 Issue 11#02A    21 February 2011

*Article unchanged from e-bulletin.
**Blue type in article: changes from e-bulletin.

REGIONAL ISSUES
CSXT: Winter besets Albany Division.*

NEW YORK
PW: Pond View expansion runs into resistance.*

CONNECUT
Sydney: Who will buy container site?

MAINE
ST: Reportedly signed an agreement with MBTA for passenger rights to Concord. But NH legislators want to abolish the Rail Transit Authority.*

RHODE ISLAND

VERMONT

PEOPLE, POSITIONS, EVENTS
People: Charles Hunter,* Bill Donovan,* Chris Cole,* Jamey Tesler*

From the publisher
Not much new
Since the e-bulletins. See the Sydney story. Send news!

- Chop Hardenbergh     Next formal issue: 7 March

NEARS: April meeting has a wonderful agenda, always good networking. Y’all come! See website.


Helping to move rail and port traffic through New England, the Maritimes,& eastern Québec. A weekly trade newsletter.
REGIONAL ISSUES

CSXT: WINTER*
Severe winter weather continues to significantly impact CSX Transportation’s Albany Division and surrounding areas. Switching yards, customer facilities and track all are affected by heavy snow and ice accumulations, compounded by temperatures that rarely rise above freezing. Customer Service and division operating personnel are working together to solve customer issues as quickly as possible, including the resumption of normal switching schedules as conditions permit. However, customers with traffic in this area should continue to expect delays of up to 48 hours or more, and your patience is appreciated. If you have questions regarding specific shipments, please access the Problem Resolution tool via ShipCSX or contact the Customer Service Center at 1-877-ShipCSX (1-877-744-7279) option 5, option 6.

Reportedly, the bad service caused AES Thames to use the Green Mountain Gateway and CP to move the last carloads of ash in late January [see 11#01B].

MAINE

CN v MMA
Still no decision from Federal Judge John Woodcock, as of 1503 hours 21 February.

MDOT/MMA: OPERATOR SEARCH*
9 February.  “IT MAY PROVE DIFFICULT TO GET ANYONE IN PLACE BY THE END OF MAY,” said one informed source familiar with the property, who is not a potential bidder.

First step, selection of short list
“Step one is credentials, and showing that you have knowledge and understanding of the subject properties, customers, and markets. It remains to be seen how many of those who have requested information will prove to be only window shopping. The more submissions, the longer that will take.”

He opined that this step “could be inconclusive” but that MDOT has latitude to select the short list.

Second step, economic considerations
Even if MDOT only takes a month for the first step, the second step requires “all kinds of subsidiary negotiations”:

- Talk to MMA about using the maintenance facility in Houlton. The facility lies well off the Millinocket-Madawaska trunk line and he wondered how much use it had gotten in recent years.

- Contract with MMA about other support services, such as dispatching and car supply.

- Negotiate interchange agreements with CN and NBSR, if necessary. Concluding an interchange agreement with CN at St.Leonard will depend on how soon the lawsuit with MMA is concluded [see other story].

- Work with the shippers to agree on rates under which the shippers will give traffic to the operator. Any new operator has to be concerned about the amount of traffic, and would broach the option of a take or pay agreement (minimum number of carloads per year). Shippers and MDOT are apparently backing an increase in interstate highway trucking weights to 100,000 pounds, undercutting any new operator’s offering.

- Reach a sense with MDOT of how much the operator would have to pay to use the track, and how the department will spend the $10 million it has for track maintenance. “Throughout the answers to the 137 questions [see 11#01B],
MDOT says it will ‘work with’ the operator in case of difficulty, but makes no commitment to any additional expenditures.”

Problem: “No one has had a chance to see the property since the autumn. It’s now under two feet of snow. My rule #1: I never buy or lease a railroad without thoroughly looking at it.”

**How can MDOT decide?**
The source firmly believed that, “given the decline in traffic numbers [see box] and the loss of Twin Rivers traffic in late 2010 [see 10#12B], it’s doubtful that a prudent operator could pay the state anything, at least not immediately.” Generating enough traffic will “be a really tough slog.” The source understood that one prospect has changed its mind “when it saw the latest traffic numbers.”

If the department gets “more than the two most logical bidders” the department may find it hard to make direct comparisons among the proposals.

**What about the $10 million for repair?**
From a TIGER II grant, the department has $10 million to put into repairing the lines, and it will decide where to spend the money, with input from the future operator. But if the operator is not selected until May that does not leave much time in the 2011 construction season to do trackwork.

Any operator might have concerns about where to spend the money. If one shipper on a branch line, say to Houlton, promises a significant amount of traffic, will MDOT agree to spend a good chunk of the $10 million on that one branch?

**Whom does this favor?**
Only two companies have a good familiarity with the property: current operator MMA, and NBSR because its parent, Irving, generates a significant amount of the traffic on the line. {ANR&P discussion with source }

**A note on traffic**
The .xls file attached to the RFP on the MDOT website contains a listing of every carload moved for every customer for the years 2008-2010; it has 989 origin-destination pairs/car type. The box below shows the last few lines of the .xls. {text of RFP}

**MDOT/MMA: SELECTION BEGINS**
17 February, Augusta. **MDOT RECEIVED FIVE RESPONSES TO ITS REQUEST FOR PROPOSALS,** according to Nate Moulton, rail administrator: Myles Group, Patriot Rail, Rail America (RA), Springfield Terminal Railway (ST), and Eastern Maine Railway (EMRY). {e-mail to ANR&P 18.Feb.11}

**Myles Group**
From the website: ‘Myles Group is an organization of manufacturing and service companies with the capability to create and implement solutions. Myles Group's long term objective of establishing a railroad operation became a reality with the acquisition of the Wellsboro & Corning Railroad and the Tioga Central Railroad in late 2007.

‘The Wellsboro & Corning Railroad is a 38-mile freight line, operating from Wellsboro, PA to Corning, NY with connections to Norfolk Southern and the Canadian Pacific. The Tioga Central Railroad is a passenger train operation with both excursion and charter trains.’

Other non-railroad companies. ‘IWG is a rail terminal service and operations company. Utilizing rail associated products, IWG provides logistics solutions and terminal service operations including rail car transloading, cleaning, and repair programs.

‘1501 Group is an acquisition and property management company. Eagle Design Group develops data and voice communication solutions. EDG manufactures products for the cable, fiber optics and wireless markets.
‘Power Alley Interactive is licensed by Major League Baseball and the Major League Players Association to manufacture and install interactive batting and pitching machines using life size images of professional Major League Players in motion on a video screen. Airport Identifier designs and manufactures identification labels for the air industry. Network Xpress provides internet marketing and drop shipping delivery services for data and telecommunication products.

‘All Myles Group companies are green companies dedicated to the reduction of pollution, fuel use and demand of foreign oil. We practice recycling, adopting clean technologies, and working with public agencies and other partners to promote environmental stewardship.’ {company website}

Tom Myles comment. On 18 February, Tom Myles, the chief executive officer, said his company “is interested in growth, sees the potential for our team to market the railroad [line in Maine], and believes we can make it viable...

“In addition we believe in service. In the Marcellus shale field [which the Wellsboro & Corning serves] our railroad has become a very strong influence in the business...Our service plan affected what we market. We provide personalized service to our customers: nine sand companies (located in the Midwest) delivering frac sand (round sand, used to drill for natural gas, as opposed to angular, beach sand) to almost the same number of drilling companies.”

Myles started as a 4th generation railroader in 1963 at the Pennsylvania Railroad, and worked for successors Penn Central and Conrail, ending as a commercial officer. “I believe strongly in how to produce new traffic.”

As far as the Aroostook line, he said he has “not met any customers, but if we are chosen to sit at the table” to prepare a financial proposal “we will prepare a real marketing plan.”

Transload experience. His group, said Myles, has a strong synergy with its company IWG which does transloading. “We have successful operations in Ohio, Pennsylvania, New York, Alabama, and elsewhere. We can be very mobile and very aggressive” in providing stable operations and equipment for transloads on railroads.

Maine? Myles acknowledged that his team had not yet seen the property. “It’s a reach, but one we can make” because of the marketing team and the actual experience the Myles Group has in hauling and handling basic products metals, wood, and aggregates. “We have outlets for that kind of stuff. W are very optimistic” about the Maine situation. {ANR&P discussion 18.Feb.11}

Patriot Rail

From the website: ‘Patriot Rail Corp. ("Patriot Rail") is a railroad holding company based in Boca Raton, Florida, that acquires and operates short line and regional freight railroads. The Patriot Rail management team is led by Gary O. Marino, the co-founder and former chair, president and CEO of RailAmerica, Inc. (NYSE: RA)...The Company owns and operates 13 short line freight railroads comprising approximately 500 total rail miles in 12 states....

In December 2010 Patriot ‘completed the acquisition of the six short line railroads belonging to Weyerhaeuser Company, effective December 30, 2010. This acquisition, the largest for Patriot to date, brings to 13 the number of short line railroads currently owned by Patriot Rail.

‘The six Weyerhaeuser railroads operate over approximately 160 miles of track in four states, employ 88 people, and handle approximately 60,000 carloads of freight annually. The railroads primarily serve Weyerhaeuser and International Paper mills and a number of third-party customers. Major commodities hauled include wood and paper products, chemicals, industrial waste, minerals and agricultural products. Each of the railroads interchange traffic with multiple Class I carriers and other short line railroads.

‘Financing for the transaction was provided by Fifth Third Bank, Prudential Capital Group and Prudential Capital Partners. Oppenheimer & Co. acted as financial advisor and Greenberg Traurig, P.A. acted as legal advisor to Patriot in connection with the acquisition.’ {company website}

Why Maine? Patriot spokesperson Wayne August said his company was looking forward to partnering with the state. “We have not got to see it yet, not had a chance to dig into it yet.” [Given the feet of snow on the ground, ‘digging
in’ is not just a metaphor. [Editor]

In general, Patriot looks for situations where “due diligence shows an upside for customer base, and where not a lot of capital is needed.” The company sees “no need [for its railroads] to be regionalized. The local general manager has P&L control [profit and loss]. Headquarters provides some overhead such as insurance.” [ANR&P discussion 18.Feb.11]

**RailAmerica**

This holding company already has railroads in the region: CBNS, NECR, and CSO. It does regionalize its approach. One official from the company said no one had seen the property for years: “Our chief engineer looked at it in 2002” when the Bangor and Aroostook Railroad was going through bankruptcy. [ANR&P discussion 18.Feb.11]

**Springfield Terminal**

This subsidiary of Pan Am Railways has operated the Maine Central and the Boston and Maine for over 20 years. Given the proximity of its operation, which extends to Mattawamkeag near the proposed southern interchange point in Brownsville, one assumes that it has some familiarity with the property. [editor]

**Eastern Maine**

EMRY is a sister company to NBSR, which operates over the EMRY track from Saint John to Brownville Junction. NBSR is a subsidiary of Irving, which has large holdings in Aroostook County, and moves a large amount of wood and wood products by rail. [editor]

For example, three NBSR locomotives and one MMA moved 75 loaded chip cars from Squa Pan, Maine into Saint John about 12 February. [RailsNB e-list]

**What’s next**

Moulton wrote on 18 February: ‘We look to get a new operator on the ground as soon as reasonably possible. The process for scoring and selection will be as described in the RFP. The Task Force role per the Executive Order is to ensure the needs of the region are met and that the process is fair and transparent.’ [e-mail to ANR&P 18.Feb.11]

**RFP procedure.** The original RFP called for proposals by 19 January and a selection for the second round by 4 February. MDOT changed the date for the proposals to 17 February, and still hopes for a final selection by the end of March [see 11#01B].

The five proposals [RFP is not clear if this scoring system will apply to the first round–editor] will be scored ‘by representatives of MAINEDOT based on the following weighted criteria:

- Respondent's operating and management experience, available expertise, and overall ability to perform the services described in the proposal (30 points)

- Proposed cost/revenue structure which includes revenue to MAINEDOT (10 points)

- Respondent's financial ability and references to operate rail line of this size (20 points)

- Maintenance equipment being provided by Respondent (10 points)

- Operating equipment being provided by Respondent (10 points)

- Proposed operating plan developed by Respondent (10 points) {text of RFP}
Role of Aroostook Task Force. Denis Berube, the person who has organized the meetings of the Aroostook Rail Task Force which was created by the Executive Order, was not sure whether the state would involve the Task Force. \{ANR&P discussion 18.Feb.11\}

As Moulton pointed out, the text of the Executive Order requires only ‘transparency...in the issuance of a Request for Proposals’ [see text in box in 10#04B]. It does not require the state to consult with the Task Force thereafter. {editor}

**MMA comment**

MMA Chair Ed Burkhardt wrote on 18 February: ‘We were surprised the State put the capital replacement costs on the operator, which is different from the arrangement on other State-owned rail lines. The economics of the line won't allow any capital investment whatsoever, which is exactly why we filed for abandonment. Any operator will have a tough time generating the cash to assume above the rail costs plus the infrastructure work that is normally seen as an operating expense (inspections, weed spray, brush cutting, rail lubrication, etc). That's why we couldn't justify lodging a bid.

‘We have no favorite bidder, and will be interested in meeting the bidders during the process. We do want to see a successful and sustainable operation of the lines, and will cooperate with the selected operator to the maximum extent possible.’ {e-mail to ANR&P}

**What’s the fate?**

Two experienced short line operators prophesied, using almost the same words for the future of the 233 miles: “In five years, they [the new operator] will be back looking for a subsidy to operate it.” Neither believes the operation is viable without state support. \{ANR&P discussions 18.Feb.11\}

**Letter to editor re fate of line**

‘I agree with the last paragraph. There is no chance that this piece of railroad is independently sustainable. The last rail “new” facility in Maine that generated new freight was Gas Supply, now Duke energy, in Auburn (there might be some warehouses, but they are not generating new freight). That’s been at least 12 years now. If there is a new customer looking to locate on a rail, why would they pick that line? They simply would not.

‘Given the above, any traffic (and revenue) increase will need to come from the existing customers. Who continue to dwindle, both in numbers and in rail freight shipped.

‘This thing is a dog. With fleas.’ {Matt Jacobson, president & CEO, Maine & Company 18.Feb.11}

**Another subscriber has doubts.**

‘The fact that at least three of the five respondents have not seen the property or been in contact with customers speaks to the issue of meeting a May deadline.

‘Realistically, the contenders will not even be able to conduct meaningful interviews with MDOT until they have taken these steps, and they will want to do that individually, not in group sessions.

‘In order to comply with the State’s/shippers’ desired service schedule, the “successful” party will be running short trains all over the County with its own power and crews.

Railroading is a volume-dependent and fuel-sensitive business, and the out-of-pocket cost of hauling 20 cars per train is not a whole lot more than pulling a single. Starting with a base of around 5,500 carloads, or only 24 cars per mile, revenues would be less than $20,000 per mile even at an unlikely average of $800 per car for the mostly low-rated commodities, meaning that normalized FRA Class 2 maintenance would consume around 40% of gross and the operator would perform whatever stewardship its limited cash flow would allow.

Everyone will be reluctant to commit much of their own funds to leasehold improvements on properties subject to a 10-year initial lease term. In light of all this, there is reason to question whether the public-sector acquisition of the Aroostook Lines should be described as a forward-looking industrial development strategy or a defensive act of desperation to preserve a largely bygone past.’ {e-mail to editor from same source as questioned the deadline}
### EXCERPT FROM MDOT RFP - MMA TRAFFIC

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**Note:** The last rows of the entire 989-entry table are included to show the variety of traffic. (MDOT website, RFP,
CUSTOMERS NOW ON STATE-OWNED, FORMER MMA, LINE {RFP}
MMA v CN: FRASER LIQUIDATION*

15 February, Toronto. **FRASER PAPERS DISTRIBUTED $44 MILLION IN UNSECURED NOTES ISSUED BY TWIN RIVERS PAPER COMPANY INC** and a 49% common equity interest in Twin Rivers to Fraser Papers' creditors [mostly Brookfield Asset Management]. The Canadian Court and the US Court approved this plan on 10 February. [T]he Company began working diligently to complete the Transaction and implement the Plan on February 15, 2011.’ {Fraser press release}

Sale of New Hampshire mill
Counsel RB Capital, LLC signed an agreement 27 November 2010 to purchase Fraser’s mill in Gorham, New Hampshire. ‘The transaction was approved by the Ontario Superior Court of Justice (Commercial List) on December 3, 2010. The Company and Counsel have agreed that the transaction will be completed on December 16, 2010.’ {Fraser press release}

MMA: CUSTOMER RE-OPENING?*

14 February, Millinocket. **OFFICIALS FROM MERITURN PARTNERS WILL VISIT THE KATAHDIN PAPER CO. LLC MILLS IN EAST MILLINOCKET AND MILLINOCKET** on 16 February. Meriturn, a San Francisco investment group, has signed a tentative agreement to buy the East Millinocket and Millinocket paper mills for an undisclosed price, partner Lee C. Hansen said on 14 February. The deal’s deadline is April 29. If completed, it would restore as many as 150 full-time manufacturing jobs at the Millinocket mill plus dozens more to help operate and supply a new biomass boiler, needed to make the mill cost-efficient [see mill closure in 08#08B].

Brookfield Asset Management owns the two mills. The now-bankrupt Fraser [see other story] once proposed to buy the Katahdin mills {Nick Sambides in Bangor Daily News 16.Feb.11}

__________________________

**MASSACHUSETTS**

**MBTA-PAN AM AGREEMENTS**

26 January. **THE T AND PAN AM FINALLY SIGNED THE AGREEMENTS AGREED UPON IN JUNE 2010** [see 10#06B]; they cover the next 30 years. They track the terms stated then. [{} refer to section numbers of the Agreements.]

T honcho Richard Davey and ‘David A Fink, CEO’ of ST, etc, signed.

Option to purchase
For the next 30 years, the T has the option to purchase any of the Pan Am lines covered [see box]. Pan Am may sell any of the lines to a third party before the T exercises the option, as long as the T still retains its option to buy. {6.1}

Purchase price. The T shall estimate the fair market value of any line for which its exercises its option. If Pan Am disagrees, the two parties ‘shall work together in good faith to agree’ upon a price. If they do not agree within 60 days, then first, the two will simultaneously exchange their estimate. ‘If the higher of such Estimates is not more than 105% of the lower of such Estimates, then the Purchase Price shall be the average of the two Estimates.’ If not, the parties will use appraisers. {6.2}

Option to use for passenger service
The T gains access to certain Pan Am lines for non-revenue service, and may ‘occasionally divert’ revenue service. {3.2} The T may begin revenue service on the lines after a capacity study determining any needed improvements. Pan Am forces will do the work for the improvements.

PAR will continue to dispatch the lines after the T begins revenue service, and will give T trains priority ‘for as
Freight Main Line

WRML – Plaistow
Mile Post 274.65 to Mile Post 272.00
FRA Class IV (passenger/freight)

Lowell Branch
CPF-U to CPF-297
FRA Class II (freight)
CPF-297 to CPF-LO
FRA Class I (freight)

Stoney Brook
CPF-A to CPF-303
FRA Class I (freight)
CPF-303 to CPF312
FRA Class II (freight)

W, N. & P – Worcester Branch

Worcester Main
Harvard to Mile Post 5
FRA Class II (freight)
Mile Post 5 to Barbié (2.82)
FRA Class I (freight)

Lines included in T-Pan Am agreement

T-PAN AM DOCUMENTS
The agreements include the 42-page agreement between MBTA and Pan Am, an Exhibit A containing valuation plans for the Pan Am-owned Plaistow section, the Stoney Brook branch, the Lowell Branch service, and the Worcester Main, an Exhibit B containing the form of the Purchase and Sale agreement if the T exercises its option, an Exhibit C describing direct billable costs, and an Exhibit D with the current track condition.

PAN AM SOUTHERN AGREEMENT
The T and PAS signed a similar agreement, covering the lines shown in the box, now owned by the NS-ST joint venture. This was signed by Richard Davey for the T, and by ‘David A Fink, president, Pan Am Southern LLC’.

How to obtain documents
Any subscriber may obtain the pdfs of the documents free of charge–contact the editor by e-mail.

CSXT: INTERMODAL EXPANSION
14 February, Worcester. THE RAILROAD PLANS TO USE MORE VERTICAL SPACE when it combines the Beacon Park yard intermodal traffic (32,000 intermodal units) with the current Worcester traffic (108,000 intermodal units) and future expansion (perhaps 60,000 intermodal units). The Worcester yard will expand from 59 to 79 acres, and CSXT will undertake two additional changes:

Doublestack
The clearing of the entire route from Selkirk to Worcester for full-

Options to use for freight service
Pan Am obtains the right to use certain T lines as well. Neither party will pay to the other trackage fees [a change from earlier–see past costs and income in 10#06B].

Insurance
The T shall self-insure, and shall carry a policy covering Pan Am with a limit of $75 million or more. {12.1}
doublestack will permit CSXT to move twice the number of full-height boxes (9'6") as it can now move on one container platform.

Cranes, not packers
In many yards, packers (similar to front end loaders) pull boxes off railcars and stack them. The backing and turning requires more space to move a box than using a crane to move the boxes. CSXT plans to use overhead cranes [see photo] rather than packers to move the boxes.

Carl Warren, director of CSXT strategic infrastructure, said that the changes mean higher volumes, less overhead, and more profit for the rail company. “There’s this direction our industry is going, with an increased emphasis on density and stacking..., using space very efficiently, rather than having a big parking lot.”

Side loaders can load and unload containers weighing about 90,000 pounds as quickly as overhead cranes can, about 30 an hour, said Carl Martland, a retired senior research associate at the Massachusetts Institute of Technology who studies train networks. But in the long run, side loaders waste time shuttling containers back and forth. “It’s more cumbersome because you need to go in, get close to the train, then go back to the truck and drop it down,” Martland said. The side loaders also get in each other’s way as they hustle to reach the train, slowing down the process. “It’s bellying up to the bar, and somebody’s already standing in front of you.”

Maurice O’Connell, CSXT vice-president for state government and community affairs said that to keep trucks rolling in and out smoothly, the Worcester yard will assign each vehicle a numbered parking spot so drivers can wait in line for their cargo. Allston has no similar system to help truckers find the side loaders carrying the containers they are supposed to pick up. “You don’t have trucks hunting and pecking. They drive to the crane and they load it right on, like you are going to the dry cleaner and getting your clothes.” {John Dyer in Boston Globe 14.Feb.11}

NEW HAMPSHIRE

ST: NH PASSENGER RIGHTS*
17 February, Nashua-Concord. PAN AM HAS AN AGREEMENT WITH THE MBTA ABOUT PASSENGER RIGHTS TO CONCORD, according to several different sources. Peter Burling, chair of the New Hampshire Rail Transit Authority, said “the agreement is signed, and extends to Concord.” {ANR&P discussion}

This echoes a comment from Nashua Mayor Donnalee Lozeau in her State of the City address on 16 February that "after several years of complex negotiations among rail providers, there are now at least three rail service providers who can serve the City of Nashua with passenger rail service. Those three are Amtrak, MBTA, and Pan Am Railways." {NHRTA e-list}

Trouble with the NHRTA
Despite this advance, Republicans in the New Hampshire General Court appear bent on dissolving the New Hampshire Rail Transit Authority, though it costs nothing because it has no staff, and no paid board members. On 16 February, the House Transportation Committee voted, 11-5, to recommend passing HB 281, the bill of Representative Daniel McGuire, R-Epsom, that would abolish the authority created to oversee commuter rail lines
from southern New Hampshire to Boston.

Rail Authority Chair Peter Burling, a former state senator, assured the House committee that the Obama administration is awarding a $4 million planning and feasibility grant for the project. Nashua Mayor Donnalee Lozeau, NEGS President Peter Dearness, local lawmakers, and executives with the Greater Nashua Chamber of Commerce all turned out to oppose the bill.

But Representative John Tholl, R-Whitefield, said even if that money arrives, getting this service off the ground would require a multimillion-dollar-a-year subsidy the state can no longer afford. “Say we have this study and design and come back with the finding the state needs to support this to the tune of $5 million or $10 million a year?” Tholl said. “Where is that fictitious money, just lying around going to come from? When are we going to stop kidding ourselves?” {Kevin Landrigan in Nashua Telegraph 17.Feb.11; ANR&P discussion with Dearness 18.Feb.11}

Major pressure on Committee
State Representative Ray Gagnon (D, Claremont) wrote on 17 February: ‘Earlier the morning I spoke with one of the more respected Republican members of the committee’ who said the bill would not pass. ‘Sadly just after lunch, he informed me that the Speaker of the House was coming over to speak to the committee’ to ensure the Rail Authority was abolished.

When Democrats entered the room for the vote, ‘additional Republicans had been brought in to fill the seats of those committee members who were absent. The additional members were as follows: DJ Bettancourt (Majority Leader - Salem); Shawn Jasper (Hudson); Matthew Quant (Exeter); Maurice Villeneuve (Bedford); and John Byrnes (Swanzey).

‘I informed the committee’ about Mayor Lozeau's comments at the State of the City. Republicans responded: "If Nashua wants it - let them pay for it"... the 4.1 million was dismissed as "not viable" - the mantra was "abolish the rail authority””

‘Next step: We will certainly fight this on the floor of the House’ but Gagnon did not anticipate the House will reverse the committee vote. ‘[T]he legislators who make up of this House are not Republicans, they are not conservatives, they are radical extremists who hate government and will do anything to make sure nothing good happens.’ Gagnon said the governor will veto if he knows that the House will uphold the veto. ‘[I]t is key that we get about 130 to 140 reps to vote against abolishing the Rail Authority. Considering there are 102 Democrat reps - we need about 30+ Republicans from Greater Concord, Greater Manchester, and Greater Nashua to stand up against their speaker. We will do our bit to reach out to them - but contacts from their home communities will have a much bigger impact.’ {Ray Gagnon e-mail to Peter Burling}

MBRX v ST: MORE DELAY*
14 February, Concord. **THE COURT SET A NEW DATE FOR THE PARTIES TO MEET TO SET A DATE FOR TRIAL.** MBRX found that its attorney could not attend the date set by the court of 1 March [see 11#01B] and sought an earlier meeting, but ST attorneys could not do that. So the court postponed to 29 March. Thus 70 days will have elapsed since the judge ordered the parties to work out a trial date with the magistrate. [!!] {US federal court for New Hampshire website}

Two more years lost?MBRX principal Peter Leishman wrote: ‘PAR has rejected our proposal to settle and has made it very clear they are not going to allow the Milford-Benington to operate. It's unfortunate but it would appear that PAR will keep us from running for another year. With the rejection of our proposal, Granite State is making arrangements to again move their stone by truck [and more destruction of New Hampshire and Massachusetts roads–but NHDOT won’t act–editor] from Massachusetts as PAR's actions will force the closure of their Wilton quarry operation for another year. As you may recall, Pan Am said that they can not be ready for a trial until "January 2012". {e-mail from Leishman} [Which, dollars to doughnuts, given the speed of court means no rail service in 2012 either. Editor]
**NEGS: INJURIES***

9 February, Concord. *A LOCOMOTIVE FLIPPED OVER HERE*, after a derailment, severely injuring engineer and NEGS owner Peter Dearness. He was proceeding south on NHDOT-owned track and apparently encountered an iced up right of way, packed down by snowmobilers who use the railroad bridge to cross the Merrimack River. Dearness is in hospital, but the injuries are not life-threatening. Conductor Gary Kerr was shook up, but not injured. {NERAIL reports 9.Feb.11}

**NEGS: LOCOMOTIVE RIGHTED***

11 February, Concord. *WINTER’S RIGGING RE-RAILED THE LOCOMOTIVE* this day, taking only 90 minutes after the cables were rigged. Karl Dearness, Peter’s son, watched the process. He and others could not say whether water freezing in the engine block had damaged it beyond repair. The re-railing itself cost $25,000; Dearness did not know how much of that would be covered by insurance.

**Dearness ok**

The day after the accident, Peter Dearness, engineer and NEGS principal, said he was moving little more than five miles an hour when ice and hard-packed snow forced the wheels off the rails. He attributed the ice to snowmobilers who illegally run on railroad tracks.

NEGS has not used the tracks much in the winter, Dearness said. Due to the forced downsizing [ST kicking him out of serving Concord customers—editor], he plans to sell the former Union Pacific locomotive and was keeping the tracks clear so he could deliver the engine to a buyer. He plans to replace it with a smaller, cleaner locomotive. {Mark Hayward in *Union Leader* 11.Feb.11}
Winter operates throughout the US Northeast and Ohio as well as in Canada from headquarters in North Collins, New York. \{\textit{ANR&P} discussion 15.Feb.11\}

**RHODE ISLAND**

**PW: CUSTOMER TRIES TO EXPAND**

16 February, East Providence. \textit{SOME WANT TO SHRINK THE POND VIEW OPERATION}. The facility, which receives construction and demolition debris (C&D) and loads it into railcars [reportedly about 20 per week \{e-mail to \textit{ANR&P} from local correspondent\}], has a license to handle 500 tons per day. It seeks to expand to 1500 tons per day, while opponents want to shrink the licence to 150 tons per day. The set-to is occurring on many fronts:

**East Providence City Council**

In December, when the new East Providence City Council came on board, they voted 3-2 to support two resolutions regarding the TLA (Transload America) Pond View (legal name TLA Providence LLC) issue. One resolution put the council’s support behind the attorney general’s lawsuit [see below]. The other resolution reaffirmed the past council’s opposition to the facility’s proposed expansion. City Councilwoman Katie Kleyla, who was previously employed by TLA Pond View land owner Ken Foley, voted for the resolutions.

TLA Pond View came up on 15 February at the East Providence City Council meeting. The following resolution asking the involvement of the EPA passed 4-1. \{\textit{ANR&P} discussion with city clerk’s office\}:

> WHEREAS, the Rhode Island Department of Environmental Management has ignored the concerns and complaints of the citizens of the City of East Providence regarding the operation of the TLA / Pondview facility; and

> WHEREAS, the Department of Environmental Management has ignored the order of the Rhode Island Supreme Court to commence Administrative Adjudicative proceedings on the issuance of its permit allowing TLA / Pondview to operate at a five hundred (500) ton per day capacity; and

> WHEREAS, the City of East Providence has been forced to bring a lawsuit against the Department of Environmental Management due to its failure to meet its obligation to protect our citizens from the environmental hazards caused by the operation of the TLA / Pondview facility; and

> WHEREAS, the United States Environmental Protection Agency is charged with the responsibility of enforcing environmental regulations throughout our country and where it has now become necessary to implore the Unites States Environmental Protection Agency to enforce its environmental regulations in the City of East Providence due to the failure of the Rhode Island Department of Environmental Management to do so; and

> 

> WHEREAS, the City Council for the City of East Providence is desirous of directly requesting the assistance of the United States Environmental Protection Agency for the enforcement of its regulations in regard to the operation of the TLA / Pondview facility...

NOW, THEREFORE, BE IT RESOLVED that this Resolution requesting the assistance of the United States Environmental Protection Agency for the enforcement of its regulations in regard to the operation of the TLA / Pondview facility be forwarded to Lisa P. Jackson, Administrator for the Environmental Protection Agency. \{text from East Providence city website\}

**Rhode Island General Assembly**

On 14 February, State Senator Daniel DaPonte (D-District East Providence, Pawtucket) announced that his proposed bill would return TLA Pond View to its previous workload of 150 tons of waste per day. “Excessive noise throughout the night, oppressive odors all year, unnatural foreign dust that covers houses and cars, large commercial trucks speeding down residential roads, and emerging chronic health problems; these are but a few of the horror stories I’ve been told about the TLA facility,” said Da Ponte. “None of these occurrences are acceptable, especially
The City of East Providence website has a ‘TLA Pondview update’ link. Its last update, in January, states that truck traffic on a local street from Pondview had dropped to zero due to increased police enforcement.1

S-0184 states that any debris processing facility, such as TLA/Pond View, within a 1000-foot radius of a residential area cannot process more than 150 tons of waste per day. TLA Pond View currently processes 500 tons of waste per day and is seeking to expand operations to 1,500 tons per day. S-0184 would return TLA Pond View to its previous [2003–editor] workload of 150 tons of waste per day. {Daponte press release on his website}

Rhode Island Department of Environmental Management
In 2009, TLA Pond View submitted a solid waste application to RIDEM for permission to accept 1,500 tons of construction and demolition waste per day up from the current limit of 500 tons [see 09#06A]. The DEM’s Office of Waste Management determined that the application complies with the requirements of the Solid Waste Regulations and has issued a Notice of Intent to Issue the license.

DEM supervising engineer Laurie A. Grandchamp ran the public comment period on the proposal, which drew a public outcry against the expansion; the period concluded on 24 November. RIDEM will decide about the license at the end of February. DEM spokesperson Gail Mastrati said on 14 February the department had not yet decided.

State Superior Court/State Attorney General
The city contends that DEM should have never granted the facility permission to expand from 150 tons to the current 500, much less the 1,500 that is now proposed. It also contends that DEM cannot grant the license without TLA Pond View receiving permission from the city and the state planning office. On 23 November 2010, the Attorney General’s office and the City of East Providence filed a complaint in Superior Court against RIDEM and TLA-Providence LLC.

‘[T]he City of East Providence and the Attorney General Patrick Lynch seek a declaration and preliminary injunction compelling the Rhode Island Department of Environment Management immediately to withdraw its ‘Notice of Intent’ to issue a solid waste management disposal permit to TLA-Providence LLC to expand its construction and demolition debris facility in East Providence, Rhode Island, and to not issue a permit to TLA.’

State Supreme Court
A previous lawsuit challenging the validity of the 2003 license [to expand to 500 tons--see 03#02B] led the State Supreme Court in May 2010 to conclude that any licenses issued since then are not “truly new” and to order the DEM to review the entire matter.

“We’re still waiting for DEM to obey the direction of the Rhode Island Supreme Court,” Councilman William J. Conley Jr said in December.

In January 2011, RIDEM Assistant Director Terrence Gray said his agency is reviewing the public comment on the license expansion and has 90 days, until 23 February, to approve or deny the license.

Meanwhile, he said, the department’s administrative adjudication division is responding to the Supreme Court order by “working with all of the attorneys involved.” {Richard Salt in Providence Journal 9 Jan. 11}

PROVIDENCE: COAL EXPORT*
8 February. ‘WE JUST LOADED 31,000 METRIC TONS OF COAL FOR EXPORT TO TURKEY,’ Bruce Waterson, chief of Waterson Terminal Services, wrote. WTS (the port operator) is working hard to become a coal export facility.

‘This coal was brought in for Northeast Utilities (NU) on the Energy Enterprise [see 10#03B for ship lightering] from Baltimore. It was then loaded on the M/V Podhale over the weekend.’

Waterson wrote that when NU tested the coal, it did not like it. ‘Due to high export coal market pricing, they decided to sell it.’

1The City of East Providence website has a ‘TLA Pondview update’ link. Its last update, in January, states that truck traffic on a local street from Pondview had dropped to zero due to increased police enforcement.
The possibility of more exports

‘Currently export coal prices are at all time highs. There is no capacity at the export terminals. ProvPort offers an alternative. We are working on several possibilities Corpus Christi Texas just signed a deal to export from Colorado

EXTRA COAL MARKET BOOMING

The Texas port of Corpus Christi on Tuesday approved a long-term lease of about 18 acres to New Elk Coal Co., a subsidiary of Toronto-based Cline Mining. The New Elk mine, located in Trinidad, Colo., has more than 300 million tons of metallurgical coal (met coal) in reserves. The Corpus Christi property is next to the ship channel and proximate to the bulk coal ship-loader. Met coal is a primary ingredient in 70 percent of the world’s integrated mill steel production. It’s in high demand worldwide and New Elk’s primary markets will be Europe, Brazil and South Korea.

Production of metallurgical coal from New Elk’s Southern Colorado mine started in December and eventually the mine will be capable of producing 3 million tons of met coal per year. “Port Corpus Christi is strategically placed for the export of coal worldwide, including Europe and Brazil on the Atlantic side, and Asia through the Panama Canal, and it is capable of accommodating seagoing vessels carrying up to 70,000 tons of coal,” said Ken Bates, president and chief executive officer of Cline Mine Corp., in a statement. “At the same time, the port delivers access to overland transportation with on-site and direct connections to three Class I railroads and uncongested interstate and state highways.” New Elk plans to ship about 1 million tons through the port in 2011, 2.5 million tons in 2012, and 3 million tons by 2013. {Cline Mining press release}

Prince Rupert export clogged

Canada's coal producers protest Crown corporation Ridley Terminals' recent decision to award long-term export contracts to three US companies. Miners such as Teck Resources, Western Coal Corp. and Grande Cache Coal said the additional coal will clog the already busy port. Ridley is not only the closest and most cost-effective site for miners to ship their product from coal-rich properties in northern BC, but it's also the nearest port to the crucial Asian market. The provincial government, Teck, and other Canadian coal miners represented by the Ridley Terminals Users Group are calling on Ottawa fix the decision by pushing forward with much-needed plans to expand the terminal's capacity near Prince Rupert, BC to about 24 million tonnes a year from less than 12 million tonnes today. {Toronto Globe and Mail 25.Jan.11}

Prince Rupert volumes well up

The Port of Prince Rupert recorded its strongest cargo volumes ever in 2010, following up on a 12-year high in volumes the previous year. According to the port, it handled 16.4 million tonnes of cargo in 2010, up 35% over 2009 volumes and the first time it has surpassed 13 million tonnes since 1997. The increased cargo volumes were driven by strong growth in coal volumes through Ridley Terminals and continued growth in containers at the Fairview Container Terminal, which opened in 2007. {Vancouver Sun 24.Jan.11}

[see box]. A few years ago that would have been unheard of. P&W is working the rail end.’ {e-mails to ANR&P}

QUEBEC/MARITIMES

SYDNEY: SQUABBLE ON PARCEL

9 February. BOARD MEMBERS OF LAURENTIAN ENERGY CORPORATION ARE AT ODDS OVER WHAT BID TO ACCEPT for a greenfield site earmarked for the proposed development of a container terminal. [See map
Laurentian Energy Corporation acquired the Sydport Industrial Park and surrounding real estate including the greenfield site from ECBC in 1999 for $1.25 million. (Chris Hayes in Cape Breton Post 8-Feb.11)

Both Enterprise Cape Breton Corporation, a federal government agency, and New Dawn Enterprises, a community development organization and a member of the Laurentian board, have submitted bids to purchase the approximately 300-acre site. Laurentian wants to sell the site to raise capital.

The board recently voted 73% in favour of the ECBC bid but New Dawn insisted a 75% vote in favour is required to sell a major asset. The board has agreed to have an arbitrator decide what vote percentage is required. That decision is expected sometime in March.

Greg MacLeod of BCA Investments Co-operative and a Laurentian board member, said ECBC wanted the site because it is the lead agency in the proposed $38 million Sydney Harbour dredging project and needs a place to dump the dredged material. The federal government, through ECBC, contributed $19 million to the project [see 10#12A], which will also create the container terminal.

The market value of the land has not been determined, according to MacLeod.

Laurentian’s board combines non-profits and for-profit companies.

CBRM input and unified transport approach
The Cape Breton Regional Municipality has also had some influence on this matter, said MacLeod. “The CBRM had been looking for a unified strategy for development around the harbour. They talked about a port to port strategy which would include the seaport, airport and industrial parks under one unified body. ECBC agreed with CBRM on the idea and the setting up of a new kind of company called the Transport Corporation. It would be a freestanding company that would involve federal, provincial and municipal governments plus local business people and that body would develop the harbour and businesses around the harbour. A real joint-venture approach,” MacLeod said.

The Laurentian board also supported this strategy and felt it would provide better long term benefits to the region. It was a factor in the board’s vote in favour of the ECBC bid. ECBC said it would best for ECBC to take ownership of the greenfield site until the dredging is done and eventually turn it over to the Transport Corporation.

(ECBC: No Comment)
ECBC’s D.A. Landry, said the government agency is not commenting on the issue. “We see it as internal matter with Laurentian Energy. We have stated publicly that Laurentian Energy owes us $589,000. We are the secured creditor. How Laurentian chooses to deal with that debt and chooses to deal with future issues is really for them to decide.”

New Dawn’s interest
New Dawn Enterprises in January 2000 was considering rescuing the Cape Breton part of CBNS [see 00#02].

It is a non-profit community development corporation involved in health care, real estate, career training programs and community charity programs. It borrows money from New Dawn Holdings which raises capital through a provincial equity tax credit program called a Community Economic Development Investment Fund. The fund provides community development organizations the ability to raise their own funds. The money New Dawn Enterprises borrows is used to grow its existing companies, to launch new businesses and to advance community building initiatives.

New Dawn president Rankin MacSween said New Dawn’s bid for the site was sparked by the community’s support of the dredging project and future port development.

“What New Dawn really wants to do is to build on that and to continue that,” he said. “New Dawn has no ambition in terms of heading this up, leading it, owning anything. What New Dawn ... feels really strongly about is that the community has to be in the leadership role and New Dawn wants to try to help facilitate that.”

New Dawn wants to see a community business company established to oversee the greenfield site and future port development and at the same time have access to government resources and support.

New Dawn Enterprises website
New Dawn wants the community to spearhead port development, thinking the government would be too slow to do things. {discussion with Tom Peters}

**RAIL SHIPPERS**

Described in this issue.  
*Our Directory of Rail Freight Facilities in New England* has more information on the companies denoted with their directory number.

Complete list of MMA customers on the section sold to the state - see map.

Fraser mill (SLR, New Hampshire) Sold.
Katahdin (MMA, Maine) New buyer emerges.
TLA (PW, Rhode Island) Wants to expand C&D.
Twin Rivers (MMA, Maine) Brookfield assumes debt.

**PEOPLE**

Charles Hunter is promoted to assistant vice-president Government Affairs for RailAmerica. In his new role, Hunter will continue his duties as director of state relations - East for with the northeastern and southeastern states, and will also now have the responsibility of representing RailAmerica nationwide when called upon.

William G. (Bill) Donovan, former executive director of the Northeast Association of Rail Shippers died 4 February, aged 88. For more information, visit the John Lawrence Funeral Home Marstons Mills website. RIP.

The Vermont Agency of Transportation on 9 February announced the hiring of a new director of Policy, Planning and Intermodal Development. Chris Cole, current general manager for the Chittenden County Transportation Authority, will direct a newly-formed division within the Agency that addresses all modes: automobiles, trucks, passenger and freight railroads, and public transit. Under his leadership, CCTA has been hailed for increasing transit ridership by 63% since 2001, creating Vermont’s first inter-regional commuter buses connecting Burlington with Middlebury, Montpelier and St. Albans, and reducing the number of small transit agencies throughout the region into a single unified agency. Cole will begin his new post in mid-March.

Jamey Tesler, who handled much of the deal between EOT and CSXT, and then became deputy secretary of the new MassDOT, moved in January to the State Treasurer's Office to become general counsel.

**ATLANTIC NORTHEAST RAILS & PORTS**

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Coverage  
The newsletter covers the operating freight railroads and ports in New England, the Maritimes, and eastern Québec, as well as the government environment they function within. Coverage includes passenger rail and ships when relevant to freight operations.

Frequency and the e-bulletin  
*ANR&P* appears at least four times a month. We send a formal issue twice a month, via post or e-mail. Between the issues, we send out the *e-bulletin*, only by e-mail. All information in the *e-bulletin* is included, and often updated, in the issue.

Stories not updated for the issue are noted with an asterisk. I urge readers to look at the issue’s updated stories (those without an asterisk).

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Purpose
Atlantic Northeast Rails & Ports, née Maine RailWatch (1994-1997) and later Atlantic RailWatch (1998-1999), is dedicated to the preservation and extension of the regional rail network. The editor believes that publishing news on railroads and ports spotlights needed action to preserve the rail network. The publication also imubes the region with a sense of an interdependent community, employing the network to move rail and port traffic. ‘No railroad is an island, entire onto itself.’