SEARSPOOL: GRIMMEL APPLICATION

26 January, Searsport. The Planning Board worked on the Grimmel Application and will continue on 9 February. Chair Bruce Probert said the members began making findings of fact for conformity to the land use ordinance, and will have to do so for the site plan ordinance. The law firm Pierce Atwood appeared for Grimmel, and the Planning Board had its attorney. {ANR&P discussion 27.Jan.15}

Interesting facts from the Grimmel application

Filed on 19 December 2014 by Grimmel's Tim Garrity, who works out of the Topsham office, it said:

Location. Grimmel will use the pad formerly used 'for 20+ years to store Petroleum coke and salt' [see map], with 1.5 acres available 'immediately' and the remaining 0.75 acres available 1 May 2015.

New pet coke laydown. Grimmel 'will be responsible for all costs and expenses to build a new storage pad with...
pond to accommodate the petcoke stockpile and tear down the kiosk building.'

**Period.** Grimmel will lease the pad from Sprague 1 January 2015 to 31 December 2025.

**Railcars.** 'Customer to provide Sprague with written notification of Cars to be indexed by 3pm on the day prior to arrival.'

**Handling.** Grimmel and Sprague have a 'Master Terminal and Product Handling Agreement' – financial terms
not disclosed. Grimmel will offload railcars and trucks, move the product to the pier, load the product onto the vessel, and clean up metal from the pier 'and any affected roadways' as well as adjacent water using a magnet.

Traffic. No adverse effects were 'anticipated. Added traffic will offset the loss of traffic from the recent closing of the Bucksport mill and the previous closure of the Millinocket mills.' {text of application provided by Town of Searsport}

CCRR: ABANDONMENT OF UNUSED TRACKAGE
23 January, DC\(^1\). **CCRR AND NHDOT FILED A 'JOINT VERIFIED NOTICE OF EXEMPTION' TO 'DISCONTINUE SERVICE AND ABANDON APPROXIMATELY A 0.97 MILE SEGMENT' of rail line beginning at Railroad Milepost B140, Station 3515+69 on map v32. 1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69' in Lebanon.

CCRR leases the segment, but has not used it 'for many years.' NHDOT, the owner, concurs because of the lack of use. {STB website, filings page, Docket No. AB-1120X, AB-1120 (Sub-No.1X)}

**Track use**
While CCRR has served Twin State Sand and Gravel, it has not – to your editor's knowledge – ever served any customers beyond the spur to Twin State. [See map.]

\(^{1}\) The STB is slowing even more. The cover letter for this filing was written on 6 January. It was date-stamped at the Board on 12 January, and only published on the Board's website on 23 January.
HALIFAX: BAD YEAR IN 2014
23 January. THE PORT MOVED 400,063 TEUS IN 2014, DOWN 9.5% OVER 2013, the lowest since 2009, according to year-end statistics released by the Halifax Port Authority. Container tonnage in 2014 came to 3,366,428 metric tonnes down 10.4% from 2013 and the lowest since 2011.

Overall tonnage
Overall tonnage at HPA facilities dropped 7.5% in 2014 to 3,832,312 metric tonnes. Total at both HPA and non-HPA facilities was 7,831,883 metric tonnes, compared to 2013’s 8,608,044 metric tonnes.

On the cruise side, the port had 134 vessel calls in 2014 equalling 2013’s 134, but passenger numbers decreased 13.8% to 217,305. {Halifax Port Authority website}

Commentary
“It was a challenging year for cargo through the container terminals and does speak to the global nature of the shipping industry which is cyclical,” said HPA’s Lane Farguson. Also, Halifax lost 19 cargo ship calls in 2014 due to weather and supply chain issues on the West coast. “Backups there caused some lines to just cancel shipments.”

Farguson noted: “Although TEUs are an important component of the activity of the port, they are not the only measure of output. For the last several years the port authority has been pursuing a strategy of diversification through the strategic development of all our core areas including cargo, cruise and real estate. The results of that strategy can be seen by the overall economic contributions associated with the sea port and cruise activities and we will have some data to back that up in next few weeks as well."

“We are working with the entire port community focusing on 2015 and we are seeing some early positive developments,” referring to the Grimaldi announcement [see future issue]. {Discussions with ANR&P’s correspondent Tom Peters 23.Jan.15}

SAINT JOHN: WEST SIDE MODERNIZATION
23 January. THE PORT AUTHORITY UNVEILED DETAILS OF ITS PROPOSED REDO OF THE CONTAINER TERMINAL to handle the growth in traffic [see 15#01A and box].

Depth alongside
Will increase from 12.2 meters to 15.2 meters.

Container yard capacity
The removal of the existing tracks in the terminal, said spokesperson Paula Copeland, will improve the efficiency of the yard from 125,000 TEU/year to 320,000 TEU/year. Removing sheds C and D would increase capacity to 373,000 TEU/year.

Rail capacity
Moving the rail terminal into the existing yard will increase 75,000 to 330,000 TEU/year.

Truck capacity
Better road access will up truck capacity from 50,000 to 135,000 TEU/year. {ANR&P discussion 26.Jan.15; Port Authority brochure}
GU: GRAFTON PRE-EMPTION CONCERNS
22 January, Grafton. A PANEL OF PUBLIC OFFICIALS MADE SEVERAL POINTS ABOUT THE PROPANE FACILITY during a public meeting here.

Fire safety requirements
Jake Nunnemacher, fire protection engineer at the Massachusetts State Fire Marshal’s Office, said as of 22 January, GU had not submitted an updated site plan, fire safety analysis, or application for operating the propane facility. Nunnemacher said his office reached out several times to the railroad to understand the intent with the propane site in light of their expired fire safety analysis (submitted in 2012), without reply.

Amending federal pre-emption statutes
US Representative Jim McGovern, who represents the region, told the meeting that some in Congress are concerned about the safety implications of federal pre-emption on their communities. His office has talked with EPA, OSHA, Homeland Security, and the STB. He did not perceive enough votes to begin amending the pre-emption laws [enshrined in the Interstate Commerce Commission termination act – editor].

On this day McGovern wrote the chairs of several boards related to the governance of federal laws. “We need to ensure that every federal law and every federal regulation is followed here,” he told the meeting.

Appeal to the First Circuit: AG amicus
Town Counsel Ginny Sinkel-Kremer described to the meeting the Town's appeal to the First Circuit Court of Appeals [see 14#12B]. She added that the State Attorney General’s office planned a friend of the court brief. {Mary Romaniec in Grafton News 22.Jan.15}
Railroad response
On 23 January, GU owner Jon Delli Priscoli issued a statement about the 22 January meeting.

Discussions. 'As the Town has continued to refuse to enter into any real dialogue with the G&U, we have simply gone forward with the construction and plans as discussed and shared in 2012.

Safety measures. 'Most recently, the G&U has hired a new fire safety engineer who is also a state Department of Environmental Protection certified Licensed Site Professional and who holds the highest federal Department of Homeland Security certification.

'It is also worth noting that even while being sued by the Town, the G&U has spent tens of thousands of dollars on equipment and training for area fire departments. This includes chemical foam firefighting equipment for both Grafton and Upton fire departments, and hosting a regional firefighter training session in Upton and a CSX Safety Train training event in Hopedale. This May we are hosting another joint training for the region in Upton with the CSX Safety Train, Upton Fire Department and the Massachusetts Firefighting Academy based in Stow, MA. Numerous fire departments, emergency responders and other railroads will all attend this training. Since I have owned and operated the G&U, I have always put safety first, and I will continue to do so when the LPG transfer facility is finally operational.'

GU: UPTON PRE-EMPTION CONCERNS
13 January, Boston. SEVEN RESIDENTS FILED AN APPEAL TO THE FIRST CIRCUIT, just as the Town of Grafton did [see other article] from the adverse STB decision of December 2014 [see 14#11B].

GU position
Railroad spokesperson Doug Pizzi said, although the residents have the right to appeal, he does not expect it to be successful. “When they file the appeal..., they're actually suing [STB and the federal government], and the railroad just becomes an interested party. If they are successful - and I would say their chances to succeed at that venue are low - the case would be remanded to the STB.”

The Board was correct: “It's pretty clear from what they wrote - the argument that somehow bagging wood pellets is 'manufacturing' them is absurd on the face of it.” {Mike Gleason in Milford Daily News 23.Jan.15}
PAN AM: PARKED CARS, MILL SUSPENSION

22 January, Oakland, Maine. **THE LINE TO MADISON PAPER NOW SERVES ONLY AS PARKING FOR RAILCARS**, though it once had more traffic.

American Iron and Metals
In 2004 predecessor Industrial Metals Recycling had a spur and cars spotted on it. **ANR&P coverage** By 2013 the spur was completely gone **Google aerial** though the yard remains active under AIM ownership [see 15#01A].

Madison Industrial Track
Into 2013 this line, which comes off the Freight Main within a mile of AIM [see ETT], actively served Madison Paper and shippers at Cousineau in North Anson [see 13#11B]. By June 2014 the Pan Am timetable only showed a spur off the Freight Main.

Car park
On 21 January, residents of Railroad Avenue, just adjacent to the spur to the west, complained of some hundred cars parked there, at least one of which had an open door and signs of habitation within.

Resident Jennifer Lally said when the Lallys moved into their home 10 years ago at the end of Railroad Avenue, they knew they would have to deal with trains. However, she was surprised that Pan Am Railways would not respond to her complaints of the safety hazard created by the vacant cars. “I just keep thinking, isn’t there some sort of public responsibility the railroad has to the community?”

Pan Am Railways did not respond to a request for comment. **Kaitlin Schroeder in centralmaine.com 22.Jan.15**

PAS v NECR: CONNRIVER VERMONT

21 January, DC. **THE STB GAVE THE TWO RAILROADS ADDITIONAL TIME** to put together a proposed scope and procedural schedule for the setting of new trackage rights fees and other terms of Pan Am's access to the NECR line between East Northfield and White River Junction.

Eric Hocky of Clark Hill, representing NECR, wrote the Board that PAS agreed to the extension, and that William Mullins will represent PAS in the proceeding. Mullins, of Baker & Miller, represents NS in its filing on acquiring the D&H south lines [see other article], and has represented many other railroads before the...
Board.

Why the delay
Hocky requested, and the Board granted, an extension from 22 January to 30 January. 'Because of deadlines in other matters before the Board, the parties have not had sufficient time to confer....' [Pan Am has had its hands full, one presumes, trying to work out the Knowledge Corridor situation – see Massachusetts in 14#12B.] {STB website, decision page, Finance Docket No. 35842}

PAN AM & AMTRAK: DISMAL PERFORMANCE
26 January, Portland. **THE DOWNEASTER TRANSPORTED FEWER PASSENGERS IN NOVEMBER 2014** than in November 2013. For the fiscal year to date (FYTD), ridership is down, revenue slightly up.

On-time performance in November was 'a dismal 15.80%' and overall customer satisfaction was 79%, while Amtrak's Overall Customer Satisfaction Index was 82% - the first time that the Amtrak number exceeded the Downeaster in recent memory.

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<tr>
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Track work cancelled 135 trains
As explained at the Northern New England Passenger Rail Authority board meeting this month, during the first five months of FY15, 135 trains were cancelled due to necessary track work (mostly tie replacement). NNEPRA is working with Pan Am to streamline the tie replacement program scheduled for the spring - there are still 22,000 ties waiting to replace older ones. {TRN Webmaster in TrainRiders Northeast website 26.Jan.15}

NS ACQUISITION OF D&H SOUTH LINES

1. EAST OF HUDSON: GIVE THE CP NEW YORK CITY RIGHTS TO NS

20 January, DC. **A REQUEST TO THE STB IN NS-D&H PROCEEDING TO TRANSFER CP TRACKAGE RIGHTS TO NS** was presented by the East of Hudson Rail Freight Service Task Force, Inc. As filed by John McHugh, New York attorney representing the Task Force, it stated that:

NS-CSXT-Delegation agreement
The Task Force 'was created pursuant to a settlement between Norfolk Southern Corporation, CSX Transportation Co. and a Twenty Four Member Congressional Delegation which was appealing the Board's decision in FD 33388, acquisition of Conrail by those two carriers. The settlement agreement was dated March 1999 and was filed for approval with the Board at that time.

'The Task Force was to conduct regular meetings between the signatures and all the rail carriers operating services in New York State East of the Hudson, and in Connecticut. [As] the Task Force is a not for profit corporation dedicated to improved freight service in this region, it had an obligation to raise ... a critical issue related to this transaction, the fate of Canadian Pacific Railway's now-dormant access to the region East of the Hudson....

'The Task Force seeks to have the Board include the trackage rights awarded by the Board to Canadian Pacific Railway, FD 33388, from its lines in Mechanicville, New York into the City of New York on the Hudson Line as a part of the services transferred to Norfolk Southern' as a result of this transaction.

History: Delegation wanted one carrier between New Jersey and New Haven
'In the FD 33388, (the Conrail case), the Delegation sought to have the Shared Assets Operator (created by that transaction to operate facilities and services in New Jersey as agent for both acquiring carriers) to [also] be
granted and ordered to operate the New York Cross Harbor Railroad and to be granted overhead trackage rights from Bay Ridge, Brooklyn, over lines owned or operated by the former New Haven Railroad, with connections to all carriers operating East of the Hudson, to a northernmost junction with the Providence and Worcester railroad in New Haven, Ct.. The goal was to provide all shippers located East of the Hudson with one interchange access to both surviving class one carriers.

'That petition was rejected in favor' of a NYSDOT proposal to give CP trackage rights into New York City on the Hudson Line....

STB created competition; CP came, and left

'While the STB mentioned that it had never before attempted to rectify a lack of competition within a proceeding which did not itself create the monopoly, it did determine that granting such relief was appropriate.' It gave 'CPR trackage rights to the end of Conrail’s rights at Fresh Pond.'

'Thereafter CPR operated carload service between its lines and Fresh Pond Junction until 2010. It then entered into a haulage agreement with CSX Transportation which thereafter has handled CPR cars in its trains to date. CPR retains the right to exercise the trackage rights and terminate the haulage agreement. Traffic using the haulage agreement is believed to be minuscule, if any at the present time. Thus the grant of trackage rights to CPR has proved to be ineffective in meeting the goal of the Board articulated in the Conrail case.'

NYNJ not a decent competitor to CSXT

'The Port Authority of New York and New Jersey has acquired the successor of the New York Cross Harbor Railroad in 2006, renamed the NYNJ Railroad. That entity still provides car float service between Jersey City, NJ and Bay Ridge, Brooklyn, but despite five years in that position and the availability of 80 million dollars in public funds, the hope that the NS and the NYNJ together would create a cost/price/service alternative to CSX Transportation and a more direct route to the South, from the region East of the Hudson has not occurred.

'This has become evident, especially on long distance freight movements from regions west and southwest of Chicago that are not CSX or NS online users. Due to the difficulty of the balkanized NYNJ route, any traffic bound East of the Hudson must be shipped CSX Transportation.'

CP rights could provide competition

'….A freight car forwarded from a western carrier destined for Long Island receivers East of the Hudson, would travel only about sixty miles [than the CSXT route from Cleveland to Fresh Pond] farther using the NS Cleveland-Buffalo-Binghamton-Albany route if the CPR trackage rights from the Albany area to Fresh Pound Junction were transferred to the NS in this proceeding.

'This would make the Norfolk Southern a strong viable competitor within the East of Hudson region for freight received from or delivered to rail carriers west and southwest of the NS and CSX. It would also provide the NS an opportunity to overcome the physical, institutional hurdles associated with freight movements that include using Conrail (the shared assets carrier) and NYNJ.

'….Freight revenue carloadings via the Land-Water-Land, Conrail-NYNJ route have not passed 4,000 carloads in all the years since the CSX/NS acquired CONRAIL and the NYNJ was purchased by the Port Authority of NYNJ. [See box.] As presently proposed this acquisition would end any possibility of using the Norfolk Southern's Southern Tier system as an effective competitor for East of Hudson Traffic to and from points west of Buffalo.

Request

'Therefore, the East of Hudson Rail Freight Task Force, Inc., respectfully requests that the transfer of rights here in issue include the CPR's Delaware and Hudson trackage rights form the Albany area to Fresh Pond Junction in Queens County, New York. [They were not included in either the offering – see – or the sale – see .]

'The conditions which caused the Board to deem such relief appropriate in the Conrail case have not changed. The solution selected by the Board at that time has proved ineffective. It is assumed that as Norfolk Southern has near equal access to a major share of the East of Hudson's trading partners, it may have more
interest in this market than CPR and thus, the grant of rights should be far more effective in dealing with the monopoly here in issue and markedly increase the rail share of this market which remains less than 3%. {STB website, filings page Finance Docket No. 35873 20.Jan.15}

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<tr>
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<td>2010</td>
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{part of figures provided to ANR&P by PANYNJ in response to a Freedom of Information request submitted to the Port Authority in 2014}

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2. VRS: CP BLOCKED ACCESS TO HOOSICK JUNCTION

18 December, DC. A LETTER SUPPORTING NS ACQUISITION OF THE D&H SOUTH LINES SAID CP BLOCKED THE USE OF HOOSICK JUNCTION as a point of interchange with NS. Signed by VRS chief David Wulfson and written in his role as president of VTR, WACR, CLP, and GMRC,² it stated:

'The Clarendon and Pittsford Railroad Company (CLP) submits this letter of support for the Application filed on November 17, 2014, by Norfolk Southern Railway Company (NS) to acquire and operate certain rail lines of The Delaware and Hudson Railway (D&H).

'The CLP is a privately-owned and -operated railroad with 25.97 miles of track, 16.02 of which are in Vermont and 9.95 in New York State. The CLP connects with the Vermont Railway, Inc. (VTR), one of CLP's sister railroads, at Rutland, Vermont and Florence, Vermont and with the Canadian Pacific Railway Company (CP) at Whitehall, New York.

VTR Rule 260 interchange

'The CLP's sister railroad, VTR, currently enjoys, on paper, a Rule 260 interchange³ with the Applicant, NS, at Hoosick Junction, New York. By virtue of VTR's direct connection to the NS the CLP currently has, in theory, service via the D&H South Lines.

'However, CLP traffic has not been permitted to utilize the existing VTR to NS direct connection at Hoosick Junction, New York, due to direct interference from the CP preventing it and forcing the CLP to route its westbound traffic to the CP at Whitehall, New York.

'The CLP directly serves Vermont's largest rail shipper, OMYA, Inc., at Florence by a branch line. Having a direct unfettered NS connection through the VTR at Hoosick Junction would be a major benefit to both the CLP and its customers by reducing time in transit and in some instances reduced freight rates.

'The CLP, together with its sister railroads of the Vermont Rail System (VRS), have met with authorized agents of the Applicant, NS, and have been given assurances that the existing CP interference with VTR's connection to NS at Hoosick Junction, New York will no longer take place, in part as a result of the instant NS

---

²Wulfson filed four separate letters, one for each railroad.
³ Rule 260 Junctions are the Official interchange point - the point from which car mileage is counted for per Diem purposes. In some cases the actual interchange may take place at some other connection between the carrier for operating purposes.
Application being considered by the Board. [Benefits:]

'...Give the CLP via sister railroad VTR direct unfettered access to the rail network of NS, a strong Class I carrier;

'Should improve the reliability and sustainability of service on the lines by creating operating efficiencies;

'Result in minimal disruption of service, since NS already operates daily over the lines; and

Produce no competitive harms, as it is essentially an end-to-end transaction.' {STB website, filings page, Finance Docket No. 35873 'Additional list of supporting parties' filed 21.Jan.15}

3. OTHER FILINGS
American Rock Salt
United Parcel Service
ConnDOT
Devens Recycling Center
Franklin County Regional Council of Governments
MassDOT
Maine DOT

'The planned acquisition of D&H rail lines by NS will result in additional direct routing options for Maine rail users to the national rail network, while also improving the reliability of rail service through increased competition and investment by NS. MDOT is also aware of the significant investment that NS has previously made in the Patriot Corridor that has already provided benefits for Maine rail users, and additional investment by NS in the rail network can only increase those benefits for shippers in Maine, notwithstanding the fact that the NS investment will be primarily in New York State.' {Commissioner David Bernhardt 10.Dec.14}

NHDOT – referred to Patriot Corridor investment also.
VAOT – referred to Patriot Corridor investment also.
Pioneer Valley Planning Commission

Sandersville Railroad (Sandersville, Georgia)

'[O]ur kaolin shippers originate several hundreds of carloads of traffic destined for paper mills in Maine and eastern Canada. We have lost a substantial amount of volume in this corridor over the years, and this acquisition gives us new hope that we can regain volume.' The railroad operates only 10 miles, which has 'several kaolin shippers.' {letter 16.Dec.14}

Thiele Kaolin Company (Sandersville, Georgia)

Sappi

SMS Rail Lines of New York
{STB website, filings page, Finance Docket No. 35873 'Additional list of supporting parties' filed 21.Jan.15}
ships when relevant to freight operations.

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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.’

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