Clarendon & Pittsford RR
20x8x8 foot box)
Saratoga & North Creek RR,
Transportation,
Norfolk Southern,
ST (PANYNJ subsidiary, former Cross-Harbor)
Norfolk Southern Ry,
NHDOT
Southern Railway,
Brunswick & Maine Railways (dba name) consisting of
Organization,
Department of Transportation,
- Milford-Bennington RR,
Genesee & Wyoming Inc,
Highway Admin.,
Pacific Ry,
purposes),
Common abbreviations
operating railroads + ports, intermodal facilities, and government environment

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

www.atlanticnortheast.com

Formal issue 13#10B 5 November 2013

*Article unchanged from e-bulletin.
**Blue type in article: changes from e-bulletin.
Blue header & table of contents: new article
REGIONAL

Crude: CN, NBSR reports.**
Crude oil: North Dakota data indicate more Bakken will come to the East coast by rail.*

NEW YORK

NYA: Extensive explanation of Wheel Spur project relocating three customers.*

QUÉBEC

[No report.]

CONNECTICUT

[No report.]

MAINE

Maine petroleum products by sea: Tables and map show how much of what product through which terminal.

MASSACHUSETTS

GU: Files at STB for declaration that proposed rail yard expansion in North Grafton is pre-empted.*

Pan Am v Winchester: STB denies a rehearing.*

NEW HAMPSHIRE

MBRX-NHDOT: Pan Am and NHCR view the line.

RHODE ISLAND

VERMONT

VRS: Will not move liquified natural gas to Omya;

trucked instead.*

MARITIMES

CN-NBSR: New spur to Kent centre in Moncton off CN built by NBSR.*

WHRC: CN and Bob Schmidt reach agreement on price to buy the Windsor Branch.

RAIL SHIPPERS/RECEIVERS

A cross-reference to companies mentioned here.

PEOPLE, POSITIONS, EVENTS

EDITORIAL

Long articles
In the most recent e-bulletin(oo), I asked readers whether the newsletter should continue the fine detail used in coverage of Maine oil and NYA customer moves. As in past “surveys,” I received only a handful of replies, all positive about one article or the other, or both.

So – I will continue.

- Chop Hardenbergh

Next formal issue 19 November

From the publisher

Common abbreviations
REGIONAL

CRUDE**

Sightings
As always, this list, compiled from rail observer sightings, does not contain every oil train that moved, and may list one train more than once. Some counts come from videos; all counts may well contain errors:

CN

26 October. Westbound to Saint John from Moncton with four units (one DPU) and 143 cars: 26 intermodal wells (many Tropical, several reefer boxes), 1 white on black tank car, 54 black tank cars (many Procor), 8 boxcars, 2 covered hoppers, 19 autoracks, 24 gondolas with potash, and three centerbeams. {RailsNB}

3 November. Westbound to Saint John from Moncton with four units (one DPU) and 156 cars: 16 intermodal wells (many Tropical, four reefer), 2 low gons, 5 white tank cars, 95 scattered black tank cars with three major cuts of 37 (most shiny new swaybacks, railings only around the center), 17 (not shiny, not swaybacked, railings only around center), and 20 (neither new nor swaybacked, railings along the entire car), 1 centerbeam (Irving product), 12 gondolas (potash, I believe), 16 scattered boxcars, 2 covered hoppers, and 7 autoracks.

NBSR

31 November. Eastbound away from McAdam Yard with four units along with about 75 cars: woodchips, slurry, empty paper boxes, centerbeams, and insulated boxes to load beer, plus a handful of tank cars. The train set off about 30 loads of woodchips and logs in McAdam.

2 November. Eastbound enroute to Saint John with six units and 82 cars: 45 high-side gondolas (woodchips), 17 empty centerbeams, 8 boxcars, 3 tank cars, 9 boxcars.

3 November. Eastbound away from McAdam Yard with four units and 70 cars: It had set off about 40 loads of logs and woodchips in McAdam for Woodland Pulp, and lifted many cars, resulting in a train of empty boxes, centerbeams, beer cars, LP gas tanks, covered hoppers, empty gypsum gondolas, empty ballast cars, and one lonely tank car of crude oil. {RailsNB}

Pan Am

3 November. Westbound with three units and spacer cars leading about 80 empties. {NERAILS photo archive}

CRUDE: PRICING NOW FAVORS RAIL*

31 October, Houston. THE PRICING DYNAMIC IN OCTOBER FAVORS RAILING BAKKEN TO THE EAST COAST, according to RBN analyst Sandy Fielden. Brent is now selling $13.09/barrel above West Texas Intermediate (WTI). At the same time, Louisiana Light Sweet (LLS) prices have declined due to a glut on the Gulf coast, so the best deal for Bakken producers becomes the East coast (versus West coast, Gulf coast, and Cushing Oklahoma, the WTI price).

Using data from Genscape Oil Market Services, Fielden earlier in 2013 showed that producers were moving oil off rail and back to pipeline as the Brent/WTI spread narrowed. Starting in August, rail loadings in the Bakken1 increased from about 430,000 barrels a day {Figuring 70,000 barrels per 100-car unit train, that's

1 Genscape tracks loadings at 12 rail terminals in North Dakota, which account for about 90% of the currently-operating 900,000-
seven unit trains a day – editor] to 600,000 barrels a day toward the end of October, while rail receipts at two terminals in St. James, Louisiana dropped from about 120,000 barrels a day to 70,000 over the same period.

Meanwhile, volume out of the Enbridge-owned North Dakota pipeline has levelled off. Fielden concludes that the East coast must be the rail destination, as West coast refineries are capacity constrained. {RBN Energy Daily Energy Post 31.Oct.13}

[Which destination? Montreal, Saint John, or Philadelphia refineries? Unknown to me at this point.
Editor]

NEW YORK

NYA: RELOCATING CUSTOMERS TO WHEEL SPUR
This article describes the effort of a massive commuter line, the Long Island Railroad (LIRR), and a short line have cooperated to save tens of millions in infrastructure costs while assisting, in a small way, the region’s project to provide Long Island commuter access to Grand Central Terminal.

Sources: your editor's visit to NYA in August (much gratitude); conversations with NYA superintendent
Queens – Arch Street Yard (NYA). On 23 August 2013, NYA showed the current Healthy Brand oil transload (left) with six vegetable oil cars spotted. Center lies the team track, recently revived for lumber. To the right, New Yung Wah's transload. Above the dark car the dark shape is a boxcar spotted. (ANR&P photo)

Jay Wallace, marketing chief James Bonner, and President Paul Victor; formal responses from LIRR spokesperson Sal Arena; and other websites and documents as noted.

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1. Project – five steps
2. Customers who are moving.
3. Project management.
4. Wheel Spur yard design.
5. History.
7. Need for Montauk Cutoff.
8. Funding.

Illustrations
Photo of NYA Arch Street Yard with caption.
Photo of Wheel Spur (annotated).
Early 20th century track diagram.
Map of area showing all of the glossary points plus K-bridge.

Glossary (at end of article)
Arch Street Yard to Harold Interlocking to Long Island City yard to Montauk to Wheel Spur yard
1. The project

Italics indicate the Glossary has a description of this facility.

NYA and LIRR are effecting this five-part project, which ends use of the Arch Street Yard and revives use of Wheel Spur Yard. Some of the work impacts the East Side Access project, some the Wheel Spur project, and some other projects.

1.1. End the LIRR traffic, via the Montauk Branch, from Long Island into the Long Island City station, on the East River. That occurred some years ago. The passenger traffic now runs via Harold Interlocking on the Main Line into Long Island City.

1.2. Rebuild the Long Island City yard to provide layover space for the Long Island City trains. This occurred several years ago.

1.3. Transfer the operation of the Lower Montauk segment to the NYA. This occurred in March 2013. The operation begins on the Montauk C-Secondary at the eastern end of LIC Yard (MP 0.7) and ends on the Montauk Branch at Jay (MP 7.39).

1.4. Rebuild the Wheel Spur Yard.

1.5. Move the customers from the NYA Arch Street Yard to the Wheel Spur Yard, target date autumn 2014.
2. Customers
NYA will move three customers from Arch Street to Wheel Spur. All three operate non-rail-served facilities nearby, and transload from the rail [see Arch Street Yard photo].

Healthy Brand Oil at 2116 Jackson Avenue, Long Island City.

New Yung Wah Trading Company at 465 Morgan Avenue, Brooklyn.

Queens NY. Early 20th century track diagram showing Wheel Spur Yard, Montauk Cutoff, and Arch Street Yards.
**GLOSSARY OF NAMES**

**Arch Street Yard (NYA)**
LIRR operated this area as 'Arch Street Team Yard' and NYA continues do so, though reduced to only three tracks versus the 12, shown on the early 20th century map.

This area in recent years held spurs alongside buildings for Healthy Brand and New Yung Wah [see photo of yard] and an open spur for rail-truck transfer, commonly called a 'team track'. This will close and the two customers, as well as the team track availability, will move to Wheel Spur Yard.

**Arch Street Yard and Shop (LIRR)**
LIRR completed the Arch Street Yard and Shop June 2005. It serves for the delivery, testing, and acceptance of new LIRR M-7 train cars as part of the LIRR fleet replacement program. In the future, it will support inspection, maintenance and cleaning of trains in LIRR GCT service.

{www.mta.info /capconstr/esas/construction_update.htm}

**Blissville Yard**
Yard itself. The yard consists of four tracks. In several aerial photos one can see gondolas stored there. The yard was recently rebuilt.

In former years, as the Greenpoint Storage Yard on the early 20th century map, it had many more storage tracks.

**Aggregate facility.** For many years an aggregate operation just west of Blissville Yard has accepted inbound aggregate by barge and moved it out by truck.

**Waste Management.** NYA serves a Waste Management facility in Brooklyn on Varick Avenue, which accepts New York City municipal solid waste. Occasionally the yard has held stored Waste Management cars.

Now, Waste Management also has a facility in Queens off Review Avenue. A rail spur will be constructed to that location. NYA will use Blissville Yard to stage cars. [In 2012 NYA was storing a long string of COFC for Waste Management on the Bay Ridge branch. Editor]

**Harold Interlocking**
Here the Amtrak and LIRR trains interlace with each other, as Amtrak trains emerge from the East River tunnels and turn left for the Hell Gate Bridge (on the northern part of the New York Connecting Railroad completed in 1917), while LIRR trains emerge and turn right to head down-island. The interlocking lies adjacent to the LIRR Sunnyside coach yard which also serves New Jersey Transit trains.

**Long Island City yard**
This yard has two entrances: one from the main line, and one from the Montauk Branch. LIRR rehabbed the current-day coach yard and passenger station.

Up to the early 1900s, before the East River tunnels, Long Island City was the hub of the LIRR. A much larger station with canopies and station building once resided here.

The area has two LIRR stations: Long Island City, a terminus, and Hunters Point Avenue, a way station for trains running from Jamaica to Long Island City.

**Wiener, Crowley & St. John Incorporated**, a lumber company located at 5696 49th Place, Maspeth, Queens (at the head of Maspeth Creek – see map) is using the team track, and Bonner anticipated it would use the new team track in Wheel Spur.
Lower Montauk
This section of line runs from LIRR's Jamaica station to the point where the Montauk Cutoff diverges. It once hosted passenger service to Long Island City, and now only hosts NYA freight.

Main Line
The LIRR Main Line runs, for purposes of this article, from Jamaica into Penn Station via the Harold Interlocking.

Montauk Branch
This term describes the LIRR line from Jamaica down the Island to Montauk Point.

Montauk C-secondary
This section runs from the Long Island City yard to the Lower Montauk. In effect it is the south leg of the wye formed by the Main Line, the Montauk Cutoff, and the C-secondary.

Montauk Cutoff
This segment runs from the Montauk Branch at the Blissville Yard onto a viaduct to cross several freight spurs (now defunct) and the Main Line down to Harold Interlocking.

Wheel Spur Yard
History. In the early 1900s, Long Island City was the hub of the LIRR because the tunnels under the East River were finished only in 1910. The entire acreage south of Borden Avenue, east of the present-day Pulaski bridge and west of Dutch Kills held a huge passenger storage yard, called ‘Wheel Spur Yard’ possibly because wheels were once changed out here.

The Yard was in use from the 1800s until around 1930, then reopened from 1939-1940 to store trains for the World’s Fair. Thereafter, the Pennsylvania Rail Road (PRR, which owned the LIRR at the time) stored coaches here until around 1958.

At some point a poultry market appeared, as show on the early 20th century map. At least two modern buildings were built: to the west an office building, and to the east a covered loading dock. The middle building may have been converted from an old railroad shop building.

By the 1990s the market was gone and the westernmost office building hosted a slew of small businesses: a lawyers office, an industrial real estate firm, a messenger service and carpentry shop. These were all vacated to allow the NYA customers to move in. {http://www.arrts-arrchives.com; ltvsquad.com}

Planned usage. [See text for customer description.] NYA’s contractor will construct a new building on the west end for Healthy Brands, and rehab the building on the east end for New Yung Wah. Both will have railcar spots on the north, and truck bays on the south side.

Marine connection/lumber transload. Aerial photos from Bing and Google show barges at the Wheel Spur Yard in past years. NYA will install a spur along the wharf, though it does not yet have a marine customer. The lumber transloader will use this spur.

Plans do not include improving the wharf face at this time.

Ship access. The Newtown Creek has three massive bridges which permit ocean-going vessels to enter: the Pulaski Draw (carries McGuinness Boulevard), the John Jay Byrne Bridge (carries Greenpoint Avenue), and the Kosciuszko Bridge (carries I-287, the Brooklyn-Queens Expressway).

Another lumber company, City Lumber at 49-47 31st Street in Long Island City, once used the Arch
Street team track, but had ended by January 2012.

3. Project management
Per LIRR, 'NYA is managing the move from Arch Street Freight Yard to Wheel Spur Yard. LIRR personnel are reviewing / approving the move and administering the project funds.'

4. Wheel Spur Yard design/construction

Design.
The project has two, independent phases.

a. LIRR was responsible for remediation, building demolition, and the engineering survey.

b. NYA is responsible for construction of a new building for Healthy Brand and for repairs to the former freight house for New Yang Wah. In addition, NYA will also install office and break facilities.
NYA followed its standard bidding process for public projects. General contractor AGL Contracting (principals Anthony Giaquinto and ___ Loduca) won the bid and is now on site. Design work was carried out by HDR as an on-call engineering service for NYA.

c. NYA will also oversee jointly with AGL Contracting all trackage on the site. NYA will hire a private labor firm to furnish the track workers who will work under NYA supervision.

HDR is the engineer of record for the Wheel Spur project. Bob Badger of CHA, consulting engineers based in Albany, is assisting NYA on this and other projects. \{ANR&P discussion at NEARS\}
A Metropolitan Transit Agency (MTA) report for FY12 report stated that MTA in that fiscal year paid NYA $97,110 for design of Wheel Spur, and paid $46,883.97 to KS Engineers for a survey of the yard. HDR fees will come to about $1 million [unknown if inclusive of NYA and KS Engineers fees.]

5. History/reasoning
On 14 November 2011, LIRR President Helena Williams spoke at the Metro-North/Long Island Railroad Committees meeting. The minutes of that meeting state:

'Since the mid-1990s LIRR has contracted out freight operations to New York & Atlantic Railroad. LIRR is currently moving to a freight strategy that will help streamline freight activity in Long Island City.

'Currently, [some of the NYA] freight is transloaded at a facility near Arch Street, where the new East Side Access Midday Yard will be located. LIRR is going to relocate the freight yard to the Wheel Spur/Intermodal/Blissville Yard located to the west [sic – should be south, see map] and on the water, which location will be truly intermodal for marine activity.

'The president noted that LIRR has seven bridges that cannot currently carry the weight that is necessary for current economical freight shipments. By relocating the freight yard to the Wheel Spur area, a yard owned by MTA, LIRR will avoid bridge upgrades that would cost over $100 million.

'These freight improvements will be funded by NYSDOT, not by LIRR's capital program. LIRR has applied for a grant for the improvements in the Wheel Spur Yard. This will take freight operations out of the ESA area, thereby improving construction opportunities.

'President Williams noted that the project has gotten a very positive response from [NYA] and from
other freight carriers in the region. LIRR will update the Committee as this project progresses.'

On 27 August 2013, Victor emphasized what Williams said: upgrading the Cutoff would be “terribly expensive.” Taking it down, including the Cabin Drawbridge over the Dutch Kill, would translate to “cost avoidance.” LIRR would then abandon 1.1 miles.

NYA could not merely let the customers go: “We have a common carrier obligation to serve them.” Moreover, NYA is moving an adequate number of carloads over the Montauk cutoff, 700/mile.

Moving to Wheel Spur gives LIRR “freedom to lay down ESA track.”

Asked who conceived of the project and noted the listed benefits, Victor on 30 October recollected a conversation three years ago among Jennifer Cox, LIRR manager strategic investments, Glenn Greenberg, LIRR assistant chief engineer maintenance of way, and himself. The takeaway from the discussion years ago was the cutoff was in poor shape. Even at that time one track was already out of service, the draw bridge was in a fixed position, and other structures were plagued by various defects.

The group recognized that the drawbridge, if the Coast Guard required it to open as it had not done in decades, would cost tens of millions of dollars.

By giving NYA a freight yard on the Montauk C-secondary, the cost of repairing the Cutoff, as well as upgrading the Cutoff to handle 286,000-pound cars, would be avoided. {ANR&P discussions}

6. ESA coordination
LIRR reported that '[t]here is no ESA funding involved in the Wheel Spur Yard or the relocation of the tenants at the Arch Street Freight Yard' and ESA and Wheel Spur are 'independent projects.'

Jay Wallace, NYA superintendent, reported that HDR is doing the design and preliminary engineering for the entire East Side Access project.

However, as President Williams noted in #5, removing the Arch Street freight yard will help the ESA Midday Yard.

As well, removing the ramp of the Montauk Cutoff, noted in #7, from the Sunnyside Yard will help ESA.

7. End of Montauk cutoff – another High Line?
LIRR reported: 'Pending the beneficial use of Wheel Spur Yard in 2014 and approval from the Surface Transportation Board, the 3rd-party contractor for MTA Capital Construction - ESA will secure the Montauk Cut-off over the Main Line and remove the Montauk Cut-off ramp structure.'

A High Line? Given the gentrification of the area in the form of high-rise coops, your editor wondered whether the Cutoff could become Queens' version of the High Line. Several participants in the planning effort downplayed the idea. One wrote: 'There are no high-rise coops around the line. The line and the vicinity is zoned as industrial and transportation uses. These critically zoned areas are continually shrinking, planners must balance land uses within cities for their long-term economic viability and sustainability.'

8. Funding
LIRR wrote: 'The project is funded by the NYS Passenger and Freight Rail Assistant Grant and the 2005-2009 Capital Program Dollars....There is no ESA funding involved in the Wheel Spur Yard or the relocation of the tenants at the Arch Street Freight Yard.'

9. K-bridge
The Kosciusko Bridge carries the Brooklyn-Queens Expressway (I-287) over Newtown Creek. NYSDOT plans to replace it, in one of the city's costliest public works projects.

The project. In Phase 1, a design-build team will construct 'a new 1.1-mile long eastbound (or Queens-bound)
[cable-stayed] bridge structure...parallel to and on the eastbound side of the existing bridge with sufficient width to carry all traffic until Phase 2 of the project is complete.' The team will also demolish 'the existing Kosciuszko Bridge.'

In Phase 2, following another bidding process, another contractor will construct 'a new westbound (Brooklyn-bound) bridge structure...within the footprint of the existing Kosciuszko Bridge.'

Coordination with Wheel Spur, LIRR wrote: 'The Wheel Spur Yard has a bulkhead not yet certified for barge service. If investments occur on the bulkhead and it’s certified, then contractors would [could?] work directly with NYA to ship materials to NYA’s Wheel Spur Yard for rail service to Kosciusko Bridge.’

However, NYA noted that no bulkhead improvements were currently planned.

Bonner reported in August that he had contacted all the qualified bidders on the K-bridge. NYA is currently discussing the project with two of the four firms expected to bid on the bridge.

NYSDOT in August announced a short list of: (1) CCA Civil – Halmar International, LLC (CCA Civil, Inc. and Halmar International, Inc.) with Ove Arup & Partners, P.C. (2) K-Bridge Constructors Joint Venture (Schiavone Construction Co., DeFoe Corp., and Dragados USA, Inc.) with Gannett Fleming Engineers and Architects, P.C. (3) Kosciuszko Bridge Partners (Tutor Perini Corporation and AECOM USA, Inc.) (4) Skanska – Kiewit – ECCO III JV (Skanska USA Civil Northeast Inc., Kiewit Infrastructure Co., and ECCO III Enterprises, Inc.) with HNTB New York Engineering and Architecture, P.C. {NYSDOT K-bridge website}

South Portland, showing land owned by terminalling companies. {Lawton Report on Value of Companies [see 13#09B], figure 3, sourced from South Portland tax maps}
**MAINE**

**PETROLEUM PRODUCTS BY SEA TO MAINE***
Augusta. *FIGURES FROM THE MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION* provide some interesting comparisons. Obtained by a Freedom of Information request, the figures are collected because each transporter must pay a per barrel fee for each barrel entering Maine, regardless of mode. [See rail data in 13#08B].

**Comparisons**
By far the largest transloader is Portland Pipe Line, the subject of the South Portland ordinance [see 13#10A], which in 2012

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**MAINE TERMINAL COMPANIES**

**SOUTH PORTLAND**

Global Companies LLC. 1 Clark Road. 36-foot draft.

Gulf Oil Limited Partnership. 175 Front Street. 32-foot draft.

Irving/Buckeye (South Portland Terminal Company). 168-70 Lincoln Street. (no draft reported)

Buckeye Partners LP and Irving own this 50-50 (formerly ExxonMobil) [see 11#05B]. Buckeye owns 100% of Buckeye Pipeline Transportation, shown on the map as the southern end of the 124-mile pipeline to Bangor.

Irving/CITGO. 102 Mechanic Street. (shows as Irving on map) 34-foot draft.

CITGO and Irving have jointly owned this terminal since 20065; CITGO Petroleum Corporation manages it.

Portland Pipe Line Corporation. 30 Hill Street. 52-foot draft.

Sprague Operating Resources. 1 Main Street, South Portland, aka Sprague Rolling Mills. (no draft reported)

**SEARSPORT**

Irving Oil Terminals. 36-foot draft.

Sprague Energy Solutions. 36-foot draft

**BUCKSPORT**

Webber Tanks Incorporated. Bucksport, 35-foot draft.

{Irving and CITGO letters to South Portland Planning Board 7.Aug.13; Moran website listing of Maine terminals; 'Portland area terminals contact information'}
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</table>
moved 59.7 million barrels of crude.

A distant second was the South Portland Terminal Company's import of 5.8 million barrels of regular unleaded gasoline, and then CITGO's import of 5.1 million barrels of same.

In Searsport, Irving did 2.9 million barrels of regular unleaded.

**Noteworthy**

In 2012, 317,000 barrels of jet fuel arrived by sea to the Webber Tanks Inc in Bucksport. But Sprague imported only 95,000 barrels of jet fuel in South Portland, for presumably a much busier airport.

In the first five months of 2013, Sprague did 190 Gulf did 101, while Webber brought in 328. Did aviation improve that much? {data from MDEP}

**More data available**

This newsletter has all of 2012 month by month, as well as all product imported by road for 2012 and January to May 2013. Contact the editor to obtain it.

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**MASSACHUSETTS**

**GU: ARGUMENT ABOUT NEW RAIL YARD**

25 October, DC. *A NEW DISPUTE SEPARATE FROM THE PROPAINE FACILITY Erupted IN GRAFTON* in October. The filing this day at the Surface Transportation Board tells the story:

**Need for an additional yard**

'In 2012, G&U began to construct a propane transloading facility on property it owns adjacent to the original yard in North Grafton. In addition, in March, 2011 G&U acquired a parcel of property of approximately 5 acres that is contiguous to the G&U main line, the original yard, and the site for the propane transloading facility.

'The five-acre parcel was acquired by G&U with the recognition that the growth in G&U's business at the interchange with CSX in North Grafton required additional yard tracks in order to facilitate interchange operations and provide space for the placement of cars prior to interchange with CSX or after interchange and prior to delivery to customers on the G&U line.

'As planned, the new yard will initially have 4 tracks, comprising a total of approximately 2,300 linear feet of track, with sufficient space to build additional tracks as necessary in the future. The 4 new yard tracks will be able to accommodate 35 to 40 rail cars. G&U does not own any other property along its right-of-way where additional yard tracks could be constructed.

**Order of magnitude traffic increase**

'The dramatic increase in the traffic handled by G&U over the last several years demonstrates the need for the additional tracks. In 2010, for example, G&U interchanged approximately 200 cars with CSX. In 2013, the number of cars interchanged will amount to approximately 2,000, and it is anticipated that the business will increase to approximately 3,500 cars in 2014, not even taking into account the additional tank cars that will be handled when the propane transloading facility has been completed. By any measure, G&U's business activity has outstripped its yard and storage track capacity.

'As noted above, all the rail traffic handled by G&U is interchanged with CSX at North Grafton. As a consequence, North Grafton has become a choke point that severely hampers operations and will only get worse as volume increases. The 2,000 cars that will be handled in 2013 really amount to 2,000 loaded cars moving onto the G&U line and 2,000 empty cars moving back to CSX, or 4,000 cars in total. In some weeks, G&U receives interchange service from CSX only 3 times, which means that G&U needs the ability to store up to 3 days worth of cars at North Grafton at any given time. In addition, there must be sufficient track space at North Grafton to permit the CSX inbound and outbound trains to operate, test air brakes and switch out any bad order cars that are identified.
'Without the additional tracks planned for the five-acre parcel in North Grafton, G&U will continue to be faced with congestion, making operations less efficient and more costly. The lack of adequate yard tracks at North Grafton has also inhibited G&U's ability to have empty cars available for existing customers, which poses the risk that these customers will use other transportation alternatives. In addition, unless the additional tracks are promptly built, G&U will also be unable adequately to serve and meet the needs of new customers, which continue to grow with the transloading services provided by G&U at Upton and Hopedale.

**Necessary work before winter**

'G&U understood when it acquired the five-acre parcel that it would be necessary to remove some of the earth and grade the property in order to bring it to the level of the other adjacent G&U property and make the site usable for the construction of tracks. Consequently, G&U has undertaken the excavation and removal of earth in preparation for the construction of the tracks. Recently, in response to the increasingly urgent need for the additional tracks, the pace of the excavation and site preparation has been accelerated in order to complete the construction of the tracks prior to the onset of winter weather.

'If the stone base for the new track is not completed prior to the time that the ground freezes or becomes snow covered, it will be impossible to finish the track work until next spring. Consequently, it is critical to complete the excavation and site work immediately. G&U has conducted the excavation and site work in a manner that is designed to protect nearby streams and ponds....'

**A tiff with the Town: work stops**

'On October 7, 2013, counsel for the Town contacted counsel for G&U to complain about the excavation work. G&U responded ... that the excavation work had nothing to do with the proposed propane facility and that the Town's building inspector would be welcome to inspect the property.

'G&U advised the Town that even though G&U believed that the excavation and construction were subject to preemption and that G&U could not be required to obtain permits for such work, G&U volunteered to discontinue the excavation activities in response to the threat by the Town to take legal action to stop the work. No work has been performed at the site since October 8, 2013.'

The 'Town on 9 October 'advised G&U that the excavation activity was not permitted because the property was within the Town's Water Supply Protection Overlay District, which the Town asserts is intended to protect the Town's aquifer, and in violation of an earth removal bylaw that requires a permit for certain excavation activities.'

[The Town counsel also wrote in the letter:

'As you are aware, to qualify for federal preemption under section 1 0501 (b), the activity at issue must: (1) constitute "transportation;" and (2) be performed by, or under the auspices of, a "rail carrier."

In order to evaluate whether this planned activity--which you describe as .storage track area"-- is indeed subject to preemption, the Town requests more information regarding the proposed use.

Additionally, although the Town may not be able to "require permits prior to construction, the Courts have found that a railroad can be required to notify the local government when it is undertaking an activity for which another entity would require a permit and to furnish its site plan to the local government." Boston and Maine Corporation and Town of Ayer, Joint Petition for Declaratory Order, STB Finance Docket No. 33971 (May 1, 2001), 2001 WL 458658 at 5, citing Village of Ridgefield Park v. New York Susquehanna & Western Railway, 750 A.2d 57 (N.J. 2000) (internal quotation omitted).

Litigation pending

The Town requested testing and reimbursement of residents' cost to clean off dust. GU told the Town that it would not threaten water supplies and pre-emption applied.

'counsel for the Town has indicated that the Town will either enter a cease and desist order or go to the state court in Massachusetts to seek injunctive relief, or both, if G&U does not comply with these demands. Furthermore, Town counsel has advised G&U that the Grafton Board of Selectmen voted on October 15, 2013 to proceed with litigation to block the construction of the yard.'
Request
GU called on the Board to make an expedited decision so it could finish the yard before winter. {STB website, filings page, Finance Docket 35779} [GU may hope for a quick decision like that the Board gave Pan Am and Tighe: definitely pre-empted. See 13#07A.]

Why another dispute
Richard Price, reporter for the web-based Grafton Villager, said on 28 October: "It comes down to trust between the two parties. It's not something that's going to end anytime soon."

He reported that Town counsel said on 28 October that the Massachusetts Department of Environmental Protection found no threat to bodies of water and that no legal action was planned. {ANR&P discussion; Price in Grafton Villager}

UPDATE ON OTHER CASES
This latest filing makes the third legal matter for GU.

GU v Grafton (propane): STB needs to decide whether to initial a broad formal proceeding [see 13#09A].

GU v Upton. The Town does not like the transloading activity at the West Upton Yard. STB needs to decide [see 13#05A].

PAN AM v WINCHESTER: NO REHEARING*
30 October, DC. THE STB DENIED THE TOWN A REHEARING OF ITS DECISION not to stop rail service to Tighe Warehouse [see 13#07B].

The decision this day stated: 'The Town argues that, under Younger v. Harris, 401 U.S. 37 (1971), the Board should have abstained from issuing a decision in order to allow the state court proceeding to go forward. The Younger principle is that a federal court should not enjoin or declare illegal a pending state proceeding that is judicial in nature, involves important state interests, and involves specific types of proceedings addressed in Younger and the cases that follow it—typically, a state criminal prosecution or civil enforcement proceeding. See Rumber v. District of Columbia, 595 F.3d 1298, 1301 (D.C. Cir. 2010); Act Now to Stop War v. District of Columbia, 589 F.3d 433, 436 (D.C. Cir. 2009).

'Here, however, the Town’s own request for relief from the state court was premised on federal involvement, and in particular, a decision from the Board regarding preemption. The Town’s [motion for a preliminary injunction] filed in state court stated that the Town:

seeks declaratory and preliminary injunctive relief to enforce an order requiring the Plaintiff to cease and desist all rail traffic to the warehouse . . . pending determination of a claim for federal preemption now before the Surface Transportation Board (“STB”) on the Emergency Petition for Declaratory Order submitted July 1, 2013, by Boston and Maine Corporation and Springfield Terminal Railway Company, STB Finance Docket No: 35749.

Further, the [motion] asserts, “the public interest is served by halting all rail operations to the Tighe facility until the issue of preemption can be determined by the STB.”

'Thus, as the Town’s [motion] itself makes clear, the Town did not ask the state court to decide the preemption issue on the merits, but instead only to enjoin rail service until the Board decided it. As a result, the Board’s issuance of its July 19 Decision was, by definition, not contrary to Younger. In short, the state court here did not find the [motion] because of any action by the Board to enjoin the state court proceeding or declare it illegal; the Board took no such action. Rather, the [motion] became moot because the Town itself had sought relief only until the Board issued a preemption determination.' {STB website, decisions page, FD 35749}

NEW HAMPSHIRE
MBRX-NHDOT

1 November, Milford. **MBRX HOSTED TWO INSPECTIONS OF THE STATE LINE.** On 30 October, Pan Am requested an inspection on the date NHDOT set, and NHDOT notified MBRX principal Peter Leishman [see 13#10A]. A request to attend by your editor was turned down by NHDOT. Rail administrator Shelley Winters noted the visit was for 'interested Operators'.

NHCR

Dick Currier, on behalf of Ed Jeffreys, rode from Wilton to Greenfield.

Pan Am

Three officials, one Luke McCaul, general superintendent, went from Wilton to Bennington but not to the end. Cyndy Scarano, executive vice-president, did not make the trip. {e-mails to ANR&P 29&30.Oct.13Leishman e-mail to ANR&P 30.October}

Bids

Proposals are due on 21 November. Questions must be submitted by 7 November and will be answered on the website.

VERMONT

VRS: NO LNG BY RAIL*

25 October, Florence. **OMYA SWITCHED TO LIQUID NATURAL GAS** but is not using rail for delivery. The change from fuel oil will halve the facility's fuel bill: “I’ll say we’re going to go from costs of $23 a ton to $12 [a ton],” said plant manager Jim Stewart, after investing $10 million to build a terminal with eight silos each holding 15,000 gallons. “The other benefit is the emissions. It’s a much cleaner burn.”

The Vermont location has its challenges and reducing overhead is important for the plant to remain competitive. “We are logistically challenged here. Our biggest customers are in the Southeast.”

Direct gas via pipeline would be better, but the facility has no access. If Vermont Gas Systems is able to extend its natural gas pipeline from Chittenden County south to Middlebury and then Rutland, the plant could cut its fuel cost in half again to $6 a ton to produce the dry product.

Why not rail

Omya will receive two truckloads of LNG, domestically produced, each day from UGI [a Reading Pennsylvania, natural gas company whose plant lies adjacent to rail-rail].

Erik Bohn, director Logistics & Customer Service Americas, wrote that rail 'has been reviewed and might play in role in the future. Our receiving facility is not currently set up for rail delivery, but this, of course, could be changed.' Moreover, 'the supplier is not serviced by rail.' {e-mail to ANR&P 28.Oct.13}

Operating at 75%

Business at the plant, which produces calcium carbonate from local marble, is flat and is expected to remain that way into 2014, Stewart said. Approximately 50% of output goes to the paper industry, but: “The paper industry is very mature. People are going to electronic media ... so the growth in our business is in automotive and housing.”

Calcium carbonate is widely used in plastics for the auto industry and in building-related products such as wallboard, paint, roofing, vinyl tile, and electrical wire insulation. Now at 75% capacity, the plant operated at 90% in 2006.

New market for waste

Some 25% of the tailings from 2013 production will be sold to adjust acidity levels on farm fields. The tailings
are approved for agricultural limestone, and have also been used as the final cover on landfills. Tailings are processed, removing 90% of the water for recycling into the plant. What’s not sold is placed in a lined landfill on the company’s property.

**Middlebury spur still dormant: natgas trucks?**

Stewart said the company has attempted to convince L.F. Carter, the Pittsford trucking company that hauls marble ore from the Middlebury quarry to the plant, to convert its fleet to natural gas. Omya pays Carter's diesel under its contract with Carter which runs through the end of 2014.

Carter operates an average of 90 round trips a day. Omya’s Act 250 permit caps the number at 120 a day. Omya is sticking with the August 2012 to make dormant the proposed rail spur plan to the quarry [see 12#08B], Stewart said. “Trucking is a much more economical way to go.” {Bruce Edwards in Rutland Herald 25.Oct.13}

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**MARITIMES**

**CN-NBSR: NEW MONCTON SPUR***

29 October, Moncton. NBSR INSTALLED A 738-FOOT SPUR LINE FOR THE NEW KENT DISTRIBUTION CENTRE FROM THE CN MAIN LINE. JD Irving spokesperson Mary Keith wrote the former centre (at 280 English Drive) had rail also. 'The larger new facility will have more capacity. The spur off the main CN line divides into two tracks to receive goods that will serve our network of stores.'

NBSR installation

---

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- Rail crossing inspection and maintenance
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- Yard switching

**Contact Information:**

- Tyler Langille
  1-506-643-1784
  Langille.Tyler@nbsouthern.com

- Jeff Landry
  1-506-651-4684
  Landry.Jeff@nbsouthern.com

**JDI Integrated Logistics – Connecting Customers to the World**
NBSR track crew 'installed the tracks. CN will control the switch that will move freight into and out of the site once it is operational in Q1 2014.'

NBSR bid on the spur work and won the contract. She would not speculate on traffic volumes at this time. {e-mails to ANR&P correspondent Tom Peters 25 & 29.Oct.13}

New centre
The new 385,00SF centre (one of the largest buildings in New Brunswick), on 75 acres off the TransCanada Highway in the Caledonia Industrial Estates, will serve the 43 Kent stores in Atlantic Canada. {JD Irving release 3.May.13}

Peter Belliveau, the chief of Moncton Industrial Development, noted that the Estates already had a rail spur off CN into the west side [see map in 05#01A]. Kent's spur comes directly off the CN main line into its site at the extreme east side. Belliveau said other park tenants could not use the new spur as it does not extend past Kent property. {ANR&P discussion 29.Oct.13}

More on NB&M rail infrastructure offering
Ian Simpson, who heads the umbrella NB&M Railways, said the NBM Rail Services [see ad in this issue] did work using crews from its railways. In Moncton, NBSR did the work; in Maine, an NMR or EMRY crew might do the work. The “track construction side is growing and expanding in various parts of Atlantic Canada and New England.” {ANR&P discussion 30.Oct.13}

WHRC-CN: TENTATIVE DEAL
1 November. BOB SCHMIDT, PRESIDENT AND CEO OF VIRGINIA-BASED IRON ROAD RAILWAY INC., HAS REACHED A TENTATIVE DEAL TO BUY THE WINDSOR SUBDIVISION [see 13#10A]. He reported that “the terms of the agreement are confidential but we have worked with CN and we at the railway know we are comfortable that we can meet the financial requirements of the transaction.” The deal will close 17 March 2014.

Schmidt owns the Windsor & Hanstown Railway and connected that line to the CN main line by way of the Windsor Subdivision which he had leased from CN. The lease expired at the end of 2012 [see13#02A].

Saving the line
Schmidt said even before thinking of future potential business on the line the goal is to purchase the rail line so it is not abandoned. “Step 1 is to make sure you can purchase the line and preserve it. If you can’t accomplish that than there is no interchange and no potential for any interchangeable traffic and basically you are an island.”

Potential business
The WHRC’s main business was hauling gypsum from the Fundy Gypsum Mine in Hantsport but the mine was closed in late 2011 because of the recession in the U.S. and the downturn in house construction. Schmidt said there is always the possibility the mine could reopen. He also looked at potential business hauling biomass for the growing energy sector in the province.

“There is a lot of (wood) fibre in south and western parts of the province and rail is less expensive than truck. So sourcing the fibre to rail by truck and then going out to different destinations has potential.” But he said over the next months “the focus will be on documentation and paperwork and things involved in putting together an asset purchase agreement and making sure a transfer occurs properly.” {Bob Schmidt in discussions with ANR&P correspondent Tom Peters 1.Nov.13}

A business case
CN's Jim Feeny confirmed the tentative deal: “We are now in the due diligence process. They are looking at the status of the rail line and we are looking at their business case,” he said. “With a short line our goal is always to
ensure the short line we partner with has a sustainable business operation.” {discussion with ANR&P correspondent Tom Peters 1.Nov.13}

RAIL FREIGHT FACILITIES

Described in this issue.

PEOPLE, EVENTS

EDITORIAL

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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).

Two asterisks indicate the story is updated with the blue font showing what is updated.

Readers building a personal archive of the newsletter should discard the e-bulletins. The newsletter archive on the web at www.atlanticnortheast.com is open to all.

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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 imbues 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.’

FORMAL E-ISSUE