*Article unchanged from e-bulletin.
++ Blue type in article: changes from e-bulletin.
Blue header & table of contents: new article
REGIONAL
CMQR-MMA: No okay, but closing by 30 April.*
MMA: Lack of training for rail fires noted.*
Can. Runaways: CN, CP, SLQ, CBNS, NBSR, MMA.*
Maine crude: Zero via Pan Am or MMA in Feb.*
New crude: Cut spotted on NBSR.

NEW YORK
NYA-BRT: Brookhaven Rail Terminal attacked on three fronts. Photo and layout of new excavation.*
- Town and BRT go to federal court. STB filing.*
- NYSDOT has not yet disbursed track grant.*
- Lack of public statements by Town and BRT. ++
- Traffic up.

QUÉBEC
MMA: 24 incidents railway should have reported.*
CONNECTICUT
[No report.]

MAINE
MDOT: IRAP grants 2 weeks. Rail Plan “summer.”*
MDOT: Passenger cttee hears Pan Am and SLR.*
MERR: MDOT extended contract to end 2015.*
MASSACHUSETTS
MassDOT: Seven IRAP winners announced.*
IRAP PVRR: Westfield track upgrade.** Map.
IRAP PAS: Omnova spur.*

IRAP MC: NE Refrigerated Terminals. Map. ++
IRAP Pan Am: Horizon loop track. Map.
IRAP HRRC: Lenox C&D facility. ++
CSXT: 13 yrs for W. Springfield bridge; not done.*
GU: Town of Grafton responds via press release.*
NEW HAMPSHIRE
Pan Am: Advocates want new alignment to Sea-3.*
RHODE ISLAND
VAOT: 3-way fund has 7 projects since 2011.++
VRS-CMQR-NECR-Pan Am: VRS looking at using Pan Am for ConnRiver traffic.*

VERMONT
CN: City must pay for bridges. Halifax appeals.*
CN - Halifax: Autoport traffic up.*
Saint John: Tropical sold. Table of calls at port.*

MARITIMES
CNZR: No okay, but closing by 30 April.*
STL: 13 yrs for W. Springfield bridge; not done.*
GU: Town of Grafton responds via press release.*

PEOPLE, POSITIONS, EVENTS
A cross-reference to companies mentioned here.
FROM THE PUBLISHER
Major new details on Ayer’s Horizon Milling and Catania Spagna, in this issue’s 31 pages.
- Chop Hardenbergh Next formal issue 12 May
REGIONAL

CMQR-MMA: CLOSING ON 30 APRIL? ++
10 April, Portland. **THE TRUSTEE MAY DO A CLOSING IN ESCROW** before the date CMQR can actually begin operation. CMQR startup awaits a green light from two Canadian agencies.

[E-mails to both agencies on 21 April ran into Easter Monday. No updates.]

Current permitting status

To operate, CMQR needs authorization from three entities: STB, CTA, and TC.

US Surface Transportation Board. The STB published a Notice of Exemption, permitting CMQR to take over from MMA as early as 16 March. [See 14#03A. If I were the STB, I would be unhappy that CMQR pushed for a quick decision, yet failed to quickly file the necessary paperwork in Canada meaning the transaction would take place far later than 16 March. **Editor**]

No CTA decision yet

Canadian Transportation Agency is reviewing CMQR's application for a Certificate of Necessity, filed 24 March. Jacqueline Bannister, CTA spokesperson, said the agency has not yet ruled. {e-mail to ANR&P 11.Apr.14}

TC posture

Transport Canada must find that CMQR's Safety Management System meets regulatory requirements; CMQR cannot operate before 60 days has expired after it filed its SMS. Roxane Marchand, Transport Canada spokesperson, wrote on 10 April: 'Further to your questions, here are Transport Canada's responses:

Q1. Has TC reviewed the SMS and found that it meets all prescribed requirements?
'Transport Canada is still reviewing CMQR's SMS and is communicating with the company.'

Q2. Has the date on which CMQR can begin operations somehow moved earlier?
'No. As previously mentioned, a railway company must submit its safety management system information to Transport Canada at least 60 days before it begins operations. Following the 60-day period and TC review, CMQR could begin operations if they have also obtained a Certificate of Fitness from the Canadian Transportation Agency. For more information, we invite you to contact CMQR directly.' {e-mail to ANR&P}

Trustee commentary

On 8 April in US Bankruptcy Court in Bangor, the trustee for the bankruptcy estate, Bob Keach, said that the sale of MMA assets is expected to close on 30 April. {Judy Harrison in Bangor Daily News 8.Apr.14}

Asked on 10 April how that could happen lacking the TC green light, Keach wrote: 'The closing could occur, if necessary, in escrow until the May 9 date. MMA would operate until then, and title would not pass until May 9.'

Asked why speed was needed, Keach wrote: 'Because there is a lot to get done. This is pretty typical.' {e-mails to ANR&P 10.Apr.14}

MMA: LACK OF TRAINING FOR OIL FIRE

9 April, DC. **THE RANGELEY, MAINE FIRE CHIEF DESCRIBED EFFORTS TO EXTINGUISH THE LAC MEGANTIC FIRE**, in testimony to the US Senate transportation appropriations subcommittee. The Rangeley Fire Department and seven others from Maine responded to the disaster on 6 July 2013. Key points from the presentation by Chief Tim Pellerin:
From the CBC News 3 December 2013 report.

**Quebec**
1. 02/29/2000 20:30:00 | Saint-Martin, Québec

**Canadian Pacific Railway Co.**
Single Car | Non-Main-Track Train Derailment
CP reported car prox 40730, load of methanol, un1230 ran uncontrolled along the industrial track of border chemicals and had derailed over the derail. No leakage of product and no injuries reported. CP officials responded.

2. 08/18/2010 22:00:00 | Lennoxville, Québec

**St. Lawrence & Atlantic (QUEBEC) Inc.**
Single Car | Runaway Rolling Stock
The St. laurence & Atlantic railway received a report from us customs of a runaway car crossing the border. Investigation by the stl&a revealed that box car wc 20322 ran uncontrolled from track s-115 at the canada - us border in norton vermont and travelled approximately 30 miles on the sherbrooke subdivision coming to a rest at the diamond in lennoxville. It was further reported that the car reached high speeds and crossed several public crossing. No dangerous goods involved. No injuries or derailment reported. Stl&a officials responded.

3. 07/31/2010 15:30:00 | Farnham, Québec

**Montreal Maine & Atlantic**
Locomotive | Non-Main-Track Train Derailment
Montreal maine & Atlantic railway reports, locomotive mma 3613 ran uncontrolled from shop track #2 in farnham yard and derailed over the derail. No injuries reported. Mma officials responded.

4. 09/25/2002 17:00:00 | Saint-Hyacinthe, Québec

**Canadian National Railway Co.**
Freight | Non-Main-Track Train Derailment
CN train crew on train m-307-11-25 reported the train going into emergency. Inspection revealed a broken hose bag on car cna 406409. The 12 cars on the main started to roll uncontrolled and struck the lead car of the movement being shoved into the siding at sackville. As a result of the collision between the 2 lead cars, the employee sustained fatal injuries. CN officials, RCMP, coroner and ambulance responded. Tsb (dartmouth) investigator deployed. Being assessed.

5. 12/12/2008 2:20:00 | Saint-Jean-Sur-Richelieu, Québec

**Canadian National Railway Co.**
Freight | Runaway Rolling Stock
CN train crew on freight l-525-21-11 reported, after shoving cars into track j-149, 2 cars uncoupled and ran uncontrolled resulting in car csxt 141838 striking a building wall. No derailment or injuries reported. CN officials responded.

6. 04/30/2003 1:45:00 | Saint John, New Brunswick

**New Brunswick**

**New Brunswick Southern**
Freight | Non-Main-Track Train Collision
Nb southern yard assignment while flat switching in saint john yard reported shoving car nokl 570585, box car loaded with newsprint which proceeded along the track and collided with car dctx 130005, load of fuel oil, un1202. As a result of the collision both cars derailed. No leakage of product and no injuries reported. Both cars were reported to have been damaged. Railway officials responded.

7. 04/25/2004 13:45:00 | Sackville, New Brunswick

**Canadian National Railway Co.**
Freight | Main-Track Train Collision
While proceeding westward, CN train crew on train m-307-11-25 reported the train going into emergency. Inspection revealed a broken hose bag on car cna 406409. The 12 cars on the main started to roll uncontrolled and struck the lead car of the movement being shoved into the siding at sackville. As a result of the collision between the 2 lead cars, the employee sustained fatal injuries. CN officials, RCMP, coroner and ambulance responded. Tsb (dartmouth) investigator deployed. Being assessed.

8. 02/21/2004 21:15:00 | Moncton, New Brunswick

**Canadian National Railway Co.**
Freight | Collision Involving Track Unit
CN reported track unit 618-25 (switch broom) in r-06 lead track had rolled uncontrolled along the track and side collided with 2 locomotive and 12 cars from train m-305-11-21 which was shoving cars into track r-001. CN reported minor damage to the 12 cars, which were 6 loaded cars of lpg, un1075, 1 load of molten sulphur, un2448, 1 empty, 3 residue lpg, un1075 and 1 loaded car of fuel oil, un1202. CN officials responded. No leakage of product and no injuries reported. CN officials responded.

9. R11M0044

**New Scotia**

**Cape Breton And Central Nova Scotia Railway**
Cut Of Cars | Non-Main-Track Train Derailment
Cape breton & central nova scotia railway reports, a cut of 3 cars ran un-controlled in track ts-10 in stellarton yard resulting in car natx 400052, load of propane, un 1075 derailing over stop block. No injuries or leakage of product reported. CBNS officials responded.

10. 07/07/2009 13:16:00 | Stellarton, Nova Scotia

**Canadian National Railway Co.**
Freight | Runaway Rolling Stock
CN reports, freight l-507-11-22 set of covered hopper car bnst 425185 into the east end of the siding of alton to run around car. After uncoupling the locomotive from the car, the car rolled uncontrolled onto the bedford subdivision, continuing for approximately 2000 feet before coming to a stop. No injuries or conflicting movements reported. CN officials responded.
- Firefighters from both Franklin County and Quebec had to think on their feet. “I think the biggest part is, we are prepared for the residential, common everyday emergencies. We’re not prepared for a fire like this.”

- Firefighters focused on pouring water on the burning buildings and extinguishing flames at rail cars that were heating up and in danger of exploding. Meanwhile, “oil ran down the street like hot lava” and responders had no instruction from the rail company about how to deal with the hazardous material.

- Railroad representatives “came and took a few photos” before leaving the emergency crews to figure out how to put out the flames. “They need to be held responsible for this.”

- Fire crews decided to truck in 8,000 gallons of foam from Toronto, said Pellerin and US Senator Susan Collins (R, Maine), who serves on the subcommittee. Collins said that “it was also very troubling to me that you did not get help from the railroads.”

- Collins noted that more than 99% of trains reach their destination without losing any cargo. That is of “little comfort” to those directly affected by disasters. The problem requires a multi-faceted solution such as fixing railroad tracks, strengthening tank cars, and equipping emergency responders properly. “A disaster is one of the worst times to be trying to exchange business cards and figure out who does what.” {Kaitlin Schroeder in Waterville Morning Sentinel 9.Apr.14}

### Two-person crews

Also on 9 April, the FRA announced it will propose new rules mandating two-person crews as well as new policies for securing parked trains. FRA officials said they were moving forward with the rules after a rail safety working group that includes representatives of the railroads and the worker unions – two groups historically at odds on crew size – failed to reach agreement on the contentious issue.

'We believe that safety is enhanced with the use of a multiple-person crew – safety dictates that you never allow a single point of failure,' FRA Administrator Joseph C. Szabo said in a written statement. 'Ensuring that trains are adequately staffed for the type of service operated is a critically important to ensure safety redundancy.' {Kevin Miller in Portland Press Herald 10.Apr.14}

### CRUDE THROUGH MAINE ++

18 April, McAdam. NBSR MOVED 16 LOADS OF CRUDE OIL EAST, according to rail observer Jody Robinson. {e-mail to ANR&P} This marked only the second cut of crude to move Pan Am-NBSR since October [see 14#02B].

### Reporting to Maine

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Source: Reports by railroads and pipelines paying per-barrel fee to Maine Department of Environmental Protection.
NEW YORK

NYA: BROOKHAVEN ILLEGAL EXPANSION?*
11 & 12 March, Yaphank. BROOKHAVEN RAIL TERMINAL WAS ATTACKED AT THE STB, IN COURT, AND LOCALLY, all by the Town of Brookhaven. The Town has opposed many of the steps the Brookhaven Rail Terminal (BRT) has taken to open and expand [see 12#06B].

The current cases stem from BRT’s excavating a 100-acre parcel adjacent to its initial site.

THE SITUATION

The current accusation
The Town wrote in its STB filing: ’[U]nder the guise of constructing a supposed "spur" line extension into the adjoining 100-acre site with minor clearing and re-grading along the track line, BRT has recently excavated a vast swath of the 100-acre parcel with tremendous and unapproved excavation activities deep below grade, which can only be described as illegal soil mining.

’Aerial photographs of these activities taken on March 9, 2014 are enclosed as Exhibit A. The Town believes BRT and the owner of its property who is in the business of using and selling construction materials and construction aggregate, Sills Road Realty, LLC, are in whole or in part conducting non-railroad activities at the site, are illegally selling the excavated soil for profit without complying with law, and are using the claim of a spur track extension as a subterfuge to avoid application of the full brunt of the Town Code restrictions on tree and vegetation clearing, soil removal and excavations, and other restrictions.

’Additionally, the Town believes BRT is also unlawfully using the combined sites for the unlawful burial of construction debris (such as RCA, which is crushed concrete and asphalt), which is imported from outside the site and then illegally buried on the site for a fee.’

The history
According to the Town's STB filing:

2007
Suffolk & Southern told to seek STB approval.
Suffolk & Southern withdraws.
US Rail starts constructing rail facility without STB approval.
STB tells US Rail to halt.
2008
Federal magistrate recommends against applying pre-emption.
US Rail seeks notice of exemption to operate at 28-acre site.

2010
Town and US Rail reach agreement on code provision adherence.
STB grants exemption so BRT can receive up to 500,000 tons of material from upstate.

2012
Sills Road, the owner of the site, tells Town it will expand to adjacent 100-acre site. The expansion will include a 5600-foot spur. Sills Road will correct deficiencies at the original site, and abide by the code adherence provisions, in the expansion.

2014 events
The Town said further in its STB filing:

'In a recent February 6, 2014 letter from the BRT's construction manager, Gannett Fleming, Inc., the current expansion project is described as:

The existing Brookhaven Rail Terminal is a 28-acre parcel with approximately 12,800 linear feet of rail track and a
connection with the Long Island Railroad. The proposed expansion would involve extension of the facility onto an adjacent approximately 93-acre site and involve construction of an additional 12,500 linear feet of internal track to support future warehousing/manufacturing and cold/dry storage facilities (emphasis supplied).

'On February 20, 2014, Town Attorney Annette Eaderesto wrote back to BRT's construction manager Gannett Fleming, stating:

In response to your letter dated February 6, 2014, the Town is not able to comment on Brookhaven Rail Terminal's proposal without further information.

First, Brookhaven Rail Terminal is an existing 28 acre site which currently operates and is maintained in violation of the 2010 Court Ordered Stipulation. Attempts by the Town to bring Brookhaven Rail Terminal into compliance have been ignored and blatantly disregarded. The site also maintains illegal tent/storage structures.

Pursuant to your letter, Brookhaven Rail Terminal now intends to extend this use onto the adjacent 93 acre property. Although your attachment shows this property as wooded, the vast majority of acres is actually cleared. This was done without permission from the Town and without any environmental review. In 2012, the Town allowed for a rail line expansion of approximately 5,600 feet toward the property line, and Brookhaven Rail Terminal was to provide for a buffer. Rather, Brookhaven Rail Terminal clear cut the entire 93 acres. Your documents should accurately show existing conditions.

Furthermore, your letter and attachments do not provide the Town with any plans regarding the "future warehousing/manufacturing and cold/dry storage facilities" which the Town can review. Your letter also does not provide any correspondence from the Surface Transportation Board regarding the proposed use. Historically, Brookhaven Rail Terminal has taken the position that all of its activities are preempted by Federal regulations. Federal preemption is not infinite. The Town will require detailed plans of Brookhaven Rail Terminal's proposal to determine whether it may seek an opinion from the Surface Transportation Board on its own account.

Unless and until the Town receives more detailed information regarding Brookhaven Rail Terminal's proposal, we can provide- no further comment. The Town intends, however, to protect its interests in light of the existing violations as stated above, and in connection with the prior clearing of the 93 acre parcel.

'By letter dated February 27, 2014, BRT responded claiming that its 2012 indication to the Town regarding minor clearing and re-grading work for a 5,600 feet track alleged spur on the 28 and 100 acre parcels, constituted sufficient "notice" to the Town of its current activities under the Stipulation of Settlement. It attached some select building plans, but appears to have deliberately left out others.

'Specifically, close inspection of the very last document it supplied, page 1 of 2 of a "FIRE SAFETY ANALYSIS" of an "OVERALL SITE PLAN" (it did not provide page 2 of 2 thereof), reveals hints at what activities Sills Road (the non-railroad carrier which deals in construction aggregate and other materials) or others, plans to conduct on the 28 acre and 100 acre parcels, including the "manufacturing" activity which Gannett Fleming's letter had passingly referenced. That document shows, among other things, (1) a "POLYMER PLANT" on the 28 acre parcel; (2) an "ASPHALT CEMENT TERMINAL" on the 28 acre parcel; (3) an "AGGREGATE STORAGE AREA" on the 28 acre parcel; and (4) a 262,500 square foot "PROPANE TRANSFER STATION" on the 100-acre parcel.'

THE ATTACK ON THREE FRONTS

Local enforcement
In mid-March, the Town issued a cease-work order to BRT. Rob Calica, attorney for the Town, said that as of 2 April BRT-Sills Road had stopped work.

New York Supreme Court
On 10 March, the Town filed an action entitled: Town of Brookhaven v. Sills Road Realty, LLC, Brookhaven Rail Terminal, Suffolk & Southern Rail Road, US Rail, US Rail New York, Brookhaven Rail LLC, Adjo
Contracting, Watral Brothers, and Pratt Brothers,1 New York Superior Court, Suffolk County Index No. 061613/2014.

Surface Transportation Board
On 14 March, the Town filed at the STB, repeating the same allegations as the court complaint. It requested that the STB re-open the earlier proceedings. {STB website, filings page, STB Finance Docket No. 35141}

THE NYSDOT GRANT
On 19 September 2013, New York State Senator Charles Fuschillo (R, Merrick) announced $2.5 million for expansion of the BRT, as part of $6.5 million in transportation grants going to Long Island. {Fuschillo press release} [Fuschillo has since resigned to become chair of a national Alzheimer's program.]

Relations between NYSDOT and Town
Town attorney Rob Calica said “no one asked us” whether the Town supported the grant, and the Town “only recently found out.” {ANR&P discussion 1.Apr.14}

2011 purchase – source of 100 acres
Note: How BRT acquired an additional 100 acres is not clear. According to one report, in January 2012, then-BRT spokesperson Judy White confirmed that it purchased acreage adjacent to the 28-acre initial site, adding 60 acres.

“We’re in negotiations with people in the baking industry to bring in bulk flour; we’re looking to reduce their transportation costs,” she said. “There’s a major electric component company of electrical parts looking to store those parts in large containers, and people in the construction industry looking into bringing their supplies in by rail.”

White was asked how much land would be cleared. “I can’t really give you a specific number,” she answered. “Of the current site, I understand 33% will be re-vegetated with trees. We will continue to work with the Town of Brookhaven to meet their site requirements and needs.”

BRT was also interested in purchasing another 95-acre parcel owned by Suffolk County called Legacy Village. Brookhaven Deputy Chief of Staff Stacy Epifane Sykes said that the town hadn’t formally received any plans from Brookhaven Rail Terminal regarding the new property. While the clearance remains a dangling question, the Legacy Village parcel made to the county in 2011 was never solidified. {Linda Leuzzi in Long Island Advance 26.Jan.12}

NYA-BRT: DOES PRE-EMPTION APPLY?*
9 April, Brookhaven. THE RAIL TERMINAL AND THE TOWN AGREED ON HOW TO PROCEED after BRT provided additional information on its plans for the adjacent 93-acre site. According to the text of a Partial Stipulation filed with the state court, and supplied to the STB:

Changes in parties; ownership
The BRT Defendants [Sills Road Realty LLC, Brookhaven Rail LLC f/k/a U S Rail New York LLC, Watral Brothers, Inc., Pratt Brothers, Inc. and affiliated parties, Oakland Transportation Holdings LLC and Brookhaven Terminal Operations] represent and warrant that Brookhaven Rail LLC f/k/a U S Rail New York LLC, Brookhaven Terminal Operations, Sills Road Realty LLC, and Sills Expressway Associates collectively constitute all of the owners and leasehold interests with respect to Parcels A, B and C, that Oakland Transportation Holdings LLC owns 100% of the interest in Brookhaven Rail LLC, and that the BRT Defendants

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1Adjo Contracting Corp. (“Adjo”), Watral Brothers, Inc. (“Watral”), and Pratt Brothers, Inc. (“Pratt”), each were and are New York Corporations. Upon information and belief, Adjo was hired by BRT and performed work as the general contractor in connection with the clearing, excavation and construction activities specified in this Complaint, and Watral and Pratt are subcontractors hired by Adjo to perform certain construction activities at the BRT site, including on information and belief, some or all of those described in this Complaint.
have assumed all obligations in connection with the 2010 Stipulation in the Prior Federal Action.

'The Town has agreed to and does hereby gives notice that it discontinues pursuant to CPLR 3217(a) its claims against Suffolk and Southern Railroad LLC, U.S. Rail Corporation and Adjo Contracting Corp. and does hereby redesignate original defendants U.S. Rail New York LLC and Brookhaven Rail LLC as Brookhaven Rail LLC f/k/a U.S. Rail New York LLC and does hereby redesignate Sills Road Realty LLC d/b/a Brookhaven Rail Terminal as Sills Road Realty LLC.'

**Removal to federal district court**

BRT chose to remove the action from state to federal court, as the federal question of pre-emption arose. The Town did not oppose this, as it alleges BRT has violated a previous stipulation reached in federal court for the Eastern District of New York.

**BRT claims federal pre-emption**

'The BRT Defendants contend that: the current and anticipated development at Parcels B and C (the “Disputed Construction”) shall be treated as a “spur, industrial, team, switching or side track” within the meaning of 49 U.S.C. § 10906; contend that such ancillary “spur” is subject to Federal Pre-Emption which limits the Town’s jurisdiction and control respecting Parcels B and C; and agree to seek an expedited determination of these issues before the U.S. Surface Transportation Board (the “Board”) (the “Ancillary Spur Claims”).'

**BRT to file at STB**

'Without limitation, Brookhaven Rail, LLC and Brookhaven Terminal Operations, LLC d/b/a Brookhaven

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NBM Rail Services maintains over 520 miles (837 kilometers) of track in the province of New Brunswick and the state of Maine. NBM Rail Services offers an array of design and maintenance services to rail, industrial, and manufacturing customers in the United States and Canada. If you have a project or a problem, we have a solution.

**Services Offered:**
- Track inspection services
- Track maintenance and rehabilitation
- Track engineering and construction
- Rail crossing inspection and maintenance
- Rail yard design
- Yard switching

**Contact Information:**

Tyler Langille

(506) 643-1784

Langille.Tyler@nbmrailways.com

JDI Integrated Logistics – Connecting Customers to the World
Rail Terminal agree that they shall promptly file a Petition for Declaratory Order with the Board to address issues of Pre-Emption and the Ancillary Spur Claims (i.e., whether the additional track to be installed by BRT constitutes a “spur, industrial, team, switching or side track” within the scope of 49 U.S.C. § 10906) (“STB Declaratory Petition”). The parties agree that they will each request an expedited Final Determination by the Board of the Ancillary Spur Claims...

Stop Work Order partially lifted

'The Town has previously issued a certain Stop Work Order (the “SWO”) and certain Notices of the violations (the “Violations”) respecting the Disputed Construction on Parcels B and C. Without construing the SWO as either prohibiting or allowing same, the parties agree that for a period of 60 days from the date of this Stipulation, or such sooner time as the STB shall render a determination upon the Ancillary Spur Claims, the Town will withdraw, without prejudice, so much of the SWO and Violations which are deemed to prohibit so much of the Disputed Construction which concerns excavation, removal of fill, and grading which is incidental to the construction of additional railway track upon Parcels B and C (the “Track Construction”) as are depicted in a Site Plan to be negotiated and agreed upon between the parties within ten (10) business days (the “Town Consent”).

'The Town will also adjourn the Violations without prejudice for the same period of time.

'The Town Consent is strictly limited to such excavation, removal of fill and grading which is actually and reasonably required for the purpose of the aforesaid Track Construction, and the Town specifically objects to and continues its objection to any further excavation, removal of fill, grading, or other Disputed Construction upon any other portion of Parcels B and C....

In the event a dispute shall arise concerning the Town Consent and the extent of the Disputed Construction, the Town shall be authorized to reissue a SWO and Violations (a “Construction Dispute”), and the parties agree that the Construction Dispute shall or may be determined before such a forum (whether the EDNY, the STB, or further State Court proceedings) as may be determined to be available by law.'

BRT to fully inform Town

'The BRT Defendants agree to promptly and without delay keep the Town fully informed and apprised of the Track Construction including by:

- providing such Site Plans, grading plans, fill removal reports, measurements (including by means of a photogrammetric survey to be commissioned by the BRT Defendants within ten (10) business days) elevations, and other information and data which the Town Engineer or its Consultant may reasonably require

- and shall permit representatives of the Town the right to make periodic inspections of Parcels B and C upon reasonable advance notice, subject only to the limitation that such inspections shall not unreasonably interfere with the Track Construction.' {text of Partial Stipulation filed in New York Supreme Court 9.Apr.14, Index Number 061613/2014}

NEW DIAGRAM

In the Amended Complaint filed with the Partial Stipulation, the Town stated:

'The Town was recently provided by BRT with a copy of a document denominated as a purported “Environmental Overview” dated February 2014 prepared on behalf of BRT by the engineering firm of Gannett Fleming Inc. (Exhibit B hereto). [See annotated diagram.]

'This amorphous document, while scarcely amounting to any type of bona fide environmental review, does clearly and unambiguously depict, on its cover page, the proposed rail and warehousing and manufacturing facilities which BRT is intending to construct on the adjacent 93-acre parcel and to serve with its 12,000 foot purported “spur”.

In the Amended Complaint filed with the Partial Stipulation, the Town stated:
'The proposed expansion includes, inter alia, a 400,000 square foot building denominated as “Manufacturing and Warehousing Building”, a 400,000 “Cold/Dry Storage Building”, a covered “Salt Storage Building” of nearly 40,000 square feet, and a proposed “Propane Transfer Station” of approximately 262,000 square feet, all spread across a newly purchased, adjacent 93-acre site which is nearly 3 1/2 times the size of the previously approved facility, and which entails more than 5 times the already constructed Transload Building, all proposing to serve a vastly expanded customer base in terms of both enlarged geographic locale and volume.'

{text of Amended Complaint filed in New York Supreme Court 9.Apr.14, Index Number 061613/2014}

NYA-BRT: MORE ON NYSDOT GRANT*

11 April, Albany. **NYSDOT HAS NOT DISBURSED THE 2013 $2.5 MILLION GRANT YET TO BRT** [see above], wrote Beau Duffy, agency spokesperson, in response to questions:

**Q1: Has NYSDOT disbursed these funds to BRT?**

'No. The contract between NYSDOT & BRT has not yet been fully processed in accordance with the requirements of Article 7 of the State Finance Law.

The funding request is for construction of the track, not site development. Also, this grant program is done by reimbursement.

BRT would advance its funds for the work, then submit documentation for reimbursement of any eligible work under the grant program.'

**Q2: Is the applicant required to inform or somehow check with the municipality in which it will expend the funds under the program for granting freight railroads funds?**

'No, it is not required by the program....Most projects are for rehabilitation of existing rail infrastructure. Because rail is federally regulated, municipalities have little or no oversight role for these projects.' {e-mail to ANR&P}

**NYA-BRT: ANSWERED AND UNANSWERED QUESTIONS ++**

The substance of the Town of Brookhaven's beef with BRT, and BRT’s legal position [the photos would appear to state facts differing from the legal position; piles of sand appear, but no graded right of way, let alone track – editor], is made plain in the above articles. Questions remain:

**Town publicity**

The Town is expending an enormous amount for Rob Calica, special counsel to Town Counsel Annette Eadoresto, to pursue this case. Moreover, citizens near BRT have expressed concern about the expansion. Yet the Town has not issued any statement on the filing.

Both Calica and Town spokesperson Jack Krieger have declined to respond to the question, referring it to Eadoresto. On 17 April she responded via Krieger: "There will be no comment from the Town as this matter is in litigation." {e-mail to ANR&P}

**BRT position**

Andy Kaufman, BRT president, via a spokesperson declined to comment on 9 April. An 11 April call to BRT attorney Yonaton Aronoff was never returned.

**BRT traffic up**

James Bonner, NYA marketing and sales chief, wrote on 21 April:

'Traffic is up considerably, BRT has shown their willingness to work with receivers needing a turnkey operation and it’s paying dividends.

'Their ability to receive, warehouse, and arrange delivery benefits everyone involved as well as greater
Long Island.

'We at NYA fully expect their traffic to continue growing and are supportive of their efforts. Primary commodity growth has come in lumber and building products [Home Depot has located there – see 13#03B] as well as food products for distribution on the island.' {e-mail to ANR&P}

**QUEBEC**

**MMA: UNREPORTED ACCIDENTS - RUNAWAYS**

7 April, Ottawa. **CANADA’S TRANSPORTATION SAFETY BOARD DISCOVERED MMA FAILED TO PROPERLY REPORT 24 INCIDENTS**, including two cases of rail cars rolling away uncontrolled [see other article – only one listed], four main-track derailments and 16 derailments on what is classified as 'non-main track.'

The investigation began after CBC News reported December 2013 on uncounted runaway incidents and other unreported incidents across Canada [see below]. The TSB noted that all MMA incidents 'had minor consequences.' {Dave Seglins in CBC News 3.Dec.14}

Transportation Safety Board spokesperson Chris Krepski wrote that the investigation only looked at incidents in Canada, and not in the United States. The unreported incidents were discovered after the board requested and reviewed internal MM&A incident reports as part of the Lac-Megantic investigation, Krepski said. {Craig Anderson in Portland Press Herald 11.Apr.14}

**UNCOUNTED RUNAWAYS, CANADA**

3 December & 7 April, Ottawa. **RUNAWAY ROLLING STOCK CASES AVERAGED 35 A YEAR**, far more often than previously thought, CBC News reported in late 2013 after examining a railway database kept by the Transportation Safety Board (TSB). [See regional runaways in Region.]

Until now, TSB annual reports from 2000 to 2012 only identified 158 runaways, counting an incident as a runaway only when it was the primary issue reported to safety inspectors. But CBC News analyzed the complete TSB rail database of incidents and accidents obtained through access-to-information and discovered that runaways have been involved in more than 300 other cases.

**Few runaways investigated**

The majority of runaway train cases remain unreported publicly because they are categorized instead as derailments or collisions without an indication that cars were uncontrolled at the time. “If a runaway causes derailment or collision, it will be reported as this higher consequence occurrence,” said TSB spokesperson Rox-Anne D’Aoust.

For example, the Lac Megantic tragedy, when 74 crude-oil laden cars ran unmanned down the tracks with locomotives, would be listed as a derailment, not a runaway. {John Nicol, Amber Hildebrandt, Dave Seglins in CBC News 3.Dec.14}

**TSB review initiated in December 2013**

TSB chief operating officer Jean Laporte in April confirmed his agency in December began a review of all rail carriers after a CBC News investigation revealed that CN Rail had not reported more than 1,800 mostly minor accidents and incidents between 2000 and 2007.

The review is not yet complete, but already Laporte said he is considering whether to sanction CN, CP, and MMA. “Well that is a question I’ve asked my team to come up with. I want to know was there any repeat of the problems we noted in 2007, and if so what steps do we need to take?” Laporte said.

The TSB has never fined a Canadian rail company for failures to report accidents and incidents. {Dave Seglins in CBC News 3.Dec.14}
MDOT: IRAP, STATE RAIL PLAN

14 April, Augusta. **AN UPDATE FROM NATE MOULTON, MDOT RAIL PROGRAM DIRECTOR:**

State Rail Plan

'Rail plan will be submitted to FRA and released this summer.' [The link on the MDOT website to it is broken. However, the Sierra Club of Maine has a link to the 2010 version. In May 2011, MDOT Commissioner David Bernhardt promised it “later this year” – 11#05A. The MMA sale of northern Maine lines consumed MDOT rail planning time since then.]

MDOT IRAP

'IRAP scoring is done, public announcement probably in the next couple weeks.' {e-mail to ANR&P}

MDOT: SLR, PAN AM UPDATES

9 April, Augusta. **PAN AM AND SLR MADE PRESENTATIONS TO THE PASSENGER ADVISORY COMMITTEE** second meeting. The third will occur in mid-May. [See 14#03B.]

CYNDI SCARANO, Pan Am executive vice-president

Personal background

Scarano has worked for over 26 years at Pan Am, starting in the legal department while going to law school. Subsequently she worked in legislative development with Colin Pease, in the track department, and finally claims and human resources before becoming executive vice-president.

Maine operations

Of Pan Am's 900 workers, 300 are located in Maine. It operates 20-25 trains (including the 10 Amtrak) a day in Maine, road and switchers; 18 of those operate on the Brunswick-Kittery section. On average, the trains are 8,000 feet long.

Of the 12 hours a crew is permitted to operate, two hours are consumed with paperwork and checking the train. When the train needs to tie down, the crew has to walk the entire train to put on brakes, consuming another 1.5 to 2 hours.

“We run at a maximum 40 miles per hour, average 25, and some areas 10.”

Capacity

Each time a passenger train is added to Pan Am system, “it lowers our capacity to run trains....Today, we feel are at full capacity with trains the way they are. If you add another train, that's possible, but we need more sidings.”

Sidings. Passing sidings must be two miles long. Portland-New Hampshire's 78 miles has 10 miles of sidings. Each time a siding is added, it creates unhappy neighbors. “Nate [Moulton, MDOT rail administrator] and I probably e-mail every day, Nate asking [in response to a complaint to MDOT], “Can you move this train. Can you move it faster?”

Maintenance. The need to maintain the track also consumes track time.

More freight traffic.

Scarano said, “Maine business is picking up....Over the next four years, 30% up.”
Liability
“We are a self-insured company.” Scarano receives proposals to run additional trains (“a dinner train through a tunnel...ski trains”) or adding private railcars to freight trains.

Summary
Adding passenger service is “strategically difficult but possible. It takes a lot of time, logistically. And it's costly, to us and to the passenger service.”

Private crossings
Scarano was asked about new private grade crossings. She said, “If it's for a farm in Maine, we generally grant it.”

Non-farm crossings are decided case by case. She listed various types: deeded rights; crossings existing prior to 1982; and newer ones including commercial crossings for customers.

Inspections and slow orders
In response to questions, Scarano said a line with passenger service must be inspected every day – Pan Am uses hi-rail. The inspection may reveal problems, which the railroad deals with.

NNEPRA's Patricia Quinn reported that “three weeks ago we had no slow orders”; thawing has created seven miles of slow orders, “completely croaking our service.” She recited one of her sayings: “There is no perfect day on a railroad.”

Four allocations to Pan Am
Quinn pointed out that the railroad receives funds for four actions: the original infrastructure building; annual maintenance and inspection; incentives for on-time performance; and capital budget expenditures as needed.

All track work, Scarano noted, is performed by Pan Am workers, “because of our agreements with unions.”

Capital expenditure 2014
Quinn said that later in 2014 Pan Am will install “30,000 ties; we probably need to do 80,000, but we have only enough money for 30,000.

TED KRUG, Pan Am chief engineer design and construction
Krug described the three factors to consider when putting passenger on a freight line.

1. safety

Grade crossings. Trains at increased speeds require better grade crossings. He estimated a usual signalled crossing at $250,000, and a quiet zone crossing at $350,000 to $400,000.

Sidings. To permit trains to pass, Krug noted, “we need extra sidings. Creating two tracks for the entire length is very expensive.”

To run all ten trains to/from Brunswick (four terminate in Portland), Krug said sidings are needed to provide a “rolling meet” - probably a four-mile siding on the Yarmouth-Cumberland stretch.

2. Speed
Increasing speed requires better ties. Of the 3000 ties per mile, the railroad needs to change out 500 – 3000. These cost – per Quinn – $62 per tie plus work.

Welded rail must replace the jointed rail, yielding a smoother ride and decreased chances of broken rail.
A trainload of welded rail costs $2 million for 7 miles. The railroad must also ballast better, and replace most switches ($100,000 for a switch package) to extend their length and permit passing over them at speed. It must build superelevation. Bridges, though 100 years old are “typically holding up well.” When a bridge presents a problem, a freight railroad adds a speed restriction typically, but that does not work for passenger service which needs to keep to trip speed.

3. Capacity - PTC
Quinn noted that once the Downeaster exceeds more than 12 trains a day, federal rules will require PTC (positive train control), estimated cost $20 million for the 78 miles in Maine. The service now runs 10 trains a day.\{ANR&P coverage\}

Krug notes from New England Rail Expo
On 25 March, Krug spoke to a seminar on passenger-freight interaction at the New England Railroad Club's Expo in Worcester. These were points he made there, in addition to those above:

4. Rail, switch upgrades
Passenger surface requires continuously-welded rail, and different fasteners: rail anchors or Pandrol rather than spikes if concrete ties are used.
Crews will replace all turnouts for smoother ride, and reduce the risk of slow orders. An increased length in the new turnouts will “lessen the angle of divergence.”
Crews will increase superelevation, permitting increased speed. But for slower freights, too much superelevation can cause undue wear.

5. Electronics
Crossing gates need to go down 20 seconds before the train arrives. 'Predictors' can gauge the train speed and activate the gates at a different time point for freight versus passenger speeds.
If the line lacks signals, passenger can operate at only 59 miles per hour.

6. High-wide loads
High-level platforms at passenger stations restrict the width of freight loads. Solutions include a freight side track, a moveable platform, or a gauntlet track.\{ANR&P coverage\}

CHARLES HUNTER, SLR (Genesee & Wyoming)

Locations, trains
The SLR and its Canadian counterpart SLQ are managed in GWI's Canadian region. Customer service is handled in Auburn.
The railroad operates four locals out of Auburn, serving Mechanic Falls, South Paris, and Portland.

Maine customers
The railroad has 12 customers in Maine on line [more in a future issue]; others are served via transload. Most traffic originates or terminates in Auburn.

Consideration of passenger service
In his series of slides, Hunter included one stating the Genesee & Wyoming attitude toward proposals to operate passenger service on the company's lines. It read in part:

' [We] have no time or capacity to assist parties of interest. We will not consider proposals that are not well
thought out or do not reasonably address safety, compensation, liability, capacity, capital infrastructure, or any proposal' without a solid business and financial plan. [Unfortunately GWI did not permit Hunter to release the slide, which would have permitted a complete statement. Editor]

**MERR: CONTRACT EXTENDED**

17 April, Augusta. **MDOT HAS EXTENDED THE MERR CONTRACT ONE ADDITIONAL YEAR**, wrote rail administrator Nate Moulton [the third extension – see 13#12B], 'through 2015. This will give us time to work with Passenger Rail Advisory Council [see above] on setting priorities for passenger rail support and improvements within the State.

'What comes out of that process may dictate a change in how we approach operations on the Rockland Branch so it did not make sense to be out for an RFP in that environment.' {e-mail to ANR&P}

**PORTLAND- PAN AM: IMT PLANS**

9 April, Portland. **MORE DETAILS ABOUT THE PROPOSED RAIL FACILITY FOR THE CONTAINER TERMINAL** emerged from a presentation held by MDOT to inform the public, this one at the Reiche School during the Portland West End neighborhood association meeting. [See 14#03B with map.] Craig Morin of HNTB, consultant-engineer, and Joel Kittredge of MDOT, the project manager, did the presentation.

**Fate of propane terminal: move to Rigby**

Of the five-acre Unitil site, which it will lease back from MDOT once the agency acquires it, Morin said about half is used by Energy USA Propane (a subtenant of Unitil), and half by Unitil, the natural gas utility.

Eventually – sooner rather than later – EnergyUSA will move to Rigby and Unitil will remove “everything above-ground” on its site.

**More land for Phin?**

While not within the purview of the project, Morin acknowledged that Phin Sprague could purchase more land from Pan Am, as he said he needed to in early April. Pan Am will end up with two parcels, one north of the rail line of about six acres, and one south of the line of about seven acres. [Phin would probably choose the latter; the proposed plan already has a grade crossing to it. Editor]

**Operations**

Responding to questions from residents about noise, Morin foresaw “some overlap, depending on the Sprague Energy role.” MPA might contract out switching to Sprague Energy, but Pan Am would also switch the terminal, including EnergyUSA. MDOT can control its own switching, but not that of Pan Am, which may switch at night.

**Negotiations with Phin Sprague**

Parties hope for an amicable solution on price of the property MDOT will acquire from Phin Sprague. However, said Kittredge, the property will be “condemned within April” and thus acquired in time for work this year. [The price would then be determined by legal proceedings. Editor]

**Out to bid**

Kittredge repeated the target date: June to go to bid. A lack of agreement on the price will not hold up the project. He was assured by others, Kittredge said, that bond funds will pay for “construction of this project” and they will be “available to spend in time for this project this year.”

**Next hearings**

Kittredge said the next meeting, a formal “public neighborhood meeting” would occur in late April, possibly the 28th. The plan will then go to the city. {ANR&P coverage}
MASSACHUSETTS

MASSDOT: SEVEN IRAP AWARDS

14 April, Boston. THE STATE ANNOUNCED SEVEN GRANTS TOTALING $2.5 MILLION AS PART OF THE 2014 INDUSTRIAL RAIL ACCESS PROGRAM. Private sector funds of more than $1.9 million will match the grants for a total $4.5 million investment in freight rail improvements in the second year of the IRAP program, which was created as part of the 2012 Transportation Bond Bill [see 14#02B].

PVRR
PAS
Omnova Solutions- $500,000: Fitchburg-123 Industrial Park Rail Siding Phase II rehabilitation.
PAS
PCA Systems/Holland Chemical- $351,300: Adams- rail siding, unloading system, storage shelter, road crossing.
MC
North East Refrigerated Terminals- $474,618: Taunton- siding rehab plus rail to trailer cross-docking facility.
Pan Am
Horizon Milling- $240,000: Ayer- upgrade existing loop track serving three customers.
HRRC
Lenox Valley Waste Transfer Facility- $189,000: Lenox- siding extension and transfer station improvements.
NECR
New England Central Railroad- $499,800: Palmer- Industrial Park Freight Capacity Expansion Project. {text of
MassDOT press release

More about six of the seven below. Information on the NECR track upgrade in a future issue.

**PVRR: WESTFIELD IRAP***

15 April, Westfield. **PVRR WILL DO ITS IRAP PROJECT IN AUGUST OR SEPTEMBER**, which will create 'a new “Easthampton Mainline” of roughly 1250 feet' [see diagram above] wrote PVRR General Manager Mike Rennicke, for two purposes. [The project was labelled by MassDOT Westfield- Easthampton Mainline Yard Capacity Project.]

'The primary advantage is the creation of a 20+ [car] staging track on the “Old Main” which has becoming increasingly necessary as we have grown the car volumes on the PVRR. Our early morning crew starts can now stage trains on this track for distribution throughout the day.

'The secondary benefit will be the building of the new main in 115-pound rail versus the 80-pound we presently run on. This will increase our level of safety, decrease an ongoing maintenance expense, and improve our ability to get trains out of the yard and upgrade on the Easthampton line. We will also make adjustment to a heavily used cross-over at the north end of our yard.

**Long-term**

'This project is actually stage three of a long-term project that will add an additional 24 storage spots in future years in our “North Yard” to further planned expansions.

'We plan on beginning construction by August or September this year and completing the project within a month. It will be bid out to contractors.

'We view the IRAP to be a tremendous boost to our capital program and truly appreciate the work done by MassDOT and the legislature to make this possible.'

**Dollars involved**

The state award comes to $310,032. Rennicke wrote that the railroad will add $206,668 or 40%, for a total project cost of $516,700. The PVRR contribution 'is a typical annual project amount for the PVRR. The IRAP has allowed us to tremendously expand the scope of badly-needed work and keep our capital commitment in line.' {e-mails to ANR&P}

**PAS: OMNOVA IRAP***

Omnova Solutions- $500,000: Fitchburg-123 Industrial Park Rail Siding Phase II rehabilitation.

In 2013 this project received $559,869. The state capital improvement plan listed an additional $200,000 [see 14#02B.] Your editor hopes to clarify these figures in a future issue.

**PAS: ADAMS IRAP***

14 April, Boston. **TWO COMPANIES IN ADAMS WILL SHARE A GRANT:**

PCA Systems/Holland Company – $351,300: Adams- rail siding, unloading system and storage shelter with road crossing on Pan Am Southern RR.’

Holland Company, at 153 Howland Avenue in Adams, is co-located with PCA Systems at 155 Howland Avenue.

An official at PCA Systems confirmed that it is a separate company from Holland Company, but referred your editor to Holland for further information on the grant. {ANR&P discussion 15.Apr.14} More on the grant in a future issue.

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2 The original announcement read: ‘PCA Systems/Holland Company – $351,300: Adams - rail siding, unloading system and storage shelter with road crossing on Housatonic RR.’ MassDOT corrected after your editor notified the department.
Adams branch for Berkshire Scenic
MassDOT is negotiating to purchase the line from Pan Am [see 14#02B]. The department capital improvement plan has $3.3 million for 2014, $1 million for 2016, and $1 million for 2018, the last year. Total: $5.3 million.

Pan Am will continue to serve the two existing companies Specialty Minerals and Holland Company operating Monday-Friday; Berkshire Scenic will operate Friday after noon through Sunday.

Companies physically related
An 18 March 2014 EPA statement about settlements with five New England companies – among which were PCA and Holland – provided some clarity.

'PCA Systems, Inc., of Adams, Mass. is a related company to Holland Company, and operates a facility adjacent to the Holland facility that uses hydrochloric acid. PCA and Holland share common management and coordinate their business activities.'

Holland Company settlement. 'Holland Company, Inc., of Adams, Mass. manufactures chemical products for water treatment and distributes these chemicals and products from other suppliers to municipal and industrial water and wastewater treatment plants. Holland has agreed to pay a penalty of $85,166 for violations of Section 112(r) of the Clean Air Act by failing to comply with the RMP regulations for its storage of hydrochloric acid at its facility. Holland stores hydrochloric acid, which is a RMP chemical, at its Facility for use by PCA Systems (see below).

'EPA determined that from at least Feb. 2008 until April 2010, Holland had violated hazardous chemical
reporting requirements by failing to: (1) develop and submit a “Program 2 RMP” for hydrochloric acid; (2) develop a RMP management system; (3) complete a hazard assessment; (4) conduct a hazard review; (5) comply with operating procedure requirements; (6) comply with training requirements; and (7) comply with maintenance requirements. Holland has come into compliance by substituting the hydrochloric acid it was using with a safer, less concentrated hydrochloric acid that is not subject to RMP requirements.’

PCA Systems settlement. PCA will pay a penalty of $44,351 for its alleged violations of the RMP regulations. {EPA website}

**MC: TAUNTON IRAP ++**

15 April, Taunton. *NORTH EAST REFRIGERATED TERMINALS HAS ALREADY BID THE CONSTRUCTION OF THE CROSS-DOCK*, said President Robert Weeks.

**Background**

North East operates the large warehouse here at 18 Ingell Street, and another facility, not on rail, in Middleboro.

“We saw the program advertised, and looked into it,” Weeks said. He has already bid out the construction work, and MC will do the track work.

At this point he is doing about 50 carloads a year, “and we are projected to double that.” In 1999, Bernie Reagan of BCLR, which was then serving the Dean Street industrial track, estimated carloads at 200 [see 00#05], but Weeks said the company was never that high. {ANR&P discussion}
New cross-docking
The company will use the funds to build an enclosure at the receiving dock and two truck doors, Weeks noted on 14 April. “We will enclose our siding to be able to unload cars in all weather, whether rain or snow. Right now we have difficulty. We have trouble unloading rail cars in that weather.”

Cross-docking was not previously possible. Frozen palletized product was moved by forklift to storage, then to a loading dock on the other side of the building.

“That’ll open a whole new avenue for us. It wasn’t efficient to have cross-dock service before this. Now, this adds a new aspect of business.” {Marc Laroque in Taunton Gazette 14.Apr.14}

MC comment
MC President Chris Podgurski wrote on 16 April: 'When the IRAP applications were circulated, the MC forwarded them to all of our customers to solicit interest. Robert Weeks had a strong desire to increase business through that facility. Under his management, we have seen a dramatic increase in traffic through his facility. 

'MC management met with Robert and have discussed many lanes of traffic both refrigerated and not, that he is interested in.

'We have recently quoted additional westbound as well as eastbound refrigerated traffic for new customers that would be truck to rail conversions.

'As far as carloads go, there are over a dozen cars enroute to NERT as we speak. That business is really developing and the MC is servicing NERT on an as-needed basis.' {e-mail to ANR&P}

Need to adjust when (if) passenger service arrives
Current MBTA plans to extend passenger service to New Bedford and Fall River require running through Taunton. The service will affect the freight customers there [see 99#05]

PAN AM: AYER IRAP
14 April, Ayer. THE MASSDOT IRAP WILL ASSIST TWO CUSTOMERS HERE. Horizon Milling's Joe Kochan, the facility manager, stated in the application the total project cost of $400,000 (of which IRAP pays $240,000) for the 'Stony Brook Industrial Rail Loop Track.'

It will replace the existing loop track serving Nemco Way Industrial Park- Cargill/Horizon Milling & Catania Spagna in Ayer off the Pan Am Freight Main at Milepost 313, opposite the San Vel Auto Facility. {Pan Am Employee Timetable #2 4.Nov.12}

Section A: Project Need Statement
'The loop track that switches off of Pan Am's main line is approximately 75% owned by Mass, and 25% owned by Horizon Milling. The other business operating off of this loop track is Catania Spagna, a vegetable oil supplier that switches around 10 cars a day.

'Horizon Milling recently installed an upgraded elevator to be able to take in 110-car shuttle trains of wheat, and unload them within 15 hours. Since installation of the equipment in September 2011, we have received 40+ shuttle trains [see 11#10B].

'2-3 of the six axle locomotives that bring these trains in from the Midwest then traverse our loop track supplying the power to unload these cars. The extra stress that these locomotives and cars are putting on the loop track has required more maintenance than anticipated.

'We have had two derailments due to a combination of rail, tie, and gauge condition, in December 2011 and August 2013, which have been on state property.

'We need to upgrade this track to sustain our competitive edge in the flour market, and these shuttle train incentives are what keeps us running.

Section B: Project Description
'The mile-long loop, that was provided by the state as an industrial incentive to operate, services both Catania
Spagna, and Horizon Milling.... As seen in the January letter & inspection...done by Railworks we would replace many ties and rail.

'Our worst section of track is our west curve which gets used the most as Catania uses this section for daily switches. Track and Tie work will be supported by Massachusetts workers approximately 3 months time. There will be no added spurs or re-design done, but just replacing and maintaining the existing loop. The largest amount of work will be replacing all the rail and majority of ties from station 8+19 to 34+30.

'We have two contractors that have provided rail maintenance services within the last 3 years, being Railworks out of Westfield, MA and Joseph DeAngelis Railroad out of Worcester, MA. Both have done quality work for us each year.

'Within the last 3 years we have spent around $120k in replacing ties on the east curve (sta 34+30 to 48+71) which is considered state land, and have replaced two Number 8 switches on our land which cost around $100k, which proves how committed we are in maintaining what we have and securing our position of New England's flour supply.

'Railworks has provided us the majority of the large maintenance projects, and DeAngelis for odd jobs that we can trust him on. Both would do a great job on this type of work.

'On past projects, after awarding the bid to contractor we have set pre-deployment meetings coordinating contractor’s responsibilities and how they are to go about it. Every day or when a job changes we perform a pre-job hazard assessment to ensure safety is upheld, and quality is maintained. It has been, and will be, the assistant facility manager's responsibility to make sure schedule, safety, quality, and quantity of work is satisfactory on a daily basis with site superintendent of contractor.

'On projects lasting longer than a month it has been common practice to be invoiced by contractor and to pay on that basis. We are able to work with Contractor and IRAP program to accommodate any schedule of payments.

Section C: Project Readiness

'There will be no environmental or engineering approvals needed as it will be the maintaining of an existing structure. We have already had an inspection of current condition and what will be required to get track to above
satisfactory condition.

'We have been supplied with an estimate of total work to be performed but will receive bids from other contractors if project is funded. The work can be done in 2-3 months, and all contractors and MA operated and available to work.

'We have worked closely with Bob Swayne of Pan Am, along with a MassDot contractor, Brian Moroney who toured the loop track and found it to be a great candidate for the IRAP program.

Section E: Anticipated Project Benefits

'The biggest benefit of this project is the reliability in having a well-maintained track that doesn’t disrupt servicing Horizon Milling and Catania Spagna, and also tie up traffic lines and personnel of Pan Am Railways. The biggest incentive that Horizon Milling has is the ability to take in unit trains from the Midwest. Our operational cost is much lower, and gives us the competitive advantage to maintain our position in the New England market. We have learned that track maintenance is even more important after starting this program a few years ago, which has resulted in two de-rails.

'There is also an advantage for Pan Am in the unit train program in which we get only 2 unit trains at 110 cars per month and those cars are only in Massachusetts for 80 hours of that month. Prior to getting unit trains we would have to get ten 25-car trains which took up space in the Ayer yard, which presented a problem in adequately servicing the mill and keeping the yard clean.' {text of IRAP application from MassDOT}

HRRC: LENOX IRAP ++

14 April, Lenox. MASSDOT WILL PROVIDE $189,000 FOR A C&D FACILITY. Lenox Valley Waste Transfer Facility will extend its siding, and improve its rail-car loading.

Ed Rodriguez, HRRC vice-president, said the facility is “acquiring additional land and additional track to handle more business.” The effort to obtain the grant was “collaborative.” {ANR&P discussion}

More about the site

The Lenox Valley Waste Recycling Facility consists of a 5000SF recycling center, and a short spur (switch point north) off the HRRC line. The site lies just north of the Berkshire Scenic Railway museum building off

West Springfield. Showing the Union Street underpass at the six-track east throat of the CSXT yard.
Colin Pease, HRRC vice-president special projects, wrote on 15 April: 'The project will extend their unloading track through their building essentially adding one car spot. The importance of that is that they now dead-end in the building and thus have the capacity to load only one car per switch. Adding an additional car spot will give them the ability to load a car and move it out, using a front-end loader with a knuckle, to the back of the building and move a second car in for loading. This will enable them to keep loading rail [cars] during busy times and avoid having to truck material.

'It's a great project for a great facility.' Unfortunately, due to lack of land and an intervening building, the facility cannot extend the track back to the main line to created a double-ended spur.

HRRC once operated a waste transfer facility in Hawleyville, Connecticut [see 11#12B]. {e-mail to ANR&P}

**CSXT: BRIDGE UPDATE**

2 April, West Springfield. **THE COMMUNITY AND CSXT ARE NEGOTIATING THE REBUILDING OF THE UNION STREET BRIDGE HERE.** The deck spans the eastern throat of the CSXT West Springfield yard and carries six tracks.

**History**
In 2001, Congress appropriated $400,000 for a study. A 1999 study said Connecticut intermodal was served by the West Springfield yard [see 01#12B].

In 2004, consulting firm Reebie made available the results of the study; it recommending improving the West Springfield yard [see detailed report in 04#03B].

In 2005 US Representative John Olver (D) announced that Congress has approved a transportation earmark in the FY06 Transportation Appropriations conference report of $900,000 for the Union Street railroad bridge design and construction.

A press release on 21 November 2005 announcing the funds stated:
'The goal of this project is to improve transportation to and around West Springfield's CSX rail yard, which is located at a major regional crossroads in western Massachusetts. As the largest intermodal facility in the Connecticut River Valley and the I-91 transportation corridor, any improvements to this facility will have significant economic impacts not only for this region but in its 6,000 square mile market area that stretches north through Vermont and south to the Long Island Sound.

'Olover said, "In the West Springfield CSX rail yard we have a unique asset that is significantly under utilized. The Union Street Bridge underpass has been identified as the major impediment to the yard's development. I am pleased to have secured these design funds to get this significant regional project started."'

'The current Union Street Bridge underpass provides only 12 feet of vertical clearance, which restricts the ability of larger vehicles to access the Merrick Industrial Area. As an alternative route, trucks are forced to use residential streets creating a significant conflict between truck traffic and neighborhood uses.

'Improvements to the Union Street Bridge Underpass creates an opportunity to remedy this situation by providing direct access from the underpass into the freight rail yard intermodal facility and provides the opportunity for other industrial uses via an intermodal connector.

'With these improvements the capacity for rail freight in West Springfield will be significantly increased, having beneficial economic effects across the entire region.' {Olover press release}

MassDOT is administering the $900,000 contract and hired consultants Fay, Spofford, and Thorndike.

The project
The community would like clearance under the CSXT bridge deck spanning Union Street improved from the existing 12'01" to a proposed 14'6" or even up to 16'6" vertical clearance to handle future growth of truck sizes. Daniel Lee of Fay Spofford said which height “depends on how the design evolves.” Then trucks could use that route, rather than drive through the Merrick neighborhood to access the West Springfield railyard.

A difficult engineering problem
On 2 April, Lee said the bridge/street configuration prevented a simple solution. The existing span already has sight distances “substandard. It is now a 35-foot span from sidewalk to sidewalk. We need a span of 94 feet in the new bridge, because we must change the radius under bridge, [to permit] big trucks to see.”

Consequently the entire deck must be replaced, with consequent impact on the six tracks and the yard tracks – not to mention the length of time the track might be out of service to permit the replacement.

New access points?
Dana Roscoe, transportation planner at the Pioneer Valley Planning Commission, said the community pointed out that the three low-clearance bridges cut West Springfield in half, in terms of truck access and even fire engines.

“The opportunity exists to change the access to the yard” to a very short distance [option 2 on the map], but planners did not want to isolate to one single point as the only choice. “We could use Day Street or Memorial Avenue.”

10 solutions tried
Lee is now working on the 10th solution to the problem. CSXT has found the previous nine inadequate for various reasons. {ANR&P discussions 2 & 17.Apr.14}

GU: MORE ON DISPUTE WITH TOWN OF GRAFTON*
10 April, Grafton. THE TOWN SHOT BACK ITS OWN PRESS RELEASE AT THE RAILROAD [see 14#03B], responding to the GU press release of late March.

'In response to recent claims by G&U Railroad that the Town’s recent Safety Transportation Board’s filing was
inaccurate and misleading, the Town states as follows.

'First, the railroad’s statement that the STB proceedings were initiated at its request is factually inaccurate, In fact, in June of 2013, a Worcester Superior Court judge issued an injunction against the railroad, prohibiting its continued construction of the LPG facility. The judge ordered the parties to initiate STB proceedings, but the Town had been attempting to get the matter before the STB since December of 2012. At that time, the railroad objected and instead attempted to divert the matter to federal court. The Superior Court’s order was issued after the federal court sent the case back to the Superior Court, ruling that there was no federal court jurisdiction over the matter as the town had argued all along.

In its March 20, 2014 filing, the Town pointed out that, aside from Mr. Delli Priscoli’s own self-serving statements, the railroad has not submitted one single shred of verifiable information (such as balance sheets, etc) demonstrating that it has the financial ability, personnel, or expertise to construct and run what would be the largest LPG facility in the Commonwealth of Massachusetts.

'Due to this complete lack of transparency, the Town relied on publicly available documents (such as recorded deeds and mortgages) to demonstrate that the LLCs and assets that Mr. Priscoli relies upon to support his contention that he has the requisite financial ability to construct the facility are actually highly leveraged. In short the documents collected and presented by the Town show a very different financial picture than the one the railroad attempted to paint.

'Further, the NGL matter raised by the railroad is simply a red herring. G&U makes much of the Town’s mention of the Tulsa-based NGL Supply company (as opposed to the Canadian-based NGL Supply company), but the fact is that both companies and/or their subsidiaries—with nearly identical names—had some involvement with the G&U and some relevance during the federal court proceedings. Unlike G&U, both companies are large, growth-oriented companies with expertise in the propane supply and distribution industry.

'The Canadian-based NGL Supply company—with which the railroad claims it has cut all ties—has been in the propane industry for four decades and boasts a fleet of 1,700 railcars (and growing) which cover the North American market. This corporation recently announced the addition of portable transloading units to their services, the same ones G&U states it will be using in Grafton.

'These facts actually support the argument that the Town made in its STB filing: if the demand for propane in New England is so strong, why would such a large, rail-focused propane supply company walk away from a facility in which it recently invested substantial time and money, and which is expected to be instantly profitable? NGL Supply has terminals in Florida and Virginia, so the CSX line to the Grafton terminal would be of obvious interest.

'In short, as it has tried to do since first learning of the railroad’s plan to build a 320,000 gallon LPG facility in a residentially-zoned area close to homes, an elementary school, a library and park, and in the Town’s water supply overlay district, the Town is simply asking the STB to look behind the railroad’s own self-serving statements and ascertain that the railroad’s claim to the significant protection of federal preemption is proper in this case.

'The citizens of Grafton have the right to know that if— as the railroad claims—all state and local laws can be bypassed and ignored, that claim is legally correct. The Board of Selectmen and the Town Administrator’s Office take this right of the citizens seriously, and will continue to press forward until the railroad has provided sufficient information to support its claims.' {text of press release}

NEW HAMPSHIRE

PAN AM: SEA-3 NEW ACCESS?*

7 April, Portsmouth. THE PORTSMOUTH CITY COUNCIL ASKED NEWINGTON TO REJECT THE PROPOSED SEA-3 EXPANSION, because of safety concerns.
New alignment?
The resolution passed this evening also asked the mayor to write a letter to the Pease Development Authority asking it to 'seriously consider' a new alignment [see map in 14#03B] through Pease Tradeport.

Mayor Bob Lister said making that proposal a reality “is going to be difficult. Right now we have to address other issues. It would be nice. I'm not sure how realistic it's going to be.”

City Councilor Stefany Shaheen said she believes the idea of rerouting the train tracks has "real merit," while acknowledging she doesn't know how much the project would cost. {Jeff McMenemy in seacoastonline 8.Apr.14}

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**VERMONT**

**VAOT: THREE-WAY PROGRAM ++**

20 March, Montpelier. *A LIST OF THE THREE-WAY PROJECTS AWARDED SINCE 2011* showed seven projects. Dan Delabruere, VAOT rail program director, wrote: 'This program has been very popular with the local businesses and the railroads. We are planning on continuing this program in FY15.'

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Description</th>
<th>Grant Year</th>
<th>Year Expended</th>
<th>Amount Paid</th>
<th>3-Way Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>RR3WY001</td>
<td>Shelburne Limestone Corp</td>
<td>2011</td>
<td>83,333.00</td>
<td>249,999.00</td>
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<tr>
<td>RR3WY002</td>
<td>Couture Trucking (WACR-CRL)</td>
<td>2011</td>
<td>50,479.00</td>
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<td>RR3WY003</td>
<td>Phoenix Feeds &amp; Nutrition (VTR)</td>
<td>2012</td>
<td>43,167.00</td>
<td>129,501.00</td>
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<tr>
<td>RR3WY004</td>
<td>Carris Reels (VTR)</td>
<td>2013</td>
<td>40,728.32</td>
<td>122,184.96</td>
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<tr>
<td>RR3WY006</td>
<td>Couture Trucking (WACR-CRL)</td>
<td>2013</td>
<td>17,133.72</td>
<td>51,401.16</td>
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<tr>
<td>RR3WY007</td>
<td>Morrison Feeds (was Caledonia Kiln (WACR-CRL)*</td>
<td>2013</td>
<td>-</td>
<td>-</td>
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<tr>
<td>RR3WY008</td>
<td>Phoenix Feeds (VTR)</td>
<td>2013</td>
<td>15,571.80</td>
<td>46,715.40</td>
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<tr>
<td>RR3WY009</td>
<td>Cheshire Handling (GMRC)</td>
<td>2014</td>
<td>35,218.00</td>
<td>105,654.00</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL** 285,630.84

*Caledonia Kiln withdrew their application. Morrison Feeds in St. Johnsbury took over the location [see 12#12A], and wanted to use the funds for a project that realigned the siding track to allow for unloading into a current structure. However, as of March 2014 Morrison Feeds had not accepted the award.

Trini Brassard, assistant director of policy, planning, intermodal development, wrote:

**Program operation**

'Our three-way program has changed a lot because we don't have the time to develop the projects and then go through the legislative budgeting process to get the state share. So we have moved to a pot of funding budgeted so we can respond quickly when the need arises. This allows us to actually participate when the shipper/receiver is ready rather than delaying anything. It works much better.

'The railroads operating in Vermont know about the program and when they are working with their customers (current or potential) they bring us into the discussions if work is needed to allow for rail service improvements. Together the project is defined, a proposed budget is submitted, and VTR's advises the railroad how much we will provide in a grant to help fund the improvements.

'In the past few years we have assisted in developments in the Lyndonville yard which have expanded storage for grain that is distributed to micro breweries [Couture Trucking – see 12#12A]. [The program] has also assisted in the upgrades to the tracks in this same yard to allow a new venture that dries out the used grain
product and bags it so it can ship out via rail.

In St. Johnsbury the program has participated in track improvements to allow a structure to be used again. This structure received shipments of corn via rail after years of sitting vacant [Morrison Feeds – see 12#12A].

In Rutland upgrades were made to allow for increased fuel shipments and wooden reels [Carries Reels]. Rockingham saw a new rail spur installed for a propane distribution business to locate on the edge of the rail yard [Cheshire Handling – see 13#12A].

In Fair Haven a parallel track was installed to allow for additional capacity for unloading grain [Phoenix Feeds – see 12#12A]. In the Burlington yard a transload facility was constructed that allowed for limestone product to be loaded onto rail cars for shipment [Shelburne Limestone – see 10#05B].

Land acquisition not included

'Remember this is just the portion of the projects we will participate in. Sometimes these include land acquisition which is not part of the project, but we do require an operating easement over the land when we participate so the railroad operator always has access.' {e-mails to ANR&P}

VRAN comment

Christopher Parker, executive director of the Vermont Rail Action Network, approved: 'When opportunities arise for rail shipment, introducing a delay in the processes by waiting until the next legislative season to specify the exact project could mean the business goes to truck, which is opposite of the purpose of the program. AOT seems to communicate with legislators as things arise, from what I've seen.' {e-mail to ANR&P 9.Apr.14}

Future funding

As the table shows [see 14#03A for details of proposed budget], VAOT proposes to spend $200,000 per year FY15 to FY18 (the other $400,000 comes from the other partners – the railroad and a local share). This is far more than spent in the previous four years.

Asked about this, Brassard noted: 'You also have to keep in mind that this is an economic development tool that has to be funded so it is available when projects come along. As you can see some years have more demand than others. Since 2011 we have not turned down any projects.' {e-mail to ANR&P 8.Apr.14}

VRS-CMQR-NECR-Pan Am: WHITE RIVER JUNCTION TRAFFIC*

17 April, Burlington. THE RESTART OF REGULAR PAN AM SERVICE TO WHITE RIVER JUNCTION provides the possibility that VRS could use Pan Am to move its White River Junction-Bellows Falls traffic, said VRS chief David Wulfson. NECR currently carries the traffic. [Rail observers report Pan Am is training crews on the run, but do not provide a start date. {NERAILS e-list}]

The VRS traffic north of White River Junction

Wulfson pointed out that before MMA “went into a tailspin” VRS moved substantial traffic south of the Junction. Traffic moved by WACR ConnRiver could go three ways:

- Pan Am south to East Deerfield and then either east or west. VRS has not used this route in the past.

- NECR south to CSXT in Palmer. Much MMA traffic moved in this lane.

- VRS (NECR haulage) to Bellows Falls. Much of this was salt traffic from CP at Whitehall delivered to salt depots on WACR.
When MMA operated full-tilt, Bellows Falls saw roughly 20 cars every other day interchanged with NECR, and more during salt season. Wulfson emphasized, “Customers are driving the bus” when choosing the lane.

**CMQR startup**
As promised during the bidding for the MMA assets [see 14#01A], Wulfson is working closely with CMQR to revive the traffic moving over the ConnRiver route. “I’m meeting with them tomorrow.” \{ANR&P discussion\}

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**MARITIMES**

### CN - HALIFAX: AUTOPORT UP*
8 April, Halifax. *A SEASONAL SALES SURGE AND A SECULAR INCREASE IN VEHICLE VOLUMES CAUSED A BACKLOG AT CN’S AUTOPORT*, said CN’s Jim Feeny. “Spring is car buying season so generally we see an up-tick in automotive traffic this time of the year and secondly, volumes are increasing moving through the facility,” he said.

One ship dropped off 2200 cars when the Autoport had already reached capacity. “We had to move 1,000 to 1,500 automobiles to alternate parking sites nearby. It is the first time we ever had to do this.” And CN also moved about 350 out by truck in a normal move to Maritimes customers.

**Inbound and outbound**
Inbound cars originate in Europe; they move to local, regional, and trans-Canada markets. Vehicles coming from Canadian and U.S. manufacturers go through Autoport for export.

**Extra rail cars?**
CN has not brought in more rail cars. “There is a certain number available (rail cars) and we are working through that,” Feeny said. “Right now we have one manifest train that comes into Dartmouth every day,” but he didn’t know how many cars that included. “It changes day-by-day so I can’t give a number.”

He expects the next several weeks will be busy for Autoport as vessels continue to arrive. Two more large ships are expected next week. “What we are trying to do is match resources available with customer demand and demand is very high at this time of the year.”

**Grain delivery to the East coast not an issue**
CN is also struggling to move western grain, but that does not affect Autoport. [Because of the heavy grain crop in 2013, the federal government enacted legislation that said both CN and CP had to move a total of 500,000 tonnes of grain a week or face fines up to $100,000 a day. (government release 7. Mar. 14)]

Feeny said the grain is moving to ports on the West coast and Thunder Bay and none to the East coast. “We do have customers in the Maritimes and we will continue to serve those.” \{Discussion with ANR&P correspondent Tom Peters 8.Apr.14\}

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**SAINT JOHN: TROPICAL SOLD**
7 April. *SALTCHEK RESOURCES WILL ACQUIRE TROPICAL SHIPPING*, which serves the Caribbean from Florida, and Saint John. As an international foreign-flagged...
shipping and logistics operation, Tropical and its related companies will become Saltchuk’s sixth line of business. Tropical will continue to operate as a standalone operation.

The addition of Tropical Shipping to the Saltchuk family of companies furthers the company’s commitment to the Caribbean market. For fifteen years Saltchuk has been serving the people of Puerto Rico through Sea Star Line, its U.S. flag operation. Tropical’s foreign flag fleet provides service to the balance of the region.

With the addition of Tropical, Saltchuk will employ 7,500 people nationwide. The company was recently named one of the 2014 World’s Most Ethical Companies by the Ethisphere Institute. {Saltchuk press release}

**Route map**

Cecilia Devenyi, spokesperson for Tropical, wrote on 8 April: 'We are not releasing any route maps at this time.' {e-mail to ANR&P} Fortunately, *World Port Source* gives some indication of which ports Tropical calls [see map].

<table>
<thead>
<tr>
<th>TROPICAL, OTHER SHIPS CALLING SAINT JOHN</th>
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<tbody>
<tr>
<td><strong>On 9 April, the Saint John Port Authority website listed these:</strong></td>
</tr>
<tr>
<td><strong>In port</strong></td>
</tr>
<tr>
<td><em>Don Giovanni</em> Mediterranean Shipping containers</td>
</tr>
<tr>
<td><em>Acadian</em> charter petroleum export</td>
</tr>
<tr>
<td><em>Sea Halcyon</em> charter petroleum export</td>
</tr>
<tr>
<td><strong>Expected</strong></td>
</tr>
<tr>
<td><em>Jona</em> Mediterranean Shipping containers</td>
</tr>
<tr>
<td><em>Berra K</em> Tropical Shipping containers</td>
</tr>
<tr>
<td><em>Maria Pia</em> Mediterranean Shipping containers</td>
</tr>
<tr>
<td><em>AHS Hamburg</em> Tropical Shipping containers</td>
</tr>
<tr>
<td><em>Afrodite</em> Charter crude from Albany</td>
</tr>
<tr>
<td><em>Suez</em> charter petroleum import</td>
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<tr>
<td><em>Jasmine Knut</em> charter petroleum import</td>
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<tr>
<td><em>United Honor</em> charter petroleum import</td>
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<tr>
<td><em>Eagle Varna</em> charter petroleum import</td>
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<tr>
<td><em>Hvaska</em> charter petroleum import</td>
</tr>
<tr>
<td><em>Nor’Easter</em> charter petroleum export</td>
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<tr>
<td><em>Great Eastern</em> charter petroleum export</td>
</tr>
<tr>
<td><em>Acadian</em> charter petroleum export</td>
</tr>
<tr>
<td><em>Sichem Ono</em> charter petroleum export</td>
</tr>
<tr>
<td><em>Sichem HK</em> charter liquid bulk import</td>
</tr>
</tbody>
</table>

**CN: ROADS, RAILS, BRIDGES, COMMUTERS ++**

28 March. *HALIFAX HAS APPEALED THE RULING ON WHO SHOULD PAY FOR BRIDGES*. In autumn 2013, the Supreme Court of Nova Scotia [a court of original jurisdiction, despite the name – *editor*] ruled [docket number 2013 NSSC 12] the city was responsible for both the pavement and the sub-surface
section — right down to the concrete arch of the bridge [see 13#09B].

In December, HRM appealed [to the Nova Scotia Court of Appeals], citing four grounds. Among them, they claim the judge misinterpreted the 2009 maintenance agreement between Halifax and CN Rail. The appeal, docket number CA 422562 will be heard 16 September.

No commuter participation
Meanwhile, after Halifax launched the appeal, CN Rail decided to withdraw its participation in the $250,000 study of commuter rail. City officials will do it without CN. {CBC 28.Mar.14}

**RAIL FREIGHT FACILITIES**

Described in this issue.

- Brookhaven Rail (NYA, New York) Expansion opposed.
- Carris Reels (VRS, Vermont) 3-way grant.
- Catania Spagna (Pan Am, Massachusetts) IRAP grant.
- Cheshire Handling (VRS, Vermont) 3-way grant.
- CN Autoport (CN, Nova Scotia) Traffic up.
- Couture Trucking (WACR, Vermont) 3-way grant.
- EnergyUSA (Pan Am, Maine) Moving to Rigby.
- Holland (Pan Am, Massachusetts) IRAP grant.
- Horizon Milling (Pan Am, Massachusetts) IRAP grant.
- Irving Oil (Pan Am, NBSR) Crude to Saint John by rail.
- Lenox C&D (HRRC, Massachusetts) IRAP grant.
- Morrison Feeds (VRS, Vermont) 3-way grant?
- Northeast Refrigerated (MC, Massachusetts) IRAP grant.
- Omnova (Pan Am, Massachusetts) IRAP grant.
- PCA Systems (Pan Am, Massachusetts) IRAP grant.
- Phoenix Feeds (VRS, Vermont) 3-way grant.
- Sea-3 (Pan Am, New Hampshire) New alignment?
- Shelburne Limestone (VRS, Vermont) 3-way grant.
- EnergyUSA (Pan Am, Maine) Moving to Rigby.
- Holland (Pan Am, Massachusetts) IRAP grant.

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**Covering**

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).

Readers building a personal archive of the newsletter should discard the e-bulletins.

**Pricing**

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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.’