

PAN AM RAILWAYS

IRON HORSE PARK
NO BILLERICA MA 01862



LEGAL DEPARTMENT
(978) 663-1029

FILED

October 26, 2007

OCT 29 2007

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC. 20423-0001

SURFACE
TRANSPORTATION BOARD

RE: Portland Terminal Company and Springfield Terminal Railway Company –
Abandonment and Discontinuance of service – Over the Mountain Branch –
Cumberland County, Maine – Docket No. AB 268 (Sub No. 16X) and
Docket No. AB 355 (Sub No. 34X)

220555 220556

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 26, 2007 filed on behalf of the Portland Terminal Company and the Springfield Terminal Railway Company. Additionally, please find a check in the amount of \$6,400.00 representing the appropriate fee for filing.

Should you have any questions in regard to this filing, please contact the undersigned at (978) 663-1029. Thank you in advance for your assistance with this matter.

Sincerely,

Michael Q. Geary
Staff Attorney
Pan Am Railways

Enclosures – Original and 10 copies

ENTERED
Office of Proceedings

OCT 29 2007

Part of
Public Record

FEE RECEIVED

OCT 29 2007

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 268 (Sub No. 16X)
DOCKET NO AB 355 (Sub No. 34X)



PORTLAND TERMINAL COMPANY
SPRINGFIELD TERMINAL RAILWAY COMPANY
-ABANDONMENT AND DISCONTINUANCE OF SERVICE-
MOUNTAIN BRANCH, CUMBERLAND COUNTY, MAINE

VERIFIED NOTICE OF EXEMPTION

Portland Terminal Company (the "PT") 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 PT and ST over a line of railroad known as the Mountain Branch in Westbrook, Maine, extending from milepost 6.0 to milepost 7.3 in Cumberland County. In accordance with the aforementioned regulations, PT 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 19, 2007.

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.

Portland Terminal Company
Springfield Terminal Railway Company

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

PT and ST are common carriers by railroad subject to the Interstate Commerce Act.

- (3) Relief sought.

PT 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

Michael Q. Geary, Esq.
Portland Terminal Company
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

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

Zip Code 04092

- (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.

PT and ST are unsure about the suitability of the Line for public non-rail purposes. Prior to the effective date of this abandonment, title to the Line will be acquired by third parties.

4. The Level of Labor Protection

PT and ST understand that, in exempting the proposed abandonment and discontinuance, the Board does not relieve the carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. § 1152.50(c). Accordingly, PT 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 PT 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 October 17, 2007. A certification is attached.

8. Verification.

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

Respectfully submitted.


Michael Q. Geary

Staff Attorney
Portland Terminal Company
Springfield Terminal Railway Company
Iron Horse Park
North Billerica, MA 01862

Dated: October 26, 2007

Abandonment Plan - Mountain Branch

End of Abandonment
Milepost 7.3

EXHIBIT A

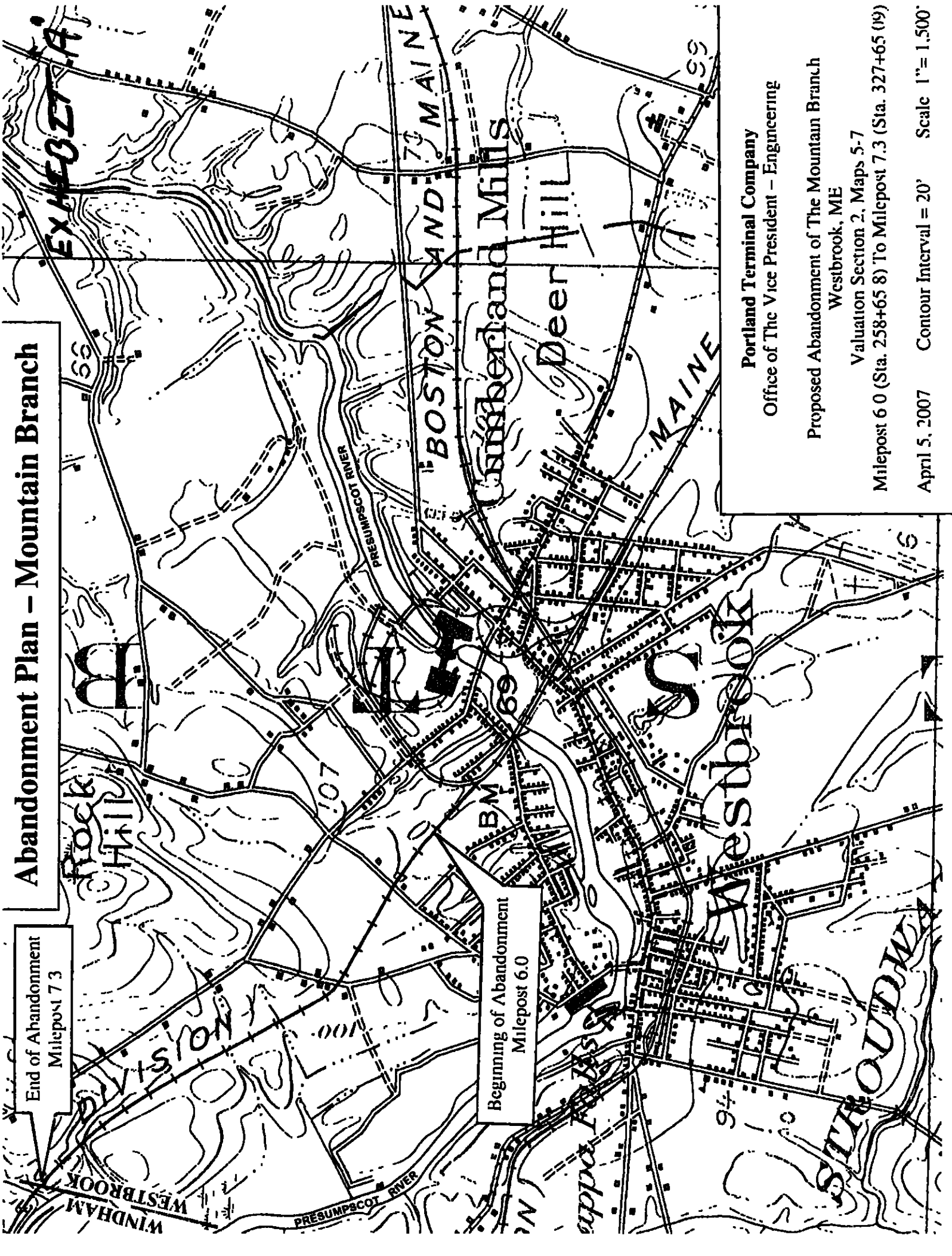
Beginning of Abandonment
Milepost 6.0

Portland Terminal Company
Office of The Vice President - Engineering

Proposed Abandonment of The Mountain Branch
Westbrook, ME

Valuation Section 2, Maps 5-7
Milepost 6.0 (Sta. 258+65.8) To Milepost 7.3 (Sta. 327+65.09)

April 5, 2007 Contour Interval = 20' Scale 1"= 1,500'



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 268 (Sub No. 16X) and Docket No. 355 (Sub No. 34X): (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 Portland Terminal Company 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.


Michael Q. Geary

Dated: October 26, 2007

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 October 12, 2007, I caused to be served by FedEx overnight delivery service, the notice required by 49 C.F.R. Section 1152.50(d)(1), upon:

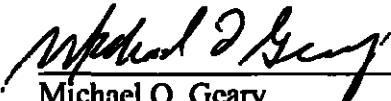
Commissioner David Cole
Maine Department of Transportation
State of Maine
Child Street
16 State House Station
Augusta, Maine 04333-0016

Office of Special Assistant for
Transportation Engineering
Railroads for National Defense Program
Military Traffic Management Command
Transportation Engineering Agency
720 Thimble Shoals Blvd. – Suite 130
Newport News, VA 23606

Marie Rust
Regional Director
National Park Service, NE Region
Recreation Resources Division
U.S. Customs House
200 Chestnut St., 5th Floor
Philadelphia, PA 19106

Gail Kimball
Chief of Forest Service
U.S. Department of Agriculture
P.O. Box 96090
Washington, DC 20090-6090

Dated: October 12, 2007


Michael Q. Geary
Staff Attorney



PAN AM
RAILWAYS

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

1700 IRON HORSE PARK
NORTH BILLERICA, MA 01862

LEGAL DEPARTMENT

(978) 663-1029

Fax (978) 663-1213

October 23, 2007

To. Service List

Re. Abandonment of and Discontinuance of Service
Over Mountain Branch – Westbrook, Maine
Docket No. AB 268 (Sub No 16X)
AB 355 (Sub No. 34X)

Ladies and Gentlemen:

In accordance with the Surface Transportation Board's regulations at 40 CFR § 1152.50(d)(1), the Portland Terminal Company and the Springfield Terminal Railway Company hereby gives notice that on or about October 26, 2007 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 Mountain Branch (the "Line") in Westbrook, Maine, extending from railroad milepost 6.0 to milepost 7.3, which traverse through United States Postal Service Zip Code 04092, a distance of 1.3 miles, in Cumberland County, Maine. 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.

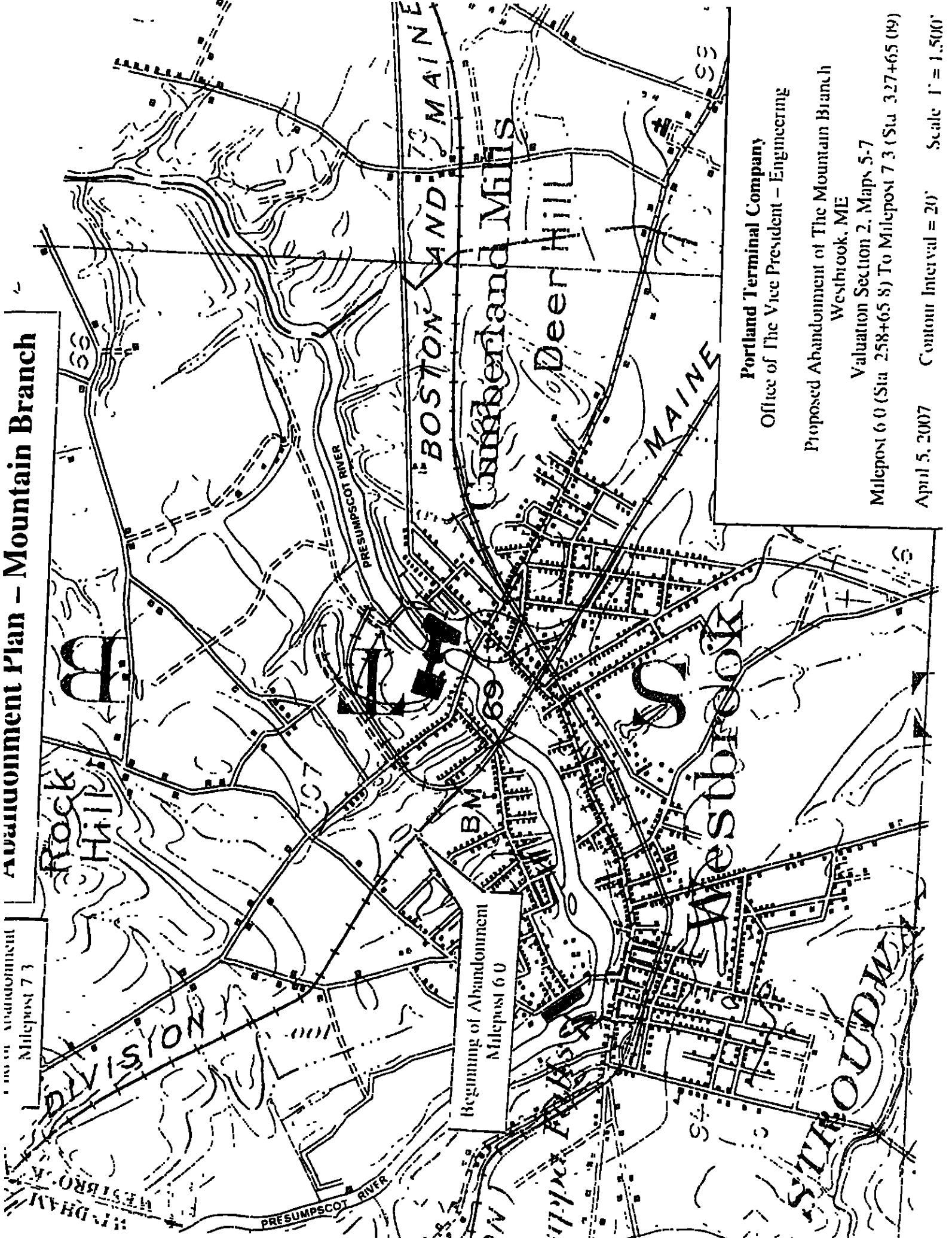
Sincerely,

Michael Q. Geary
Staff Attorney

Enclosure

Abandonment Plan - Mountain Branch

Beginning of Abandonment
Milepost 7.3



Portland Terminal Company
Office of The Vice President - Engineering

Proposed Abandonment of The Mountain Branch
Westbrook, ME

Valuation Section 2, Maps 5-7

Milepost 6.0 (Sta 258+65.8) To Milepost 7.3 (Sta 327+65.09)

April 5, 2007

Contour Interval = 20'

Scale 1" = 1,500'

THE MOUNTAIN BRANCH
ENVIRONMENTAL/HISTORICAL REPORT

Docket No. AB 268 (SUB NO. 16X)

Docket No. AB 355 (SUB NO. 34X)

I ENVIRONMENTAL REPORT:

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

1) Proposed Action and Alternatives:

The Portland Terminal Company ("PTC") and the Springfield Terminal Railway Company ("ST") (collectively the "Applicants") propose to abandon and discontinue service over a 1.3 mile portion of the so-called "Mountain Branch" 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 (2) years ago.

3) Land Use:¹

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

¹ The Applicants attach to this Environmental/Historical Report as an Appendix all correspondence received from federal, state, and local authorities and agencies in response to the Applicants' request for comments regarding the proposed abandonment/discontinuance of service.

ii) Based on consultations with the U.S. Department of Agriculture Natural Resources Conservations Service the Applicants believe that the proposed action will have no effect or adverse impact on any prime agricultural land

iii) This action is outside the boundary of the Maine coastal zone

iv) The 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 the Applicants to eliminate their potential responsibility for costly and energy consuming maintenance operations for an unused portion of the Line.

iv) The proposed action will not cause a diversion from rail to motor carrier in excess of the threshold levels set forth at 49 C.F.R. § 1105.7 (e)(4)(iv)(A) or (B).

5) Air:

The proposed action will not result in any of the increases set forth at 49 C.F.R. § 1105.7 (e)(5).

6) Noise:

The proposed action will not result in or exceed any of the thresholds set forth at 49 C.F.R. § 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) The 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.
- ii) The Applicants believe no national or state parks or forests will be affected by the proposed action.

9) Water:

i) The Applicants contemplate no action inconsistent with federal, state and/or local water quality standards.

ii) The Applicants do not believe the proposed action will require any permits under section 404 of the Clean Water Act. No salvage operations will be undertaken by the Applicants. No designated wetlands or 100-year flood plains will be affected by the proposed action.

iii) Permits under section 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 "A".

2) Description of the Right-of-Way:

The portion of Line at issue is approximately 1.3 miles in length. The width of the right-of-way is consistently 66 feet. The attached topographic map indicates the Line's topography.

3) Photographs of Railroad Structures:

The Applicants know of no significant railroad structures on the Line that are 50 years or older. The Applicants have made written request for comments from the Maine Historic Preservation Commission with regard to the anticipated effect of the proposed action on historical resources.

4) Construction Dates:

Not applicable

5) History of Operations:

The Line was constructed in the late 1850's. Portions of the Line were acquired in the late 1840's and early 1850's. The Line historically served as part of a local system of branch lines. No local or overhead traffic has moved over the Line for at least two years. The proposed abandonment and discontinuance of service 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:

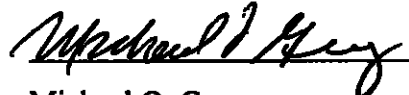
The Applicants know of no significant structures on the Line (such as bridges, trestles, stations, tunnels, track supports, etc.) that are 50 years or older. The Applicants are not aware of any culturally significant locations, archeological sites or unique landforms located along the Line or that will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

8) Description of Prior Subsurface Disturbance:

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

III CERTIFICATE OF SERVICE:

This certifies that the Applicants will serve copies of this Environmental/Historical Report upon and, prior to such service, consulted, or attempted to consult, with parties identified on the attached Service List:


Michael Q. Geary

Dated: October 3, 2007

ENVIRONMENTAL/HISTORICAL SERVICE LIST
THE MOUNTAIN BRANCH
DOCKET NO.: AB 268 (Sub No. 16X)
AB 355 (Sub No. 34X)

Maine State Single Point of Contact
State Planning Office
184 State Street
Augusta, ME. 04333

Maine Department of Environmental Protection
State House Section 17
Augusta, ME. 04333

Maine Coastal Zone Management Program
State Planning Office
184 State Street
Augusta, ME. 04333

Mayor Chuluda
City Hall
2 York Street
Westbrook, ME. 04092

United States Environmental Protection Agency
1 Congress Street
Boston, MA. 02114-2032

U.S. Fish and Wildlife Services
1168 Maine Street
Old Town, Maine 04468
ATTN: Mark McCollough

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

U.S. National Park Service
Northeast Region
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA. 19106

Natural Resources Conservation Service
USDA
967 Illinois Avenue, Suite 3
Bangor, ME. 04473

NGS Information Services, NOAA, N/NGS12
National Geodetic Survey SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD. 20910-3282

Maine Historic Preservation Commission
55 Capitol Street
Station 65
Augusta, ME 04333

EXHIBIT A

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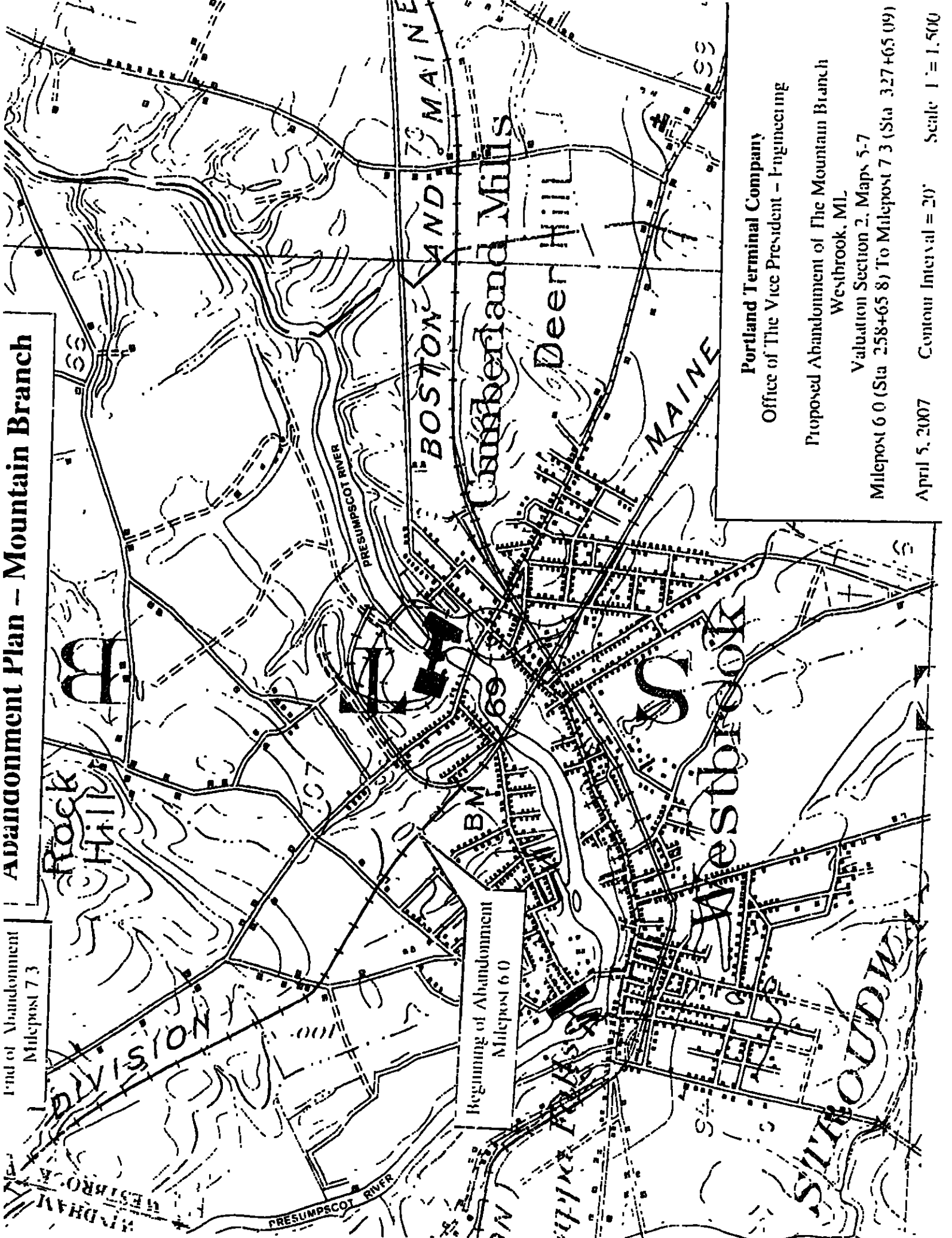
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Abandonment Plan - Mountain Branch

End of Abandonment
Milepost 7.3



Portland Terminal Company
Office of The Vice President - Engineering

Proposed Abandonment of The Mountain Branch
Westbrook, ME
Valuation Section 2, Maps 5-7
Milepost 6.0 (Sta 258+65.8) To Milepost 7.3 (Sta 327+65.09)

April 5, 2007 Contour Interval = 20' Scale 1" = 1,500'

APPENDIX

Geary,Michael

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Monday, September 10, 2007 4:54 PM
To: Geary,Michael
Subject: Re: Delivery Notification: Delivery has failed

>
> -----
> -- Thank you for sharing your railroad abandonment environmental
> report for Westbrook, Cumberland County, Maine.
>
> Approximately 63 geodetic survey marks may be located in the area
> described.
> If marks will be disturbed by the abandonment, [THE RAILROAD] shall
> consult with the National Geodetic Survey (NGS), and notify NGS at
> least 90 days prior to beginning salvage activities that will disturb,
> or destroy any geodetic station marks. These marks are described on
> the attached file. Additional advice is provided at
> <http://geodesy.noaa.gov/marks/railroads/>
> -----
> --
>
> |Dist|FID... H V Vert_Source Approx.|Approx...|Stat|Designation
>
> |-----|-----|-----|-----|-----|-----|-----|
>
> |....|OC1941|2 .|29/VERT ANG|N434200|W0702229|....|INKHORN
>
> |....|OC0120|. 1|88/ADJUSTED|N434117|W0702205|C...|T 121
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> |....|OC0121|. 1|88/ADJUSTED|N434201|W0702304|C...|U 121
>



City of Westbrook, Maine

Bruce L. Chuluda
Mayor
bchulud@westbrook.me.us

2 York Street
Westbrook, Maine 04092
Phone (207) 591-8126
Fax (866) 405-0776

Jerre R. Bryant
City Administrator
jbryant@westbrook.me.us

September 13, 2007

Pan Am Railways
C/O Michael Q. Geary
1700 Iron Horse Park
No. Billerica, MA 01862

Dear Mr. Geary:

The City of Westbrook has received your letter in regard to Pan Am Railways' Abandonment and Discontinuance of Service for a portion of the Mountain Branch railroad line. We have no objection to your discontinuance of this section of line, but we do believe there is an adverse effect to the community. Specifically, there is an issue with a nuisance associated with trespassers utilizing the abandoned right-of-way for personal use.

Since the removal of the rail from the right-of-way, the neighboring properties have experienced a large number of off-road vehicles including ATV's, 4-wheel drive vehicles, and snowmobiles utilizing the area as a trail. This is a difficult issue for our police department to enforce, and repeated attempts by the neighbors for help from Pan Am Railways have resulted in no action. The City of Westbrook is asking that, as part of the abandonment, Pan Am work to make the right-of-way less accessible from intersecting streets to discourage the use of the property in this manner.

Kindly provide me with your response to this request at your earliest convenience so I can have your office work with my Engineering Department in an effort to come to some sort of solution to this problem prior to abandonment. I thank you for your attention to this matter. If you have any questions, my office can be reached at 207-591-8126.

Sincerely,

Bruce L. Chuluda
Mayor



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Maine Field Office – Ecological Services
1168 Main Street
Old Town, ME 04468
(207) 827-5938 Fax: (207) 827-6099

In Reply Refer To: 53411-2008-
FWS/Region5/ES/MEFO

October 1, 2007

Michael Q Geary
Pan Am Railways
1700 Iron Horse Park
Billerica, MA 01862

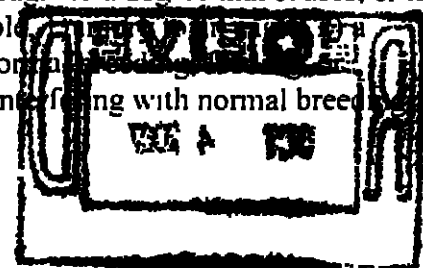
Dear Mr Geary:

Thank you for your letter dated August 29, 2007 requesting information or recommendations from the U.S. Fish and Wildlife Service. This letter provides the Service's response pursuant to Section 7 of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531-1543), Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250) and the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667d).

Project Name/Location: rail abandonment Westbrook, ME

Based on the information currently available to us, no federally threatened or endangered species under the jurisdiction of the Service are known to occur in the project area. Accordingly, no further action is required under Section 7 of the ESA, unless: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner that was not considered in this review; or (3) a new species is listed or critical habitat determined that may be affected by the identified action.

Occasional, transient bald eagles (*Haliaeetus leucocephalus*) may occur in the area. Based on the information currently available to use, there are no bald eagle nests near your project. The bald eagle was removed from the federal threatened list on August 9, 2007 and is now protected from take under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. "Take" means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. The term "disturb" under the Bald and Golden Eagle Protection Act was recently defined within a final rule published in the Federal Register on June 5, 2007 (72 Fed. Reg. 31332). "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: (1) a decrease in its productivity, by substantially interfering with normal nesting, brooding or feeding behavior; or (2) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.



TAKE PRIDE
IN AMERICA 

Further information on bald eagle delisting and their protection can be found at <http://www.fws.gov/migratorybirds/baldeagle.htm>.

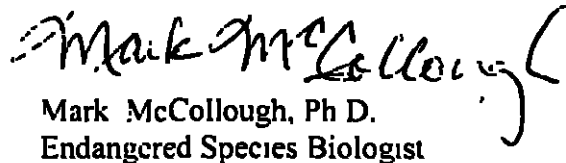
Please consult with our new national bald eagle guidelines, which can found at <http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

These Guidelines are voluntary and were prepared to help landowners, land managers and others meet the intent of the Eagle Act and avoid disturbing bald eagles. If you believe your project will result in taking or disturbing bald or golden eagles, please contact our office for further guidance. We encourage early and frequent consultations to avoid take of eagles.

Please contact the Maine Department of Inland Fisheries and Wildlife and Maine Natural Areas Program for an up to date account of Significant Wildlife Habitats and state-listed species in the project area.

If you have any questions, please call me at (207) 827-5938 ext.12

Sincerely,


Mark McCollough, Ph.D.
Endangered Species Biologist

cc:



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JOHN ELIAS BALDACC
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

October 1, 2007

Michael Q. Geary
Pan Am Railways
1700 Iron Horse Park
Billerica, MA 01862

Project: MHPC #1557-07 – railroad abandonment and discontinuance; Pan Am Railways
Mountain Branch
Town: Westbrook, ME

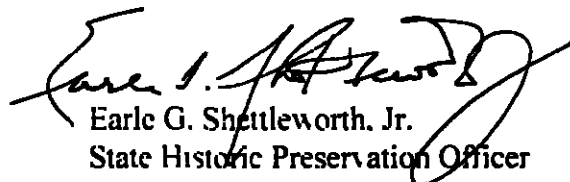
Dear Mr. Geary:

In response to your recent request, I have reviewed the information received September 6, 2007 to initiate consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the materials submitted, I have concluded that additional information is necessary to identify historic properties within the project area. Therefore, we are requesting photos of any railroad related buildings or structures (including bridges and culverts) that are over fifty years of age and located within the subject railroad right-of-way. All photos should be keyed to a track map, and be submitted on the enclosed *Maine Historic Preservation Commission Historic Building/Structure Survey Form* with lines 1-5 and 25-30 filled out. If no such buildings or structures exist, please indicate this in writing.

Once this information is received, we will forward a response regarding the results of our evaluation. Please contact Kirk Mohny of my staff if we can be of further assistance in this matter.

Sincerely



Earle G. Shettleworth, Jr.
State Historic Preservation Officer

Enc.



SURVEY MAP NO _____

SURVEY MAP NAME _____

MHPC USE ONLY

INVENTORY NO _____

MAINE HISTORIC PRESERVATION COMMISSION **Historic Building/Structure Survey Form**

1 PROPERTY NAME (HISTORIC) _____

2 PROPERTY NAME (OTHER) _____

3 STREET ADDRESS _____

4 TOWN _____

5 COUNTY _____

6. DATE RECORDED _____

7 SURVEYOR _____

8 OWNER NAME _____

ADDRESS _____

9 PRIMARY USE (PRESENT)

☐ SINGLE FAMILY☐ MULTI-FAMILY☐ INDUSTRY☐ TRANSPORTATION☐ RECREATION/CULTURE☐ OTHER _____☐ AGRICULTURE☐ GOVERNMENTAL☐ RELIGIOUS☐ DEFENSE☐ UNKNOWN☐ COMMERCIAL/TRADE☐ EDUCATION☐ HOTEL☐ SUMMER COTTAGE/CAMP☐ FUNERARY☐ HEALTH CARE☐ LANDSCAPE☐ SOCIAL10 CONDITION ☐ GOOD ☐ FAIR ☐ POOR ☐ DESTROYED, DATE ____/____/____

ARCHITECTURAL DATA

11 PRIMARY STYLISTIC CATEGORY

☐ COLONIAL☐ FEDERAL☐ GREEK REVIVAL☐ GOTHIC REVIVAL☐ ITALIANATE☐ SECOND EMPIRE☐ STICK STYLE☐ QUEEN ANNE☐ SHINGLE STYLE☐ R ROMANESQUE☐ ROMANESQUE☐ HIGH VIC GOTHIC☐ NEO-CLASSICAL REV☐ RENAISSANCE REV☐ 19TH/20TH C REVIVAL☐ ARTS & CRAFTS☐ BUNGALOW☐ OTHER _____☐ FOUR SQUARE☐ ART DECO☐ INTERNATIONAL☐ RANCH☐ VERNACULAR

12 OTHER STYLISTIC CATEGORY:

☐ COLONIAL☐ FEDERAL☐ GREEK REVIVAL☐ GOTHIC REVIVAL☐ ITALIANATE☐ SECOND EMPIRE☐ STICK STYLE☐ QUEEN ANNE☐ SHINGLE STYLE☐ R ROMANESQUE☐ ROMANESQUE☐ HIGH VIC GOTHIC☐ NEO-CLASSICAL REV.☐ RENAISSANCE REV☐ 19TH/20TH C REVIVAL☐ ARTS & CRAFTS☐ BUNGALOW☐ OTHER _____☐ FOUR SQUARE☐ ART DECO☐ INTERNATIONAL☐ RANCH☐ VERNACULAR

13 HEIGHT:

☐ 1 STORY☐ 5 STORY☐ 1 1/2 STORY☐ OVER 5 (____)☐ 2 STORY☐ 2 1/2 STORY☐ 3 STORY☐ 4 STORY

14 PRIMARY FACADE WIDTH (MAIN BLOCK, USE GROUND FLOOR):

☐ 1 BAY☐ 2 BAY☐ 3 BAY☐ 4 BAY☐ 5 BAY☐ MORE THAN 5 (____)

15 APPENDAGES

☐ SIDE ELL☐ DORMERS☐ REAR ELL☐ PORCH☐ FRONT☐ TOWER☐ ADDED STORIES☐ CUPOLA☐ SHED☐ BAY WINDOW

PHOTOGRAPH:



PAN AM RAILWAYS

IRON HORSE PARK
NO BILLERICA, MA 01862

LAW DEPARTMENT
(978)663-1029

October 4, 2007

Maine Historical Preservation Commission
55 Capitol Street
65 State House Station
Augusta, Maine. 04333

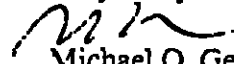
ATTN: Earle Shettlworth, Jr.

Re: MHPL # 15507-07
Town: Westbrook, Maine

Dear Mr. Shettlworth.

In response to your letter dated October 1, 2007 please be informed that there are no railroad related buildings of structure over fifty years of age and located within the subject railroad right of way.

Very Truly Yours.


Michael Q. Geary
Pan Am Railways
Legal



MAINE HISTORIC PRESERVATION COMMISSION
53 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

JOHN ELIAS BALDACCI
GOVERNOR

EARLE G. SHETTLEWORTH JR.
DIRECTOR

October 10, 2007

Michael Q. Geary
Pan Am Railways
Iron Horse Park
North Billerica, MA 01862

Project: MHPC #1557-07 – railroad abandonment and discontinuance; Pan Am Railways,
Mountain Branch
Town: Westbrook, ME

Dear Mr. Geary.

In response to your request, I have reviewed the information received October 9, 2007 to continue consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended.

Based on the information provided, I have concluded that there will be no historic properties [architectural or archaeological] affected by the proposed undertaking.

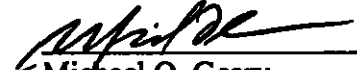
Please contact Kirk Mohney of this office if we can be of further assistance in this matter.

Sincerely,


Earle G. Shettleworth, Jr.
State Historic Preservation Officer

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

In accordance with 49 C.F.R. Section 1105.7(b), I hereby certify that on October 4, 2007, a copy of the Environmental/Historical Report was served upon the parties listed below, by first-class mail, certified, postage prepaid:


Michael Q. Geary
Dated: 10/26/07

Maine State Single Point of Contact
State Planning Office
184 State Street
Augusta, ME. 04333

Maine Department of Environmental
Protection
State House Section 17
Augusta, ME. 04333

Maine Coastal Zone Management Program
State Planning Office
184 State Street
Augusta, ME. 04333

Mayor Chuluda
City Hall
2 York Street
Westbrook, ME. 04092

United States Environmental Protection
Agency
1 Congress Street
Boston, MA. 02114-2032

U.S. Fish and Wildlife Services
1168 Maine Street
Old Town, Maine 04468
ATTN: Mark McCollough

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

U.S. National Park Service
Northeast Region
U S Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA. 19106

Natural Resources Conservation Service
USDA
967 Illinois Avenue, Suite 3
Bangor, ME. 04473

NGS Information Services, NOAA,
N/NGS12
National Geodetic Survey SSMC-3,
#9202
1315 East-West Highway
Silver Spring, MD. 20910-3282

Maine Historic Preservation Commission
55 Capitol Street
Station 65
Augusta, ME. 04333

VERIFICATION

State of Massachusetts)
)
Middlesex County)

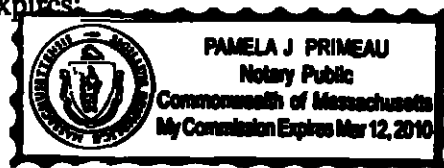
Michael Q. Geary, being duly sworn, states that he is a Staff Attorney for the Portland Terminal Company and the Springfield Terminal Railway Company; that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No AB 268 (Sub No. 16X) and AB 355 (Sub No. 34X) on behalf of the Portland Terminal Company and the Springfield Terminal Railway Company; that he has carefully examined all of the statements 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.


Michael Q. Geary

Subscribed and sworn to before me,
A Notary Public in and for the State
And County above named, this
26th day of October, 2007.


Notary Public

My Commission Expires:



CERTIFICATION REQUIRED

IN 49 C.F.R. SECTION 1105.12

In accordance with 49 C.F.R. Section 1105.12, I hereby certify that, with respect to the line, which is the subject of the Notice of Exemption in Docket No. AB 268 (Sub No. 16X) and Docket No. 355 (Sub No. 34X) I have published a notice in a newspaper of general circulation in each county in which the line is located before the date of the notice of exemption was filed. (See attached tear sheet of the Portland Press Herald)


Michael Q. Geary

Dated: October 26, 2007

