matters other than environmental issues (such as trail use, public use and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423 (See 49 C.F.R. 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 C.F.R. 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (202) 565-1592. Copies of any comments or request for conditions should be served on:

John P. Curtin
Staff Attorney
Boston and Maine Corporation
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

I, Catherine Sheedy, hereby certify
Newspaper Co., publishers of the
newspaper one time(s) Monday, Ju

tative of the Globe
n inserted in said
ates.

Catherine Sheedy

Boston, Mass July 10th, 2006

Personally appeared before me and made oath that the above statement subscribed to by her is
true.....
Suffolk ss.

Maureen A. O'Brien

Notary Public.

My Commission Expires

3/7/08