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

REGIONAL


NEW YORK

NYA: STB rules in favor of Brookhaven Rail Terminal. Further resolution must occur in court.*
Guest editorial.
CP-Albany: Pipeline leak.

QUEBEC

MMA: $431 million settlement okayed.*

CONNECTICUT

Bridgeport: Hope with Port Authority.

MAINE

Pan Am&CMQ: Irving will not move oil thru Maine.
CMQ: Could it move ethanol to Saint John?
Pan Am: Track gangs working on Waterville-Northern Maine Junction stretch.*

PORTLAND: 7 companies bid to build cold-storage?

MASSACHUSETTS

CSXT-Pan Am: Holcim terminal to Essroc.

NEW HAMPSHIRE

CCRR-NECR: Sale pending.*

NH DOT: More detail on RFP for Mountain Division


RHODE ISLAND

[No report.]

VERMONT

WACR: Herbicide v weed-whacking in Montpelier.
VAOT: Draft state rail plan out.*

MARITIMES

CN-Belledune: A First Nation band files lawsuit against permits for Chaleur crude oil export terminal, claiming no consultation. CN damages salmon pool along line to Chaleur.*

RAIL SHIPPERS/RECEIVERS

A cross-reference to companies mentioned here.

PEOPLE, POSITIONS, EVENTS


FROM THE PUBLISHER

Portland’s cold-storage facility deadline 24 August is added to the NHDOT state lines 17 August and the Rockland Branch 13 August.

NHDOT has stonewalled questions, while the other two entities have been forthcoming. “Live free or die” does not apply to freedom of information, apparently.

- Chop Hardenbergh Next formal issue 31 July
CMQ-WACR-NECR-MECR: CARS CYCLING

10 July. **CMQ AND OTHER RAILWAYS ARE USING THE VERMONT GATEWAY TO REACH MASSACHUSETTS** more frequently. Cars originate in Madawaska (presumably at the Twin Rivers Paper mill) and cycle to Ware, Massachusetts (presumably to Kanzaki Paper).

The equipment

CMQ has acquired ex-SLRX (Schuykill Railcar Company)/KLRX (Keystone Railcar)/LBR boxcars, all dark

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**ANR&P**
forest-green and numbered in the low 4300s, restenciled to CMQ. Eighteen of these cycle between Madawaska and Ware, at least as they were last located in a trace by a colleague this day. {e-mail to ANR&P}

**NEW LONDON, NEW YORK, NECR: CIMENT MCINNIS TRAFFIC*\**

*In 2016, the cement company will begin shipping out 2.2 million tonnes per year from the Gaspe.*

**1. MCINNIS BUILDS 2.2M TONNE WORKS IN PORT DANIEL-GASCONS**

**Geography**
The quarry and cement works is located in the municipality of Port Daniel-Gascons, on the coast between Port Daniel and Gascons, just east of Lac de 'Anse McInnis.

The rail line of Société de chemin de fer de la Gaspésie between Matapedia and Gaspe runs between the site and the Baie des Chaleurs [see photo], but McInnis will not use it.

**Cimbec started the project**
In 1996, Cimbec Canada Inc received a decision from the Canada Environmental Assessment Agency that the marine terminal proposed for Port Daniel was 'unlikely to cause significant adverse environmental effects.'
The project received public funds but ran into financial difficulties. The first version of the project had required substantial assistance from the Caisse de dépôt et placement du Québec (CDPQ). In 2005, CDPQ filed a lawsuit demanding repayment of loans totaling $38.9 million with interest. {cemnet.com 11.Dec.12}

**McInnis acquired Cimbec**
The privately-held Ciment McInnis was created following the Beaudier Group’s acquisition of Cimbec in December 2011.

The Beaudier Group is the Beaudoin family’s investment arm; it owns a majority of Bombardier and Bombardier Recreational Products. Drawing on its experience in entering new markets in manufacturing-based sectors and firmly convinced of the potential of the site, Beaudier has invested to ensure it has the support and resources it needs to make the cement plant project a reality. {McInnis website}

**Funding of the project**
In February 2014, Ciment McInnis, with headquarters in Montreal, announced construction of the cement works in Port Daniel – Gascons in the Gaspe would begin that spring and last for two years.

The works will cost $800 million, and the shipping, receiving and distribution infrastructure another $200 million [unclear whether the infrastructure price covers the terminals in New York and New England].

The Québec government has committed to providing $350 million in financial assistance to the company and its financial partners through Investissement Québec: a $100-million equity investment and a loan of up to $250 million. The Caisse de dépôt et placement du Québec will provide another $100-million equity investment.

Beaudier will supply another $300 million to make the total equity $500 million. National Bank of Canada has confirmed the availability of a $360 million loan for the project. Investissement Québec has also provided a $250 million interest-bearing loan, for a total of $1.1 billion.
The works

The complex will produce 2.2 million tonnes of cement; about half will flow to the United States and elsewhere, including Africa and the Caribbean, as its location and sea access makes it competitive in markets along the coasts.

The plant and its attendant marine terminal are currently under construction and production is scheduled for autumn 2016. The McInnis cement plant will have a capacity to ultimately produce 2.2 million tonnes of product per year. Upon completion, the McInnis facility will be a model of environmental efficiency: the only cement plant in Canada to meet or exceed the 2015 National Emission Standards for Hazardous Air Pollutants (NESHAP) for new plants as established by the United States Environmental Protection Agency (EPA) that are significantly more stringent than the current Québec standards.

The cement plant will set new standards for the Canadian industry in producing a very high quality of cement, at a lower cost than other similar plants currently in operation in Canada and elsewhere in North America. {Investissement Québec release; McInnis website}

2. MCINNIS HAS SOME APPROVALS FOR FACILITY IN HUNTS POINT, BRONX

Ciment McInnis will break ground in August 2015 on a 16-acre parcel at the end of East 149th Street, building a $40 million facility it said will “revolutionize” the way cement is distributed around the region through waterborne transportation. Operation should begin at the end of 2016, when the Quebec works begins shipping.

At a New York City Community Board 2 Environmental Committee meeting on March 4, representatives from McInnis Cement said the facility, which is adjacent to the Oak Point railyard and the Jetro restaurant supply store, would be complete within a year after breaking ground. The facility, which will receive, store and distribute dry cement, will consist of a deep-water pier and a 75,000SF warehouse up to four stories tall.

Some approvals are already in place for the project. Some committee members saw the idea of waterborne transportation to the site as an environmental advancement; others noted that it will generate even more truck traffic through local streets despite its water-borne features.

While the facility will reduce trucks in and out of the city as a whole, trucks picking up at the warehouse will still have to come through Hunts Point. McInnis estimates the amount of miles traveled by cement trucks in The Bronx will drop from roughly 96,000 to 73,000, while the amount of miles traveled in New York City will drop from about 340,000 to 216,000, said Jim Braselton, McInnis senior vice president of logistics.

“Will this plant really reduce the truck traffic in the area?” asked committee chair Ralph Acevedo. “So I’m alleviating traffic in other community boards, but I’m gaining it in my community,” added Rafael Salamanca, the board’s district manager. He described truck traffic as a major issue in the neighborhood that negatively impacts its air quality, traffic, and asthma rates.

Currently, companies in the Bronx, Brooklyn, Queens and Long Island get deliveries of dry cement by trucks, which travel through city streets. Braselton estimated that the industry generates about 4,000 truck trips per month,
contributing to traffic and air pollution. His ships would eliminate those deliveries, he said.

**Operation at Hunt's Point**

Each month a ship carrying 35,000 tons of dry cement will travel from Port Daniel and take four days to unload, using shore power. Vacuums will pull the cement onto a barge. Bulldozers will push it into sumps for piping into silos, where it can be transferred to trucks for distribution to concrete plants around the city.

“The environmental footprint is going to be better than any cement plant in North America, across the board,” Braselton said. Salamanca was adamant that the construction benefit local business, but residents as well. “How will this project benefit the people in my community?” he asked.

A total of 19 new jobs will be created with the construction of the plant, 10 of which will be set aside for residents, Braselton said. Workers will earn between $50,000-80,000 a year, “with very good benefit packages.”

**Greenway**

The project also includes three acres of restored wetlands and eventually a public-access greenway. The owner of the site, developer Steve Smith, bought it in 2002. He first proposed a power plant on the site, but the community board voted it down. Subsequently, he helped residents defeat the city’s plan to take the site by eminent domain and build a jail on it.

In 2010, he sold 12 acres of the original 28-acre parcel to Jetro Cash & Carry. The site is currently used on an as-needed basis by a variety of businesses that includes trucking companies, garbage companies and “a guy that delivers wood all over New York City,” Smith said.

The building itself would be a benefit to The Bronx as well, noted Dr. Ian Amritt, CB2’s chairman. “You know how Manhattan has a skyline and The Bronx just has a nasty image of prostitution and drugs?” he said. “We’re going to remove that because the building that they’re going to put there is state of the art.” {Ajhani Ayres in *Hunts Point Express* 9.Mar.15; Eddie Small in dnainfo.com/new-york/bronx/south-bronx 6.Apr.15}

**Progressing**

On 10 July, Braselton said the Hunts Point terminal was moving ahead. “Any work in New York Harbor has many elements and they are all doing well.”

### 3. MCINNIS SEEKS OKAY FOR FACILITY IN NEW LONDON

Braselton said McInnis “absolutely” wants to locate “at a New England deepwater site”, and is looking at other sites beyond New London and Providence. The company has “made no final decisions.” He declined to comment further. {ANR&P discussion}

**New London may not work out.**

According to a source close to the effort in New London, McInnis worked hard to site a terminal there which would offload cement from ships and transload to truck or railcars.
In 2013, McInnis contacted the ConnDOT commissioner about New London. After some delay, the negotiation was begun with ConnDECD.

**Effort 1: lease of the State Pier.** At first, McInnis sought to lease the use of the State Pier and upland, where it would construct a $30 million receiving building (unclear if warehouse or silos or both) and a transload for trucks and railcars. A pipe would carry the product from ship to storage; the State Pier would remain open for other cargoes and other ship moves. However, the state lawyers said that such allocation of state property would require a public process, to permit others to bid on the property.

**Effort 2: Logistec deal.** McInnis then turned to the current operator of the Pier, Logistec. Because McInnis wanted to lock in a 30-year use of property, and the Logistec operator agreement with the state expired in January 2016, the players sought some accommodation. Would ConnDOT agree to give Logistec a lease extension of 10 years, with an option to renew for another ten years? ConnDOT Commissioner James Redeker thought not, because the Pier would soon become the property of the new Connecticut Port Authority [see Connecticut], and such an extension would tie the hands of the Port Authority.

**Effort 3: Buy NECR property.** McInnis then opened negotiations with NECR, which owns a triangle of upland. But the NECR title to the property was not clear, and McInnis decided to go elsewhere.

McInnis is now reportedly looking at the Port of Providence. {ANR&P discussion with source 10.July.15}

**Comments from Connecticut**

A call to Tim Sullivan, ConnDECD commissioner, was not returned by publication time.

Frank Vannelli, Logistec Stevedoring senior vice-president commercial & business development, wrote on 13 July: ‘First and foremost as a policy we do not comment on prospective business opportunities and/or customers at Logistec. … We have a favorable relationship with McInnis Ciment and continue to dialogue about opportunities as they arise.’ {e-mail to ANR&P}

Tammy Daugherty, director of the City of New London's Office of Development and Planning, wrote on 11 July: 'I have no comment to offer.' {e-mail to ANR&P}

**4. MCINNIS SEeks ATLANTIC PROVINCES**

Florence Gauthier, spokesperson for McInnis in Montreal, said on 10 July that the company is also going to construct a terminal in the Atlantic provinces, but has not yet decided on a location. {ANR&P discussion}

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**NEW YORK**

**NYA: STB DECIDES FOR BROOKHAVEN**

8 July, DC.  **THE BOARD WILL NOT RE-OPEN ITS 2010 EXEMPTION UNDER WHICH THE TINY RAILROAD WAS CREATED.**

**Background**

In 2010, US Rail was granted an exemption to construct an 18,000-foot rail line on 28 acres (Parcel A) in Yaphank. Brookhaven Rail, a successor to US Rail, now provides service to the Brookhaven Rail Terminal (together, BRT) 'on Parcel A'.

In 2014, the Town of Brookhaven asked the STB to revoke the exemption because BRT was violating...
the three conditions imposed in the 2010 decision. On 28 August 2014 the STB asked the contending parties to supply evidence about the violations, which they did [see 14#10A for details].

**Conclusion: no violation**

**Condition 1, best management practices for construction.** The Town agreed that BRT has complied thus far, but since BRT is not finished on Parcel A, the responses are vague. BRT states it will notify the STB when construction is complete. The STB found that sufficient.

**Condition 2, Spill Prevention Control and Countermeasures Plan.** The 2010 decision required the SPCC to comport with Article 12 of the Suffolk County Sanitary Code. BRT is discussing with the County the extent to which Article 12 covers the handling of used oil, which BRT would like to begin.

   Condition 2 will be met once BRT notifies the Office of Environmental Assessment 'that their SPCC Plan is compliant with Article 12 of the Suffolk Sanitary Code, or that Suffolk County has found that such compliance is not required.'

**Condition 3, consultation with the USDA-NRCS at the Syracuse, N.Y. office prior to initiating rail line construction activities.** BRT did this.

'BBecause Respondents have complied with Conditions 1 and 3, and substantially complied with Condition 2, there are no grounds for reopening this proceeding.'

**Court proceeding remains**

'The Town principally contends that BRT’s transloading of used oil on Parcel A violates the Stipulation of Settlement negotiated by the parties. The Town’s December 22 letter, however, indicates that this issue is currently the subject of court litigation. A dispute over the interpretation of a private contract is generally for the courts to decide.'

**Expansion of proposed activities is acceptable without STB review [!]**

'The Town also asserts that the Board’s environmental review conducted prior to the 2010 Decision did not consider the transfer of used oil.

   However, when US Rail filed its petition for exemption under 49 U.S.C. § 10502, it was responsible for notifying the Board of its proposed activities at the time. OEA, in turn, properly analyzed the environmental impacts of US Rail’s proposed rail line, including cumulative impacts from the proposed rail transloading facilities.

   'After the Board conducted its environmental review and issued the 2010 Decision, US Rail and its successors could transload other commodities without additional Board approval. [Footnote: 'If the Board were required to reopen each licensing proceeding and conduct additional environmental review every time a rail carrier transports or transloads a new commodity, the Board’s licensing proceedings and accompanying environmental reviews would never conclude.']

   'Absent evidence that US Rail planned to transload, or had reason to anticipate transloading, used oil when it filed its petition for exemption, the Board finds that the Town has not demonstrated the material error, new evidence, or substantially changed circumstances that would support reopening this proceeding.' [Footnote: 'The Town also does not show that US Rail specifically intended to attract shippers of used oil when US Rail stated in its petition for exemption that it hoped “to attract additional in and outbound traffic” at the BRT. Pet. Ex. A, Aug. 7, 2008.']

**NEXT STEPS IN THE DISPUTE**
The Decision this day addressed only the activities on Parcel A, for which the Notice of Exemption was granted, as the Board noted. In a 2014 filing, the Town wrote:
'Thus, for example, given that BRT’s activities at the 93-Acre Parcel [Parcels B and C] are the subject of a pending federal lawsuit and a separate proceeding before this Board, which proceeding this Board held in abeyance pending the federal lawsuit, this Reply does not address the impact which BRT’s illegal sand mining and other activities on the 93-Acre Parcel impact its compliance with the three Environmental Conditions.' [See 14#10A.]

**No used oil for awhile**
In late 2014 BRT agreed, in the federal lawsuit, to halt transloading of used oil on Parcel A 'until a mutually satisfactory global settlement with the Town' [see 14#12A]. It admitted it was doing so without a permit [see 14#11B].

**Status of lawsuit**
The Town filed a lawsuit about the expansion into Parcels B and C in March 2014 [see 14#04A]. On 23 June 2014 Magistrate Judge Gary Brown severely criticized BRT for its behaviour, and enjoined all further work on the two parcels [see 14#07A].

The case continues, despite efforts by Judge Brown to get the parties to settle. Discovery by the Town relative to its motion for partial summary judgement must conclude by 30 July 2015, and briefs on any argument about the discovery are due 13 August.

The Town has brought in many defendants: Oakland Transportation Holdings LLC, Brookhaven Terminal Operations LLC, Brookhaven Rail LLC, Pratt Brothers, Inc., Sills Road Realty LLC, Watral Brothers, Inc. {Eastern District of New York website, docket number 2:14-cv-02286}

**GUEST EDITORIAL MAY 2015**
Brookhaven Town and the Brookhaven Rail Terminal appear to agree on one thing and one thing only: Long Island needs the rail terminal. And they're correct about that.

But the terminal's proposed expansion is bogged down. The town says debris sitting on the expansion site is contaminated and the expansion is really a sand-mining operation. The terminal denies both claims, and the whole mess is in federal court [see article], where a judge is urging the parties to settle their differences.

The terminal, a spur off the Long Island Rail Road's [Greenport line] in Yaphank, is an important part of Long Island's future. Opened in 2011, the 30-acre facility on Sills Road handled 2,090 freight cars last year - the equivalent of nearly 8,500 tractor-trailers taken off our roads.

The cars carried massive pieces of structural steel for Stony Brook University's new medical research building, along with lumber, drywall and flour. Now the terminal proposes to expand east onto 90 acres it already owns that are zoned for industrial use. So what's the problem?

In dispute is whether the terminal told the town how much bigger the project was growing. The terminal enlarged its expansion plans after one of the nation's largest food distributors said it's ready to put two large warehouses - one refrigerated, one for dry goods - on the site [see map], creating hundreds of permanent jobs. Two other companies want to bring in rebar and other construction material.

Not disputed: Town officials got upset on seeing how much land was being excavated, went to federal court last year and got a stop-work order.

Grading of the site is critical; railroad spurs must be sloped so cars cannot roll backward onto main lines.† That requires excavation, which produces sand, a commodity with value. Making money by selling it is not illegal. The terminal must be allowed to do enough grading to accommodate the new plan, but no more than required, and it must conform to environmental regulations.

Magistrate Judge Gary R. Brown asked the state Department of Environmental Conservation to check...

† James Pratt, one of the defendants, appeared in a video of the editorial, stating that the site had to be graded to become flat.

http://www.newsday.com/opinion/editorial/end-impasse-at-brookhaven-rail-terminal-1.10451674. Would that he had done so publicly long before May 2015. His rational approach, had he talked directly to the Town before beginning the grading, might have removed entirely this dispute. Editor
the alleged threats to groundwater and the nature of the debris on the site. The agency was there last week; we expect both parties to abide by its findings. And the Suffolk County district attorney's office must not let linger its investigation into the debris if that slows the removal of contaminated fill.

The terminal at times has been its own worst enemy, lacking in bedside manner and an appreciation for the importance of process. Now the town is catching a fever. Both sides say communication is a problem; each needs to be clearer about its goals and intentions.

Superstorm Sandy showed how quickly food and pharmaceuticals could be depleted if Long Island is cut off from the mainland. That was one reason state officials gave the terminal a $2.5-million grant in 2013 for new track for the expansion, and $3.6 million to a company for an automated food warehouse yet to be built.

Load More
The stakes are large. A bigger terminal means more tax revenue, more jobs and fewer trucks. It's time both sides work together, make whatever amends are needed, and make a deal. Get this terminal rolling. {Newsday

Yaphank. {P.W. Grosser plan prepared for BRT (a copy of which the Town filed with this Board as Exhibit B to its March 12, 2014 application); also cover page of the February 2014 alleged “Environmental Overview” prepared by Gannett Fleming Inc. for BRT (a copy of which the Town filed with this Board as the Exhibit to its April 3, 2014 supplemental submission)} [From 14#10A]
19.May.15, emphasis added}

**CP-ALBANY: PIPELINE LEAK**

16 July. *A PIPELINE OF GLOBAL PARTNERS LEAKED PETROLEUM-CONTAMINATED WATER INTO THE SOIL* at the terminal. New York State Department of Environmental Conservation spokespersons said the leak was stopped, the broken pipe removed, and the rest of the pipe capped. Contractors have begun excavating contaminated soil; the amount of the leak was not known. {Eric Anderson in timesunion.com 16.July.15}

**QUEBEC**

**MMA: LAC MEGANTIC SETTLEMENT OKAYED**

13 July, Montreal. *SUPERIOR COURT JUSTICE GAETAN DUMAS REJECTED TWO CP MOTIONS AGAINST THE SETTLEMENT*, earmarked for more than 4,000 victims and creditors in connection with the derailment that killed 47 people in July 2013.

The $430 million settlement is fair, and can proceed, according to Duma. CP said this day it would review the decision and that it would have no other immediate comment. While the company can appeal the ruling, it will require the permission of an appeals court justice to do so.

Lawyer Jeff Orenstein, who represents the victims of the tragedy, said if CP is not granted the right to appeal, “We will push to get the cheques out by the end of the year,” he said. “If it’s possible we’ll do it.” {Canadian Press}

The settlement will now go to the U.S. Bankruptcy Court for further approval. {Richard Blackwell and Jeff Gray in The Globe and Mail 13.July.15}


In September, the creditors will vote on whether to accept the settlement. {Craig Anderson in Portland Press Herald 17.July.15}

**CONNECTICUT**

**CONNECTICUT PORTS: GOODBYE CTMC, HELLO PORT AUTHORITY**

1 July. *THE PORT AUTHORITY CAME INTO EXISTENCE THIS DAY*. However, none of its board members are yet appointed; they in turn must select an executive director.

**New provisions**

Under an 'implementer bill' taking effect 1 July 2015, which moved up the date of the CPA creation to this day:

- the CPA is empowered to issue its own bonds.
- ConnDECD may provide staff support and joint services.
- The Port Authority Working Group, created to assist the coming of the CPA, was disbanded effective 1 July. Formerly that date was 1 October, the former date of the CPA coming into being.
- DECD shall by 1 July 2015 create a plan to transition the maritime functions of ConnDOT to the CPA. {11.a} {Bill No. 1502}

**Connecticut Maritime Commission gone**

The legislation also repealed the CTMC. Its acting secretary, Joseph Salvatore of ConnDOT, wrote on 13 July that all future CTMC meetings were 'cancelled.' {e-mail to ANR&P}
The minutes of CTMC, written by secretary and ConnDOT appointee to CTMC Chuck Beck, provided a wonderful means of tracking Connecticut port developments. Editor

Bridgeport revival?
Tom Santa is president and CEO of Santa Energy, a fuel oil, propane and heating equipment company that gets it shipments via the Black Rock Harbor part of Bridgeport, said recently: “We had advocated for a statewide Port Authority for years with the objective to promote the deep-water ports of Connecticut for the movement of goods and passengers. It relieves the strain on our highways, specifically I-95. There is no more safe or efficient way to move large volumes of goods and passengers than by water. ...

“From our standpoint, the greatest function would be a marketing function in which they would be looking for businesses seeking to import, or to find manufacturers of agricultural products and other products that businesses in New England or Canada want to export.”

With a bigger Panama Canal under construction, there could be waves of commerce reaching Bridgeport, New Haven and New London, Santa said. “It might give us more of a global view.” {Ken Dixon in Stamford Advocate 12.July.15}

MAINE

PAN AM & CMQ: OIL DREAMS DASHED
30 June, Saint John. "WE CURRENTLY DO NOT TRANSPORT CRUDE BY RAIL THROUGH MAINE AND HAVE NO FUTURE PLANS TO DO SO." That statement was e-mailed to Lance Tapley of Maine Center for Public Interest Reporting this day.

Tapley was following up on a 1 May interview at the Saint John refinery. While crude no longer moved across Maine via Lac Megantic [see Quebec], Pan Am as recently as February moved a unit train [see 15#02A].

Irving's plans are not connected to the fallout from Lac-Mégantic (Irving Oil's contribution to the settlement is $75 million), said Mark Sherman, then-general manager of refining and supply, said in May, but to global oil-supply-and-demand issues. Sherman was promoted in June to chief operating officer.

Oil trains continue to move to Saint John via CN but only account for a small portion of deliveries to the refinery. [Most crude arrives by ship from offshore Canadian fields, from mid-continent via rail to Albany and then ship, and from overseas. Editor Note in this regard the plan to use CN to bring crude to Belledune for export – see 15#06B, as well as Irving's plans to export.]

CMQ comment
John Giles, CMQ chief, said to Tapley when told of Irving’s statement: "If Irving Oil says it's not happening, then that's the end of it, isn't it? Not much more to say. Right?"

[On 14 July, Giles said the railroad does not need to carry oil to be profitable. “I was never counting on moving crude oil in the first place.”

Giles said his railroad spent $10 million to upgrade the rail line last year and is spending $6 million this year, with about half of that investment in Maine. {Tom Bell in Portland Press Herald 15.July.15}]

Portland Pipe Line reversal?
On 1 May, Irving executives also said the company is not supporting the idea of reversing the Portland-Montreal pipeline to carry Alberta tar-sands oil from Montreal to Portland Harbor [now the subject of a federal lawsuit – see 15#02A].

In 2013 Irving Oil contributed $15,000 to effort to defeat the South Portland ballot measure to halt the export of crude from South Portland. Kevin Scott, Irving Oil's public affairs chief, said in Saint John to Tapley that the contribution had been made because the company was concerned that, if the ballot measure passed, some current uses at the company’s South Portland terminal might be shut down. “We're not interested in crude oil movement” via the Portland pipeline.
Irving remains interested in the TransCanada Corporation's Energy East pipeline to Saint John. In the 1 May interview, Mark Sherman, then refinery general manager, said to Tapley, “The Energy East line is our end game.”

New openness?
Both the positions taken by Irving Oil and its openness in discussing them may indicate a turn toward a more public-friendly approach to its business, at least as far as Maine issues are concerned. Historically, executives at the giant, privately owned oil company have been reluctant to speak with the press. After the Lac-Mégantic

**WHAT ABOUT ETHANOL VIA CMQ?**

*Estcourt, Quebec.* Ethanol cars on CN train #306 enroute to Irving refinery, Saint John. 3 July 2015. The first two shown arrived in Saint John on 4 July and were constructively placed. On 16 July the second (GATX) was in Van Loon, Indiana enroute back to Hudson, South Dakota (location of Sioux River Ethanol plant) while the VMSX was still in Saint John. On 17 July, VSMX was empty in Saint John, waybilled for Tara, Iowa (location of large Valero plant); the GATX made it to Freeport, Illinois. {e-mail to ANR&P from a colleague}

**ETHANOL BLENDING**
In 2011, Irving Oil began blending ethanol in Saint John.  
'Since 2006, Irving Oil has blended 10% ethanol with ultra-low sulphur gasoline at our marine terminal facilities in Massachusetts and Maine, supplying markets throughout the U.S. Northeast. In 2011, Irving Oil will be adding ethanol blending capability into our regular (87 Octane) gasoline at the Saint John Refinery truck rack operations. The 10% ethanol blended gasoline, or E10, is approved for use in any make or model vehicle sold in North America. This change will comply with upcoming Canadian renewable fuels regulations.' {Irving Oil website}
tragedy, the company was criticized for its silence as well as for its oil-train policies.

Jacques Poitras, author of the 2014 book *Irving vs. Irving*, commented by e-mail to Tapley that in giving extensive interviews, "Irving Oil is playing against type, and against the posture it has adopted." {Lance Tapley story in Maine Center for Public Interest Reporting website 15.July.15}

**PAN AM: TRACKWORK TO NMJ**

7 July, Clinton. *A GANG IS REBUILDING THE TRACK FROM WATERVILLE TO NORTHERN MAINE JUNCTION.* One rail observer reported the gang started 29 June working east from the Waterville Yard, MP 111. On this day it was working at Milepost 106 in Clinton, and he photographed the ties laid out from the Railroad Street crossing.

On 8 July, Pan Am unloaded more ties in Pittsfield. {e-mail to ANR&P; Guilford Rail Sightings e-list}

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And if the 4 railroads win a TIGER grant
Pan Am for its part will lay new rail if funded by TIGER, according to the Application [see 15#06A]; the tie project will be done regardless.

**PORTLAND: COLD STORAGE COMING**

15 July. *THE MAINE PORT AUTHORITY ASKED SEVEN COMPANIES TO SUBMIT BIDS TO BUILD AND OPERATE A COLD STORAGE FACILITY* adjacent to the new intermodal terminal. They were the seven who responded to a Request for Interest issued 18 June.

The RFI stated:

'...Qualified companies must have experience developing, constructing and operating cold storage facilities and a minimum of $10 million in available financing, among other criteria.'

**The seven asked to bid**

**Americold Realty Trust.** Americold Logistics LLC owns a billion cubic feet of cold storage space in six countries, including an outmoded cold storage facility on Read Street in Portland.

**Eastern Impact LLC** of Portland, is the lead entity in a consortium that has been put together for the project.
Eastern, according to its website, “is a sustainable impact investment management company developing impactful businesses in the Downeast corridor of New England.”

**Lineage Logistics LLC.** Lineage owns 600 million cubic feet of cold storage space throughout the United States, but none in the Atlantic Northeast.

**Preferred Freezer Services.** Preferred owns the facility in Everett where Eimskip called before moving to Portland [see 13#02B and map in Massachusetts]. It owns more than 200 million cubic feet of cold storage space in the United States.

**Eimskip USA.** The Icelandic company operates the container service out of Portland. It also owns cold-storage warehouses.

**Wilmington Cold Storage Inc.** Wilmington has warehouses in Wilmington [served by Pan Am – see 09#05A] and Stoughton, Massachusetts.

**XTL Inc.,** a Philadelphia-based logistics company.

Jonathan Nass, chair of the Maine Port Authority, said: “We are thrilled. It’s not just the number but the quality of the bidders. There is real diversity and great expertise.”

**Comments on bidders**

Nass said he expects that Eimskip and Americold will submit a joint proposal. Yucaipa Cos., a private equity firm based in Los Angeles, owns Americold. Two Yucaipa investment funds own 25.3% of Eimskip, according to Eimskip’s 2014 annual report.

Daniel Cook, marketing director for Americold, would not comment on the bid process. He said the cold storage industry is now expanding because of growing consumer demand for chilled food products, such as seafood, fruits and vegetables, and dairy products like yogurt. Americold has the advantage of understanding the local market. “We are
familiar with the local customer base. It’s a great opportunity.”

Larus Isfeld, managing director of Eimskip USA Inc., declined to discuss the company’s bid. He said Eimskip currently stores some cargo in out-of-state cold storage facilities; a modern warehouse in Portland would make it easier for Maine’s food processing companies to grow by providing better storage options and at lower costs. {Tom Bell in Portland Press Herald 17 June.15 and 17 July.15}

Need
'Maine, through its investments in the IMT, is poised to capitalize on a unique opportunity to increase its Food and Beverage (F&B) throughput. Investment in infrastructure helps to lower the transportation and logistics costs for F&B companies. Further, Maine’s “brand” is one of sustainable, traceable, and high-quality food products – a fact that supports the growth of the F&B sector in the state.

'Maine lacks a state-of-the-art cold storage facility with good transportation options. Most of the food products that originate in Maine are being shipped directly to customers or to cold storage facilities in Massachusetts and Canada. A cold storage and seafood processing facility linked with the transportation assets at the IMT would strategically fill the growing opportunity for a Northern New England refrigerated logistics facility. Accordingly, the Maine Port Authority is seeking a qualified operator to develop and operate a cold storage facility at the IMT.'

Particulars
'This RFP is the second phase of a multi-phase competitive process whereby the Maine Port Authority is seeking a pre-qualified entity that intends to design, build, and operate a cold storage facility on state-owned land adjacent to the IMT.

'The state intends to provide land [6.3 acres] to the successful Proposer under a lease agreement for a period of time. The term of the lease will be negotiated with the successful Proposer.

'Following execution of the lease, the successful Proposer will design and construct the cold storage facility, and will then operate the facility … . The Maine Port Authority will act solely as lessor during the operation of the facility and will have no active role in functional or operational decision-making. The Maine Port Authority will provide sales and marketing support where appropriate.'

Schedule
Responses are due 24 August.
♦ RFP Results Announced: August 31, 2015
♦ Predevelopment Engineering, Site Preparation, and Permitting: Fall 2015 through Summer 2016
♦ Final Construction Permitting: September 2016 through November 2016
♦ IMT West Cold Storage Facility Groundbreaking: December 2016
♦ Construction Complete: Summer 2017 {Page 5}

But what about NGL?
John Henshaw, executive director of the Maine Port Authority, said NGL – a tenant at the site – is considering other sites in addition to the Rigby site in South Portland to which to move. The state will pay for the move, which Henshaw expects by summer 2016.

NGL is a tenant of Unitil, which distribute natural gas via ‘a 24-inch medium pressure natural gas line along Commercial Street. The Unitil regulator building (proposed to be moved to allow for the development of the Site) currently has several low- pressure lines (6 through 18 inch) distributing natural gas. … {Page 3}

'In addition, existing underground natural gas transmission lines that transect the developable area of the Site will be relocated by the MaineDOT and/or Maine Port Authority in order to accommodate facility construction. {page 4} {text of RFP from Authority website}
MASSACHUSETTS

CSXT-PAN AM: NEW CUSTOMER ESSROC

10 July. **HOLCIM AND LAFARGE MERGED GLOBALLY.** As part of the deal, Holcim divested all its Canadian operations, which consist in Atlantic Canada and Quebec of a plant in Joliette, Quebec, as well as other Lafarge and Holcim operations in Europe, to CRH, an Irish cement company. {HolcimLafarge press release 2.Feb.15, 10.July.15}

The co-located plants on Boston Harbor – one going to Essroc

Holcim operates a terminal in Everett, Lafarge one in Charlestown [see graphic]. The US Federal Trade Commission forced the two companies to divest more assets than planned per the February announcement.

On Boston Harbor, Holcim is selling its Everett terminal to Essroc Cement Company. Essroc, part of the Italcementi Group, operates a terminal in Palmer [see 06#08A – served by NECR, Google shows active railcars – and map in Regional for Palmer location]. {FTC press release 4.May.15}

NEW HAMPSHIRE

NHDOT: MORE ON RFP FOR STATE LINES ++

June. **SOME INTERESTING POINTS OF THE REQUEST FOR PROPOSALS ON THE MOUNTAIN DIVISION AND THE CONWAY BRANCH.** In the RFP, NHDOT appears to allow [and one might say, hope for – editor] bidders who want to operate on the entirety of the two lines [see new map].

What NHDOT seeks

The New Hampshire Department of Transportation (NHDOT) requests proposals from entities (“Respondents”) interested in providing freight and/or passenger rail service on the State-owned Mountain Division Railroad Line (between Mile Post P51.13 in Conway at the Maine Border to Mile Post P111.57 in Lunenburg, Vermont), and/or the State-owned portions of the Conway Branch Railroad Line (between Mile Post B111.0 in Ossipee to
Mile Post B162.2 in Madison, and Mile Post B162.3 in Madison to Mile Post B132.35 at the Conway Town Line). The remainder of the Conway Branch Railroad Line is owned by NH Northcoast Railroad to the south, 700 linear feet in Madison owned by the Silver Lake Railroad Station and Conway Scenic Railroad owns to the north. See the charts below for more detailed information on each of these rail lines.'  

**Arrangements with other Operators** required to be a responsive proposal

For the Respondent’s proposal to be considered responsive, and therefore scored and further evaluated, the Respondent must provide: (1) complete responses for all requirements listed in the Content of Proposals, and (2) proof of operating or trackage rights or ability to obtain rights on the portion of the Mountain Division currently utilized by other Railroad Operators.'  

**Pan Am has freight rights on Conway Branch**

The State’s purchase of the Conway Branch ... included a provision that grants Boston and Maine Railroad a perpetual exclusive freight rail transportation easement and therefore Respondents that propose freight rail service on this line would be required to contact Boston & Maine Corporation to discuss their deeded right. (A copy of the deed for the Conway Branch has been made available for Respondents to review)'  

**Evaluation**

The Department of Transportation will evaluate responsive proposals, that have met the first-tier evaluation noted above, based on the following criteria:

- 10% Maintenance plan
- 20% Proposed business and marketing plan
- 10% Proposed operating plan
- 10% Operating equipment provided
- 20% Financial ability to operate short line service and financial references
- 30% Operating and management experience and overall ability to perform the required services.'  

**Adequate service and 60 days of operating**

The Respondent selected to receive an Operating Agreement from NHDOT will be required to provide freight or passenger rail services, described below, on the Mountain Division and/or Conway Branch Railroad Lines:

- The selected Respondent shall provide adequate service to satisfy future customers on the lines selected for operation. If the Operator does not provide adequate service, as determined by the customer and NHDOT, and provides less than 60 days of operations per operating calendar year, then the Operating Agreement may be terminated by NHDOT.

  'Note: NHDOT may waive the 60-day minimum level of service requirement during the “Start-up” phase of the operation.'  

**Track condition**

The Respondent will be responsible for maintaining track to the classification as noted in the Physical Description of the Line section and will continue to maintain the Line and not let it deteriorate to a lower Class as stated in the Physical Descriptions.

  'Note: If the proposed service necessitates the classification of track to be increased from what is noted in the Physical Description of the Line, the Respondent will be responsible for maintaining the track to the enhanced classification as necessitated by their proposed service.'  

**Usage fee and required maintenance expenditure**

The Operator must pay the State a User Fee equal to 5% of its gross monthly freight revenue, 10% for passenger service, and conduct maintenance work on the State-owned Line not less than 20% of gross annual revenue for both types of rail service.'
STB okay
'The selected Operator will be required to obtain a decision from the Surface Transportation Board (STB) declaring that the Operator is authorized to operate as a railroad common carrier.

Illustration 1:

'Upon the expiration of the terms of the Agreement or upon any breach thereof by the Operator, the selected Operator will be required to terminate its operations, relinquish the property, and file any required STB
documents for discontinuance of service. Any expenses incurred will be at the Operator’s sole expense.'

**Other points**
Governor and Council must approve the operating agreement, which will last for 10 years with an option for one 10-year renewal period. {page 10}

**No car storage**
'No car storage, other than that as required to provide service on the Lines, and as approved by NHDOT and included in an Operating Agreement with NHDOT, will be permitted.' {page one}

**Hi-rail trips**
NHDOT is offering inspections on 10 or 13 July. {page 11}

**MBRX as fore-runner**
NHDOT went through a painful process about renewing the MBRX operating agreement on the state-owned part of the Hillsboro Branch, when Pan Am competed with the Peter Leishman-owned railroad. [See earlier issues.] Many of the requirements listed above came and were discussed.

**GOLDEN EAGLE RAILWAY IS RESPONDING**
David Schwanke, head of the effort to re-establish rail through New Hampshire on the Mountain Division [see 15#01A], said on 10 July he submitted questions to the department. He expected answers to be posted on the NHDOT website on 13 or 14 July, but these did not appear. {ANR&P discussion}

Nor did any response come from NHOT to questions submitted by your editor as of publication time.

**Questions and answers**
'Questions about the project should be directed to NHDOT Bureau of Rail & Transit Administrator, Shelley Winters, via email; phone calls will not be accepted. Final questions and requests for clarification must be received by the Bureau by 3pm on July 20, 2015. Please email Ms. Winters at: Swinters@dot.state.nh.us.

'All clarifications and interpretations of the proposal specifications, individual questions and supplemental instructions will be in the form of written Addenda to the proposal documents which will be posted on the Bureau of Rail & Transit website (http://www.nh.gov/dot/org/aerorailtransit/railandtransit/index.htm) with the Final Addenda being posted no later than August 3, 2015. ' {page 12}

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**CCRR-NECR: SALE PENDING**
6 July, West Lebanon and Claremont. *A NOTICE OF INTENT TO SELL CCRR TO NECR WAS POSTED IN CCRR PLACES*, as required by STB regulation 49 CFR 1150.42(e). The Notice stated that NECR would acquire CCRR 60 days after the posting, or 8 September, whichever is later.

**Two jobs**
NECR, the notice said, will hire two engineer/conductors at $18.34-$24.45 per hour, based on experience.

David Ebbrecht, NECR president, said those interested must apply to NECR. {STB website, filings page, Docket No. FD 35938} The filing was headed 'Acquisition and Operation Exemption'. Presumably NECR will file a Notice of Exemption in the coming days.

**Rail access**
In Claremont, both NECR and Pan Am interchange with CCRR. In White River Junction, CCRR may interchange with NECR, Pan Am, and WACR. Editor
VERMONT

WACR: HERBICIDE OR WEED WHACKER?

16 July, Montpelier. WACR AND MONTPELIER COMPROMISED ON HERBICIDE SPRAYING OF THE TRACKS THROUGH THE CITY.

Background

In May Agriculture Secretary Chuck Ross, at the recommendation of Vermont’s Pesticide Advisory Council, issued a permit for the railroad to apply glyphosate to the area of track that runs through Montpelier, a practice done since 1999 with the exception of last year. Residents opposed the spraying to Mayor John Hollar, resulting in a heated emergency meeting 24 June at City Hall. When resident Fran Weinbaum suggested residents with weed whackers as an alternative, Eric Benson, an attorney representing the Vermont Rail System responded because the right-of-way is regulated only rail workers can do work on it.

Ross, who attended the meeting to listen to comments, subsequently amended the permit delaying its start, giving time for a compromise.

New permit

On 16 July, Ross signed the new amendment, which:

- prohibits herbicide spraying on the railroad right-of-way between Main Street and Granite Street.
- allows railroad workers to weedwhack that stretch, with the city bearing the direct expense of the labor and equipment (not the purchase, but an hourly rate for operation).

- asked the state to look into a more thorough review of vegetation control practices.

“I am very pleased the city and railroad have worked together to find a solution,” Ross said. Hollar said: “This is a good outcome for both city residents and the railroad. This is a one-time agreement that allows us the time to see if there are viable long-term alternatives.”

The agreement is expected to be formalized at the City Council meeting 22 July. {Gina Conn in Montpelier Times Argus 18.July.15}

VAOT: STATE RAIL PLAN DRAFT*

10 July, Montpelier. **VAOT HAS RELEASED ITS DRAFT RAIL PLAN.** Public meetings for feedback occur 13 July at 18h30 in Essex Junction at the Village offices; and on 15 July at 18h30 in White River Junction at the Hotel Coolidge.


**Overview**

Chris Parker, executive director Vermont Rail Action Network, wrote:

'The plan provides guidance for the next 5 years or so of rail investment. Mandated by the Federal Railroad Administration, the plan is a key requirement for obtaining federal funds as well as providing an opportunity for the state to make decisions about rail priorities. 

'The plan is long, but very well done and filled with interesting information and very much worth a read.

**Passenger rail.** For the first time, the state energy plan goal of quadrupling passenger rail ridership is reflected in a rail plan. Some of this growth would come through the growth trends on existing services, but it can only be achieved by adding new trains.

First priority is extending the *Ethan Allen* to Burlington and the *Vermontier* to Montreal. Second priority is new service via North Bennington and Manchester, providing a second train to Rutland and Burlington. Third priority is a second train on the *Vermontier* route (possibly an overnight *Montrealer*, although the schedule is not specified in the plan). A long-term goal is recommended of increasing speeds on both routes.

**Freight rail.** Freight priorities remain a raising of weight limits to the national 286k standard as well as eliminating slow orders and work on sidings, industrial tracks and yards.

'It is important to note that inclusion in the plan does not commit the state to completing these goals, nor does it mean funding is available. The value of the plan is the overall big-picture context that helps provide confidence for federal and state authorities that projects seeking funds are a priority and have been considered appropriately.

'Possible commuter train service in the Chittenden/Franklin and Washington county area is not considered as funding would probably come from the Federal Transit Administration, not the Federal Railroad
Campbellton, New Brunswick. A FIRST NATION BAND REQUESTED AN ORDER PROHIBITING ANY FURTHER APPROVALS TO CHALEUR UNTIL FIRST NATIONS ARE CONSULTED about the planned crude oil terminal [see 15#06B]. Listuguj Mi'gmaq First Nation and the Mi'gmawei Mawiomi Secretariat filed a notice of application with the Court of Queen's Bench in Campbellton to quash: (1) the approval to construct permit; (2) the environmental approval permit; and (3) site approval. All three were issued by the New Brunswick Department of Environment earlier this year.

The band and not-for-profit corporation allege the provincial government has breached its 'ongoing duty to consult and to seek to reach a reasonable accommodation with the applicants,' according to court documents.

“One with the salmon”

Troy Jerome, executive director of the Mi'gmawei Mawiomi Secretariat, contended the proposed project violated aboriginal title, rights, and treaties. His people have a sacred duty to protect the salmon in the Matapedia and Restigouche rivers, along which the oil would be carried in rail cars.

"Our people here fish salmon. If you look out on the river today, they're out there fishing salmon. It's our way of life. We've been doing that for thousands of years and we went and [did] what we had to do to defend our way of life in terms of protecting the salmon....
“We are one with the salmon. So the salmon [are] looking to us to protect them, and they provide us nourishment, so we have that kind of relationship, that direct relationship. And Chaleur Terminals right now, they're talking about a couple of jobs, even up to 40 jobs — if there's even one rail tank that spills into that river, it's a lot more important to us than those 40 jobs.” {CBC News 7.July.15}

Previous CN permit violations
In April, in the middle of the season when Atlantic salmon alevins hatch, the Department of Fisheries and Oceans Canada (DFOC) authorized CN to dump into Cordonnier salmon pool on the Matapedia River 6000 tonnes of rip-rap rock. Quebec's Atlantic Salmon Federation in a June statement said the action lacked 'any participation or necessary authorizations from the Quebec Ministry of Sustainable Development, Environment, and the Fight Against Climate Change (MDDELCC), the St-Florence Municipality, or even the Matapedia and Patapedia River Management Corporation (CGRMP).'{Josee Arsenault 12.June.15 in Federation press release}

DFOC agreed the rock should have been washed. Jean-François Sylvestre, DFO's chief of conservation and protection in the region, said CN has been issued a warning for not respecting the conditions of its work permit. “One part of the authorization asked them to have clean rocks so that there's no sediment that goes down the river, and that wasn't respected that good. There's another one with the circulation of the tractors or the machinery, that wasn't respected, too.”

CN insists it did respect its permit. {CBC News 12.June.15} A request to CN for comment was not returned by publication time.

RAIL FREIGHT FACILITIES

Described in this issue.
Brookhaven Rail (NYA, New York) STB okays ops on A.
Chaleur (CN, New Brunswick) First Nation sues.
Holcim (CSXT, Pan Am, Massachusetts) Sold to Essroc.
Irving Oil (CMQ and Pan Am, Maine) No oil thru Maine.
Kanzaki (MCER, Massachusetts) Cars from Twin Rivers.
Twin Rivers (CMQ, Maine) Cars to Kanzaki.

PEOPLE, EVENTS

Ed Fitzgerald, vice-president marketing, retires from Vermont Rail System at the end of July. Gerry Racette, vice-president business development, will assuming Fitzgerald’s responsibilities, along with recently hired James Mattsen, assistant vice-president marketing.

Charlie Rennick*, general counsel of the Providence & Worcester Railroad, was named by Progressive Railroading as one of 20 rising stars in the rail industry. “At P&W, Charlie has proven himself to be an invaluable member of my senior executive team and has actively contributed to the growth and success of the company,” PW President Scott Conti wrote in nominating Rennick for the Rising Stars award.

Since joining P&W, Rennick has assisted in negotiating new locomotive repair and commissioning contracts for the company's locomotive and engineering facility; helped site solar panels on P&W property to offset energy costs; and assisted in developing a cooperative locomotive use model for P&W, Vermont Rail System and GATX, Conti noted.

After graduating from the New England School of Law, Rennick joined the MassDOT legal department where he helped create a state freight-rail grant program designed to stimulate economic growth.
Atlantic Northeast Rails & Ports
PO Box 357, Freeport, Maine 04032
Vox 207-865-2922    Fax 866-484-4490
Chalmers (Chop) Hardenbergh, publisher and editor
editor@atlanticnortheast.com
www.atlanticnortheast.com

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

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

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

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

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

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

FORMAL E-ISSUE