Clarendon & Pittsford RR
St. Lawrence & Atlantic RR, Railway, joint venture of Pan Am and Norfolk Southern, RR, Boston & Maine, all leased by NNEPRA
England Southern RR, Organization, Department of Transportation, purposes), Cape Cod Central RR, Common abbreviations operating railroads + ports, intermodal facilities, and government environment

ALSO & PORTS
operating railroads + ports, intermodal facilities, and government environment

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

Formal issue 15#10A 21 October 2015

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

REGIONAL
Oil: Prices won’t change til 2020. CBR dropping.

New England: No new pipelines?

NEW YORK
SNC: Brouhaha over viewing of stored passenger cars on the line.*
Albany-SNC: Tank car storage out, revived stone move from Tahawus.*

QUÉBEC
No report.

CONNECTICUT
HRRC: New customer Neeltran sends transformer to Mexico by rail.*

MAINE
Maine crude: Nothing by rail; Portland Pipe Line amount increases.*
Pan Am: More on NGL’s new proposal for Rigby Yard.*
SLR: Leaving Portland and B&M Baked Beans.*
Eastport: Wood chip export moving closer? Wood pulp up.*

 MASSACHUSETTS
CSXT: More on Safety-Kleen use of rail.*

Pan Am: Ciment Quebec, in Everett as it re-opens former St.Lawrence-Holcim plant. Map.*
Pan Am: Wilmington opposes NE Transrail effort.*

NEW HAMPSHIRE
CSRX: More on its purchase by Jon Delli.*
Pan Am v Portsmouth: Pan Am lawsuit to establish pre-emption on its propane terminal.*
Pan Am: Newington permitting of Sea-3 upheld.*

RHODE ISLAND, VERMONT
[No report.]

MARITIMES
CN: New customer CRRC will manufacture railcars in former IRSI-CN shops in Moncton.
++ Yarmouth-Portland Ferry: Cargo up

RAIL SHIPPERS/RECEIVERS
A cross-reference to companies mentioned here.

PEOPLE, POSITIONS, EVENTS, EDITORIAL
No report.

NEARS valuable as always – see articles herein.
Next one in Baltimore in April, then Portland in autumn 2016.

- Chop Hardenbergh Next issue 4 November.

THE PRICE OF CRUDE WILL NOT RISE SOON, according to oil futures markets. Dr. Bernard “Bud” Weinstein, a professor at Southern Methodist University's Cox School of Business and associate director of the Maguire Energy Institute there, explained to the autumn session of the North East Association of Rail Shippers the situation, with slides {all slide information sources as shown}:

**Oil price**
The futures market is predicting that the per barrel price will not go above $60/barrel until October 2020 [see slide]. But the price will eventually go up as the supply overhang [see slide] ends – caused by the decline in drilling. The small companies doing US fracking are reducing their rig counts; the major oil
companies have already postponed $20 billion in drilling, mostly in deep-water sites.

**Rail impact**

With the oil oversupply and the price decline, crude by rail is declining, after its enormous acceleration from 2010 to 2014:

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*Source: U.S. Energy Information Administration based on data from the Surface Transportation Board and other publications.

**Notes: Crude-by-rail movements greater than 1,000 barrels per day are represented on the map; short-distance movements between rail yards within a region are excluded.*
Whether or not the US exports is eventually irrelevant to price.
Weinstein noted that the Obama administration has said it will veto any bill to permit the US to export crude oil, arguing that deciding to export is an executive branch decision – but the administration has not decided to permit exporting due to pressure from environmentalists. The Weinstein conclusion: no exporting will occur until a new administration takes office, if then. But it makes little difference to the price of oil.

'Global supply and demand determine the price of oil in the US, whether or not we export. We've become the world's number one oil and liquids producer with output doubling over the past decade. Consequently we import a lot less crude which means more is available in the world market. If we start to export oil, US producers will have to sell at world prices. Initially that could push down prices but the hope is that serving foreign markets will boost domestic production.'

No foreseeable reduction in demand.
Despite the publicity around renewables and electric cars, Weinstein wrote: 'Renewable power and electric cars play a minor role. The Energy Information Administration projects that less than 20% of electric power generation in the US will come from renewable in 2030. Fossil fuels and nuclear will still be dominant.

'As for electric cars, if it weren't for federal subsidies no one would manufacture or buy them. Only a fraction of one percent. As long as gasoline and diesel are cheap, Americans will continue to buy gas guzzlers. Most cars sold today aren't cars at all, they're light trucks, SUVs, and vans.

'What's more, electric cars require a generation source that could well be coal.'

Coal
"Coal is going away domestically, but coal [exported] overseas will continue to increase."

Crude via Albany
Weinstein predicted that the Pilgrim Pipeline will take traffic from barge and rail, currently the modes to move crude arriving by rail in Albany, and move refined products back.

But. Joe Collela, senior vice-president for business development at Sunoco Logistics, said on the same panel that barging refined product up the Hudson costs only two cents a gallon or 84 cents per barrel. He believed the pipeline would find that price hard to beat.

Low oil prices benefit some and not others
Railroads benefit from the lower diesel prices, but lose some crude carloads. Citizens generally benefit from the lower gasoline, propane, and natural gas prices, though the oil sector has shed at least 200,000 jobs.

Net job gain is still enormous: oil and gas industries contribute twice as much to GDP as they did before shale plays came along. {quotes from the presentation; sentences in single quotes from an e-mail to ANR&P after presentation}
ENERGY TO NEW ENGLAND, & FOR EXPORT

Joe Collela, senior vice-president for business development at Sunoco Logistics, gave a detailed presentation on the existing Eagle Point and Marcus Hook terminals to the NEARS conference in Philadelphia on 16 October. Your editor asked him, after the presentation, questions about New England:

1. Why are not pipeline companies building into New England more than is already proposed or happening? We are, as you may know, desperate for more propane. Rail propane terminals are sprouting like mushrooms after a rain, and encountering in several places significant resistance.

   A: Demand for propane is seasonal, and local heating demand is not sufficient volume to justify a pipeline project. The most economic supply chain from the Utica and Marcellus to New England markets is direct by rail to transshipment sites in New England.

   NGLs require pressurized or refrigerated storage which is expensive to build. Rail cars can serve as storage vessels avoiding the significant capital required for pipeline breakout storage or storage for marine cargo sizes.

2. Why not use New England ports for export? Could it be:

   - no need to go that far to reach deepwater?
   
   A: You got it! NGLs produced in Pennsylvania and Ohio have access to deep water in Philadelphia which is only 300 miles from the production. Moreover Marcus Hook has large storage capacity for NGLs which would be difficult to duplicate in New England. [See map and table of Delaware River oil terminals in 12#10B.]

   - not enough local demand to support a dual function pipeline?
   
   A: The difficulty is that often in the winter the pipelines carrying natural gas are usually running at capacity and any propane shipped with natural gas (occasionally natural gas companies inject propane into natural gas to supplement pressures during peak demand) is required to satisfy the natural gas customer. Pipelines could be built to carry both natural gas and propane but the abundance of natural gas and lower cost per BTU derived from gas will cause future pipeline capacity to likely be built solely for gas.

   - local environmental resistance?
   
   A: It is likely there will be resistance for new energy infrastructure for Natural Gas and NGLs. However the Natural Gas Act and Public Utility Corporation status, together with working with communities, often provide the pipeline companies with the necessary permits to build. {e-mail to ANR&P 18.Oct.15}

NEW YORK

SNC: WARNING ON STORED CARS*

24 September, the Adirondacks. A BROUHAA BROKE OUT BETWEEN THE RAILROAD AND FOREST ADVOCATES, in the following way.

- In early September, Protect the Adirondacks Executive Director Peter Bauer and Brian Mann, a reporter with North Country Public Radio, visited the SNC rail line and photographed stored passenger cars, clearly crossing the right-of-way [see photo]. Two cars were in good shape, one not so – see photo.

- Days later, Bauer received a letter from an attorney for SNC, David Michaud, requesting that he stay off SNC property, and warning: 'Should you fail to stay off our property, we will pursue all remedies available at law, including having criminal charges brought against you for unlawful trespass.' Mann did not receive a letter.
- John Caffry, a lawyer for Protect the Adirondacks, responded on 24 September stating he would pursue 'all remedies available at law' if Iowa Pacific tried to interfere with Protect’s efforts to use the forest preserve.

Caffry pointed out that the railroad has an easement for its 14 miles of tracks in the forest preserve. 'Mr. Bauer, Protect [the Adirondacks], and all members of the public are free to use these 14 miles of forest preserve that are subject to your easement, so long as they do not unreasonably interfere with the operation of your railroad facilities. {Brian Mann in North Country Public Radio 2.Oct.15; Don Lehman in Glen Falls Post-Star 6.Oct.15}

**ALBANY-SNC: NO TANK CARS?**

6 October, Chicago. THE RAILROAD IS CLOSE TO AN AGREEMENT TO MOVE TAILINGS FROM TAHAWUS, which would probably eliminate the storage of old tank cars on the line, said Ed Ellis, president of Iowa Pacific Holdings LLC, parent company of SNC [see 15#08A].

SNC has received no proposals from tank car owners for storage. Ellis explained that he might store hoppers on the SNC line in advance of the stone move.

New York State Department of Environmental Conservation spokeswoman Lori Severino said the agency has been “urging” SNC to “prevent oil tank car storage in the Adirondacks” and was “happy to hear that the Saratoga and North Creek Railway is working to address the state and local communities’ concerns.”

**Negotiations with CP**

SNC needs to use CP track to move the stone to the Port of Albany. Ellis did not comment on whether negotiations with CP Rail had progressed, but some believed the public airing of the tank car proposal was an effort to get the state involved in those negotiations.

The company’s five-year contract with Warren County and the town of Corinth is up in June 2016. While there has been concern about whether Iowa Pacific would seek to stay on the line in light of revenue issues, Ellis said a meeting has been set up later this month “to work on renewal of the contract.” {Don Lehman in Glens Falls Post-Star 6.Oct.15}

**CONNECTICUT**

**HRRC- NEW CUSTOMER**

6 October, New Milford, Connecticut. **NEELTRAN GENERATED THE FIRST OUTBOUND TRANSFORMER MOVE BY THE RAILROAD**, loading the 190,000-pound, 17-feet high item onto a truck at its plant here adjacent to the Kimberly-Clark factory† [see map].

Monarch Transportation arranged the move to HRRC's New Milford siding and the loading onto a railcar.

Rian Nemeroff, who handles sales and marketing for HRRC, wrote that the unit is 'manufactured locally ... and shipped internationally to Mexico. This is the largest unit they have undertaken. It is working its way south as we speak. ’Considering all direct and indirect costs, rail was the selected mode' for the entire journey, rather than

† Nemeroff reports that K-C receives boxcars 'nearly every day.'
move by sea for part of it.

'We hope that this generates more business for Neeltran\(^2\) and Housatonic in the future, including a rail siding into the plant.

'Housatonic has received many inbound transformers to various rail sidings for furtherance by truck.' Neeltran sells smaller units into the Connecticut market. 'Once operational in Mexico, the large unit will be the test for future large production. {e-mail to ANR&P 9.Oct.15}

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**MAINE**

**CRUDE OIL THROUGH MAINE**

1 October, Augusta. PORTLAND PIPE LINE REPORTED THE MOST BARRELS OF CRUDE SENT TO MONTREAL since April. {Maine DEP} [See table.]

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\(^2\) Presumably a contraction for New England Electric Transformer.
PAN AM: MORE ON NGL

2 October, South Portland. **THE CITY HAS SET TWO DATES TO CONSIDER NGL’S NEW PLAN TO LOCATE A PROPANE TERMINAL IN RIGBY YARD** [see 15#09B]. The City Council will hold a workshop 14 October; the Planning Board is scheduled to review NGL’s application on 27 October.

Opposition

'Why aren’t we fighting this catastrophe-in-the-making?' asked Councilor Brad Fox in a 29 September email blast to his peers, the press, and other interested parties.

NGL’s ability to compensate for a 336,000-gallon reduction in storage from its initial proposal will come not from 'operation efficiencies,' Fox pointed out, but because the company plans to offload propane from rail cars directly onto delivery trucks.3

'In addition to their one fixed storage tank, 24, or (likely many) more LPG rail cars will be transloading liquid propane,' Fox wrote, noting a line in the current application, which reads: 'NGL intends to construct a liquid propane fuel distribution facility involving a rail siding and above ground storage system for the transfer of propane fuel from tanker cars to distribution vehicles. ...

'A large number of toxic chemicals including sodium cyanide pass through Rigby Yard on a regular basis. These may be sprayed into the atmosphere and ground water with an explosion of an LPG rail tank car or a fixed tank, or by just a simple tank car derailment. Are we prepared for an event like that?

'Perhaps we’ll get some answers, and some action, on Oct. 14, at a council workshop. I hope everyone attends.' {Duke Harrington in South Portland/Cape Elizabeth Sentry 2.Oct.15}

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3 He ignores the fact that Amerigas is already doing that in Rigby Yard. Editor

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MAINE DEP: OIL REPORT FOR 2015

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**PAN AM: MORE ON NGL**

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'Perhaps we’ll get some answers, and some action, on Oct. 14, at a council workshop. I hope everyone attends.' {Duke Harrington in South Portland/Cape Elizabeth Sentry 2.Oct.15}
SLR: FINALLY LEAVING PORTLAND? ++

15 October, DC. THE STB PERMITTED THE RAILROAD TO PROCEED TO DISCONTINUE SERVICE TO PORTLAND. 'The Board will vacate the decisions postponing the effective date of the discontinuance exemption.'

The SLR requested the action in a 5 October letter to the Surface Transportation Board. Attorney Eric Hocky wrote: 'In accordance with the provisions of 49 CFR §§ 1152.27(f)(1) and (j), and the decision of the Board served December 4, 2014, St. Lawrence & Atlantic Railroad Company ("SLR") hereby gives notice that the subsidy agreement will expire on October 31, 2015. SLR, thus requests that the Board vacate the December 4 decision postponing the effective date of the discontinuance exemption, and allow the discontinuance to be effective on November 1, 2015.'

{STB website, filings and decisions pages, Docket No. AB-1117X}

SLR postponed the discontinuation in 2014 when B&M agreed to pay the price SLR offered $111,529 to subsidize it through 31 October 2015 [see 14#11B].

No agreement: trucks

'As a result of the railroad’s decision to cease rail service, B&M will transition the supply of raw materials from rail service to trucks,' said Ed Snook, plant manager for B&M Baked Beans, in a statement to the Press Herald. 'B&M does not expect this to disrupt our operations or materially affect our business from a cost perspective or otherwise.'

While the parties negotiated to extend the subsidy arrangement, B&M’s parent company, Parsippany, N.J.-based B&G Foods North America Inc., ultimately decided against. Nate Moulton, MDOT director of rail programs, said: “B&G didn’t want to continue discussions around extending the agreement. I don’t know the reasons or details or the proposals that went back and forth.”

Eldredge Lumber disappointed

Norm Sirois of Eldredge Lumber said when MDOT awarded the company an IRAP grant [see 15#07A] that he did not know how many cars would eventually be received at the proposed lumber transload.

On 7 October, he was disappointed. “We were pushing” for the SLR to continue service and for B&M to continue the subsidy. His contractor, Randy Pike, “jumped the gun” and started work without a notice to proceed from MDOT. Moulton wrote, 'I assume [Sirois] has an agreement with Eldredge so they would pay him. Our IRAP agreement is with the applicant Eldredge.'

Future

A meeting in “a week or two” will occur among the City of Portland, MDOT, and B&M to discuss the discontinuation of rail service to Portland.
Eldredge Lumber, and the state. Sirois hoped that the Legislature or the Maine State Rail Commission might get involved. {ANR&P discussion with Portland official; with Sirois; and e-mail from Moulton 8.Oct.15}

EASTPORT: WOOD CHIPS CLOSER? ++

22 September. **PHYTO-CHARTER HAS REPAID THE PORT AUTHORITY LOAN** of $112,000, said Director Chris Gardner to the monthly meeting of the Board. The bridge loan helped the company advance on obtaining three-party capital to build the sanitation equipment for exporting wood chips [see 15#09B].

Pulp exports up
The Authority anticipates pulp shipments, which totalled 269,000 tonnes in 2014 [see 15#02B], would exceed 300,000 tonnes in 2015. Federal Marine Terminals' Al Day said shipments to Turkey may soon start.

Stevedoring
FMT has notified the Authority that it wishes to exercise the final four-year option on its contract to operate the terminal; negotiations on a rate will soon begin.

Ship calls
The *Star Livorno* picked up 8,000 tonnes of wood pulp for the Mediterranean. On 28 September the *Kirkeness* picked up 15,000 tonnes of pulp for China.

In Bayside, the *Alameda Star* unloaded pollock from Alaska and sailed for Germany on 18 September. The *Eidsvaag Vinland* loaded salmon feed for Newfoundland on 20 September. The *Ivory Dawn* unloaded pollock from Alaska on 30 September. {Edward French in Quoddy Tides 25.Sept.15, 9.Oct.15}
CSXT: MORE ON NEW CUSTOMER*

11 September, Springfield. **CRRC WILL REBUILD THE SPUR TO ITS TRANSIT CAR FACILITY HERE**, though how much use it will get depends on procurement and delivery decisions yet to be made. [CRRC in a partnership is also opening a freight car facility in Moncton – see *Maritimes.*]

Bobby Doyle, former chief mechanical officer at the MBTA, now has his own RDoyle Transit Consulting. He has served as senior advisor to CRRC on the work since 2010. In a phone interview on this day, he supplied these details:

1. **Schedule of production – eventual shells in Springfield**

   Transit car design and manufacturing schedule.
   October 2014: MassDOT awards $566 million contract to CRRC, which had already selected the Springfield site. Hyundai Rotem bid $720.6 million, Bombardier $1.08 billion, and Kawasaki $904.9 million.
18 December 2014: MassDot (MBTA) issues CRRC USA Rail Corporation Notice to Proceed.

2015-2016: The plant is built.

January 2017: CRRC will present a 'bill of materials' to MBTA, detailing what it will acquire, and how.

March 2018: The first production cars for MBTA Orange Line will begin assembly.

30 December 2018: First production cars delivered to MBTA’s Orange Line facility in Medford Ma.

Plant construction schedule.
MBTA required the final car construction to occur in Massachusetts.
CRRC and other bidders worked with developers on a number of sites, including Progress Avenue in Springfield, and locations in Lee, Pittsfield, Dalton, and sites on the PVRR.
NAI Hunneman, the real estate firm working with CRRC, approached the owners of the Page Boulevard site, Ameristar, which had hoped for a casino on the site [see 14#03B]; Ameristar agreed to sell.
In September 2015, CRRC broke ground in Springfield, symbolically beginning construction. In weeks, Plaza Construction, the general contractor, will begin rehabilitation of the former Westinghouse office building facing Page Boulevard. Plant construction begins March 2016.
Between September and March, the design-build team [see below] will create plans for the facility, including a rail spur.

Shells in Springfield. While initially the car shells will arrive from China, in a third phase for the Springfield facility it will fabricate the shells there. The FRA procurement process (for commuter railcars) requires this step occur in the United States; it involves a huge infrastructure investment.

2. Schedule of arrivals – 50% requirement

Body shells. CRRC will rely on subsidiary Changchun Railway Vehicles to fabricate the car shells at its facility in Changchun. The shells will move over the port of Dalian to a port near Springfield.
According to current thinking, CRRC will use liner services, possibly to Philadelphia, New Jersey, or Albany. From there the shells could move either by truck or by rail. Boston terminals lack rail access.
CRRC would like the shells, which are 70 feet long, 9 feet high, and 10 feet wide, to arrive in lots of 32 every three months. The plant must deliver completed cars every three months from January 2019 to April 2023.

CSXT spur. CRRC has already begun informal discussions with CSXT's Patricia Byrne about restoring the spur. An accommodation with the scrap dealer Joseph Freedman, who now uses the spur up to the CRRC property line, must emerge. CRRC intends to complete the arrangements and design for the spur by March 2016.

US-flag ships. Under the Cargo Preference Act of 1954, at least 50% by gross tonnage of all cargo 'impelled' by federal contract must move on US-flagged ships. Although the state is not using federal money, the T has inserted this requirement into the contract.
Doyle, who in the past worked with Hyundai to move car shells from Busan, South Korea, to Philadelphia, averred that for Hyundai he was able to find enough ships, or use the process under which the Maritime Administration can waive the requirement if US-flagged ships are not available.

But private terminals have it. And the auto port in Charlestown needs only a new tie-in to the North Station rail. Editor
Final delivery. This will occur via truck, as neither the Orange nor the Red line has direct access to the rail network.⁵

3. Parts needed.

Wheel sets. CRRC cannot obtain wheels and axles from US manufacturers who have their hands full creating freight cars. CRRC must source them in China, Brazil, or Europe, subject to the same 50% gross tonnage requirement as car shells.

CRRC has contracted with UTC/RAS, headquartered in Morton, Pennsylvania, to manufacture the wheel sets. UTC must decide the mode of delivery to Springfield.

High-voltage. Similarly, CRRC must source high-voltage electronics outside the United States.

4. Who is doing the work

CRRC has contracted, or will contract with:

Logistics company. CRRC must find a logistics company to handle the sourcing of materiel and the delivery of the cars. It has talked to several, but has not selected one.

Design/build. CRRC is using Gannett Fleming to design the factory and supervise the construction. New York-based Plaza Construction is the general contractor; many local companies will work on the project.

VHB, which was involved in earlier uses of the property, advised CRRC.

Workers. Daniel D’Alma, president of the Pioneer Valley Building Trades Council and business manager of the International Brotherhood of Electrical Workers Local 7, said both construction and manufacturing will be entirely union. {ANR&P discussion}
CSXT: MORE ON SAFETY-KLEEN*

Note: The 15#09B issue covered the CSXT customers on the Fitchburg Subdivision, including Safety-Kleen. The following further details came on 8 October:

Jamie Strogosky, who serves as rail and marine manager for the Clean Harbors companies including Safety-Kleen, said his company wanted to drive more business to the facility in Marlborough. It now does only 60 to 70 carloads a year.

The local crew did well, “calling the facility to tell us they were coming – or not, which is unheard of.” The CSXT line between Framingham and Buffalo is a “difficult corridor” especially during the past two winters when he had to do “maneuvering to get feedstock to his factories.”

Clean Harbors

Strogosky pointed out that nationally, his company has 100 different sidings. The waste collected in Marlborough moves to Buffalo, Chicago, and southern Ontario, and is then sometimes supplied “to other customers via our spurs.”

Clean Harbors has its own fleet of 1900 cars. The company maintains, in a sense, two different fleets: one for hazmat, and one for non-hazmat. {ANR&P discussion}

GU: ONE WIN, ONE LOSS

FIRST CIRCUIT: PROPANE TERMINAL PRE-EMPTED

On 16 October, the Court handed down its decision (written by Judge Dyk) on the appeal by the Town of Grafton of the STB decision that the propane facility in Grafton was pre-empted.

STB decision was proper

The Town challenges the Board’s finding that the facility constituted transportation by rail carrier because G&U failed to establish that it would actually operate the facility. But there is no basis for reversing the Board’s finding that G&U would operate the proposed facility. The Board properly relied on evidence submitted by G&U, including the relevant contracts and termination agreements with the Propane Companies, and verified statements from G&U’s fire safety consultant, G&U’s president and CEO, and G&U’s vice president of business development.

There is no evidence that G&U lacked the ability to finance, construct, and operate the facility without the significant involvement of third parties. We appropriately defer to the Board’s factual findings. See Del Grosso [below]. Whatever role the presumption against preemption may play in the analysis under the statute, we are confident it does not have the effect of overcoming deference to the Board’s factual findings.

National Environmental Policy Act does not apply

The Board is correct that NEPA does not apply to its declaratory order, because the order was not a “major Federal action” under 42 U.S.C. § 4332(C). The Board made a legal determination concerning preemption of the Town’s zoning and permitting ordinances. The Board did not provide federal funds, approve or license the transload facility, or otherwise manifest “indicia of control” over G&U that would be sufficient to establish a “major Federal action.” Mayaguezanos, 198 F.3d at 302.

Moreover, declaratory orders are categorically exempted from environmental documentation requirements under the Board’s NEPA regulations absent “extraordinary circumstances.” 49 C.F.R. § 1105.6(c) (“No environmental documentation will normally be prepared . . . for the following actions . . . (iii) [d]eclaratory orders . . . .”). The petitioners have failed to demonstrate any “extraordinary circumstances” that could overcome the categorical exemption. 40 C.F.R. § 1508.4. Therefore, petitioners have not established that the Board violated NEPA. {page 14}

Ginny Sinkel Kremer represented the town; the STB was represented by Department of Justice and STB counsel; and GU as the intervenor was represented by John Mavricos, Jim Howard, and former STB commissioner Linda Morgan. {Town of Grafton v. STB, GU intervenor; Petition for review of a final order of

GU and other comments
“I’m extremely happy with this decision, which affirms what the railroad has been saying all along, that the Town would have been better off working with us than spending three years and hundreds of thousands of tax dollars fighting this matter legally,” said Grafton & Upton owner Jon Delli Priscoli. “We will now work to bring this much needed domestic energy to market to satisfy the growing demand.” {press release 17.Oct.15}

Joel Schwendemann, chair of the Town of Grafton Finance Committee, wrote on Facebook: 'Please tell me that we are out of appeals so we can stop hemorrhaging money on this. Wonder how much we will owe to the RR and STB?'

By the summer of 2015, the town had accumulated $107,000 in expenses. {Richard Price in Grafton News 17.Oct.15}

FIRST CIRCUIT: WOOD PELLET PROCESSING NOT PRE-EMPTED.
On the same day, the Court handed down its decision (written by Judge Dyk) in the appeal by seven Upton citizens of the STB decision that the wood pellet bagging operation in the Town of Upton was not pre-empted. The Town itself played no role in even initiating the petition to the STB, as its counsel advised that the activity was pre-empted [see 14#11B]. Two issues were presented by the wood pellet operation: was it operated by a rail carrier, and did it constitute transportation.

What deference to the STB decision?
'In this court, both the Board and the railroad argue that the Board’s decision on the issue of preemption is entitled to Chevron deference. Chevron U.S.A., Inc. v. Nat. Res. Def. Council, Inc., 467 U.S. 837 (1984). We disagree.'

'In Wyeth v. Levine, 555 U.S. 555 (2009), the Supreme Court explained that "agencies have no special authority to pronounce on pre-emption absent delegation by Congress," noting that the Court had never "deferred to an agency’s conclusion that state law is pre-empted." Id. at 576–77 (emphasis in original). Rather, "[w]here . . . Congress has not authorized a federal agency to pre-empt state law directly, the weight this [c]ourt accords the agency’s explanation of state law’s impact on the federal scheme depends on its thoroughness, consistency, and persuasiveness"; that is, the agency’s decision is entitled only to Skidmore deference.' {page 9}

'We also defer to the Board’s factual determinations, such as whether there are efficiency gains connected to the choice of railcars in transportation. Such determinations need only be supported by substantial evidence and a "rational basis" . . . in the facts on the record.'' {page 12}

“Rail carrier”
The Court found that the STB correctly decided that the transloader of the pellets, GU Railcare, was sufficiently under direction of GU, and held itself out to any other user, to deem the bagging operation conducted by a rail carrier. Thus the bagging met one test of pre-emption in 49 USC §10501(a).

“How is transloading treated? 'It is well-established that the preemption of state and local regulation under the ICCTA generally extends to transloading facilities. ... In the language of the statute, transloading typically involves "receipt, . . . storage, handling, and interchange" or "transfer in transit" of goods. 49 U.S.C. § 10102(9) (B). Such activities are generally preempted.'

‘the rulings, interpretations and opinions of the Administrator under this Act, while not controlling upon the courts by reason of their authority, do constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance. The weight of such a judgment in a particular case will depend upon the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control.’ Skidmore, 323 U.S. at 140.
STB approach was wrong. In its decision, the Board did not focus on whether the activities facilitated transloading of the pellets from rail to truck. Instead, the Board concluded that the transloading activities here were "transportation" because the vacuuming, screening, bagging, and palletizing of the wood pellets allowed G&U to transport the pellets in hopper railcars, which accommodate twenty more tons of pellets than boxcars. "Were these activities performed at the manufacturing facility," the Board reasoned, "the wood pellets would have to be transported in boxcars, in which case each pallet containing 50 40-pound bags would have to be blocked and braced in order to limit movement within the boxcar." That in turn "would consume space and . . . leave[e] less capacity for the wood pellets themselves."

'"Transportation" is "an extremely broad category," Pejepscot Indus. Park, Inc. v. Me. Cent. R.R. Co., 215 F.3d 195, 199 (1st Cir. 2000), not all activities connected with rail transportation are considered "transportation" under the statute. The definition of "transportation" in the statute, "[w]hile certainly expansive, . . . does not encompass everything touching on railroads." ... Thus, "manufacturing and commercial transactions that occur on property owned by a railroad that are not part of or integral to the provision of rail service are not embraced within the term 'transportation.'" New Eng. Transrail, 2007 WL 1989841, at *6.

'Here, the proper focus of the Board should have been on the question of whether the activities — vacuuming, screening, bagging, and palletizing — facilitated the physical movement of "passengers or property" (here the transfer of the pellets from rail to truck), rather than cost efficiency. The questionable nature of the Board’s rationale is revealed by a simple example.

'Under the Board’s rationale, the transloading facility would be exempt from regulation if it had been constructed and operated by the rail carrier at the ultimate destination at a retail store. Under the Board’s reasoning, the retail facility would be exempt because postponing the bagging and other operations would have made it feasible to transport the pellets more efficiently in hopper cars. We think that sweeps too far. The Board’s efficiency rationale would result in a vast regulatory gap in which state and local regulation would be eliminated simply because the facilities were economically connected to rail transportation.
Shredding not 'transportation'. 'In New England Transrail, the Board held that state and local regulation of shredding of construction debris that had arrived at a transloading facility from trucks — before being loaded onto railcars — was not preempted because such activity did not constitute "transportation." This was so because the shredding was not necessary to load the debris onto railcars. See New Eng. Transrail, 2007 WL 1989841, at *9–10 (noting that "a shredder is not required to pack into rail cars" the debris that had arrived from trucks. (emphasis added)).' {page 16}

Analysis should focus on 'movement'. 'Here, the Board’s interpretation is defective because it fails to relate the wood pellet facility’s activities to the physical "movement of passengers or property," as opposed to cost efficiency.

'New England Transrail is not to the contrary. The Board held that baling and wrapping of solid waste arriving at a transloading facility from trucks constituted "transportation," noting that such baling and wrapping "permits a wider variety of rail cars to be used." New Eng. Transrail, 2007 WL 1989841, at *9. But there preemption was appropriate because the baling and wrapping was necessary to transload the waste from trucks to railcars. The Board expressly found that "baling and wrapping are not the sort of activities that would have value for any other purpose."

The bagging operation. 'By the fall of 2011, G&U finished the wood pellet facility. At the facility, a vacuum hose is attached to hopper railcars carrying wood pellets in bulk and sucks the pellets through a system that removes dust from the pellets. The pellets are then moved to silos for temporary storage. Additional dust is then removed from the pellets, and the pellets are conveyed from the silos, placed in forty-pound bags, and stacked onto pallets, fifty bags to a pallet. The pallets are then shrink-wrapped and stored until they are loaded into trucks for final delivery to retail stores.' {page 5}

'Petitioners complained that the transloading operations caused them harms such as exposure to excess glare, light intrusion, noise, and diminution of property values, and that such harms would be prevented by enforcement of Upton’s zoning by-laws, which, for example, restrict a building’s height and require special permits for manufacturing facilities, which permits could limit noise and above-ground storage. {page 6}

Remand
'Under these circumstances, a remand is required to determine whether the vacuuming, screening, bagging, and palletizing facilitated the transloading of the pellets from the railcars to the trucks or was done solely for another, unrelated purpose.'

Mark Bobrowski represented the citizens; the STB was represented by Department of Justice and STB counsel; and GU as the intervenor was represented by Jim Howard and former STB commissioner Linda Morgan. {Del Grosso et al v. STB, GU intervenor; Petition for review of a final order of the STB; before Torruella, Selya, and Dyk, Circuit Judges. Docket No. 15-1069 decided 16.Oct.15}

GU comment
'The G&U continues to believe that the pellet transloading activities do in fact constitute transportation by rail that is exempt from state and local permitting and preclearance regulation. The G&U will continue to take all required steps to give the STB the necessary information that is required in clarifying this issue to the Court’s satisfaction.' {press release 17.Oct.19}

PAN AM: NEW CUSTOMER*
6 October, Everett. CIMENT QUEBEC STARTED MOVING CEMENT AT THE FORMER ST.LAWRENCE CEMENT FACILITY HERE, with the first cars arriving this day.
Correction/update
The 15#07A issue reported that Holcim divested the Everett plant to Essroc, quoting the US Federal Trade Commission:

“Essroc Divestiture Agreement” means the two Divestiture Agreements dated as of April 14, 2015 by and between Respondent Holcim and Essroc, attached as non-public Appendix III, for the divestiture of the Camden Slag Plant and the Everett Terminal.

“Everett Terminal” means the Terminal Assets relating to Holcim’s Everett terminal located at 202 Rover Street, Everett, Massachusetts that stores, distributes and sells Cement and related products.

‘Respondents shall divest the Assets To Be Divested, absolutely and in good faith, as follows:
Within 10 days of the Acquisition Date, the Camden Slag Plant and the Everett Terminal shall be divested to Essroc pursuant to and in accordance with the Essroc Divestiture Agreement …’ {page 9 of FTC matter/file number: 141 0129, Decision and Order 16.June.15}

Ciment Quebec officials, however, said they had purchased the plant over the summer directly from Holcim. Essroc owns 50% of Ciment Quebec. {e-mail to ANR&P 5.Oct.15}

Operation in Everett
Tom O'Neill, Ciment Quebec terminal manager - New England Terminals, wrote on 8 October: '[We] did purchase the former Holcim terminal in Everett Mass. We have been working closely with the servicing railroads to ensure the best rates and service into the facility as initially we plan to ship all product by rail.

'As the terminal does have dock access, we do have the ability to receive ships if rail proves too difficult. We have received our first of three cuts of 6 pneumatic cars via Pan Am, but do not plan to start moving large quantities of cement until an unloading pit for hopper cars is installed this fall. ...

'Holcim was using it primarily for storage of fly ash and slag, both coming by water. ... [T]he last ship there was over Labor Day weekend, after we took ownership ... It's been many years since cement has been there.' {e-mails to ANR&P}

Other locations
Ciment Quebec also operates a terminal in Bow, New Hampshire served by Pan Am, and a facility in East Baldwin, Maine, served by truck, though it lies adjacent to the Mountain Division. Editor

PAN AM: NE TRANSRAIL REDUX*

7 October, DC. **THE WILMINGTON ENVIRONMENTAL RESTORATION COMMITTEE OPPOSED THE TRANSRAIL EFFORT** to move ahead with construction in advance of an EPA final Record of Decision.

New England Transrail argued in August that the Record of Decision was 'years away' and no environmental harm would occur by letting NET proceed to build a 'freight village' [see 15#08B].

'The Wilmington Environmental Restoration Committee (WERC) is a local citizens group formed in 2008 to administer an EPA Technical Assistance Grant (TAG). We and our consultant, CDM Smith, review key documents and meet frequently with the EPA site manager to discuss activities at the Olin Superfund site. Many of WERC’s members have commented to the Board on previous filings of New England Transrail (NET).'

The Committee argued that 'issues remain unresolved and may impact final site remedies.' [For details, and for further arguments by the Town of Wilmington submitted 9 September in the same vein, see the filings.] {STB website, filings page Finance Docket No. 34797}
CSRX: A FEW MORE FACTS*

The purchase by Jon Delli and Harper is Phase 3 [see 15#09B]

In Phase 1, the Conway Scenic was founded by Carroll Reed, Robert Kennett, and Bill Levy, with Dwight Smith providing rolling stock, in 1968.

In Phase 2, Russ Seybold and his wife Dorothy Seybold purchased the line in 1999.

Jon Delli Priscoli’s partner in the purchase is Al Harper, owner of the Durango and Silverton Narrow Gauge Railroad in Colorado. {Tom Eastman in Conway Daily Sun 2.Oct.15}

PAN AM \(\text{v}\) CITY OF PORTSMOUTH*

30 September, Concord. MORE OPPOSITION TO TRANSPORT PROPANE BY RAIL CAUSED ANOTHER LAWSUIT. Pan Am subsidiaries Boston and Maine Corporation and Springfield Terminal Railway (collectively Pan Am) filed in federal district court here, complaining that the City of Portsmouth was interfering with its federal right to operate a propane transload facility in its own railroad yard [see 15#09A].

Facts - propane

In its complaint, Pan Am stated (numerals refer to paragraphs of the complaint):

13. In recent years, the price of domestically produced propane has fallen dramatically. This is because new innovative drilling techniques have increased the domestic supply leading to lower prices that compete effectively with international propane markets. As a result, domestic propane has largely replaced propane previously purchased in international markets, offering consumers in New Hampshire and elsewhere a less expensive energy alternative.

14. As a result of this market change, approximately 75% of all propane transported to New England is carried by rail carriers, such as Plaintiffs, to distribution facilities located throughout the region. Plaintiffs currently transport propane to facilities located in Claremont, New Hampshire, Newington, New Hampshire and Portland, Maine.

15. Despite the increased availability and lower cost of domestically produced propane, New Hampshire suffered a significant propane shortage in the winter of 2013-14. ...

19. Defendants have consistently and relentlessly opposed Sea-3’s expansion of its distribution facility despite originally claiming that it had no concerns with the expansion of the site other than concerns regarding traffic. The opposition is rooted in Defendants’ purported efforts to minimize the number of rail cars carrying propane traveling through Portsmouth. Defendant Portsmouth appealed the permit granted to Sea-3 by the Newington Planning Board in the Rockingham County Superior Court, and has also intervened in the exemption proceeding before the SEC. The Rockingham County Superior Court action and SEC proceeding remain pending.

20. Defendants’ opposition to Sea-3’s expansion has intensified despite assurances by the State of New Hampshire’s Department of Transportation and the Federal Railroad Administration that the rail lines Plaintiffs own and operate through Portsmouth meet all applicable safety standards. Additionally, the SEC also ordered Sea-3 to fund a safety study by Sebago Technologies, Inc. to assess compliance with applicable laws by both Sea-3 and Plaintiffs. That study also found the Plaintiffs’ operations meet all applicable safety standards.

Facts about propane facility in Portsmouth Yard

22. To address the concerns of state officials, propane distributors, and propane customers regarding future propane shortages, and as a result of Defendants’ extensive opposition efforts with respect to Sea-3’s proposed expansion of its distribution facility, Plaintiffs are in the process of establishing a distribution facility, i.e. the Facility, on property they own and operate in Portsmouth (“Portsmouth Yard”).

25. A contractor will, in exchange for compensation and pursuant to a contract, operate the Facility on Plaintiffs’ behalf.
26. Plaintiffs will provide the transloading services as part of their common carrier services, and the contractor will not be allowed to offer such services for its own accounts. Plaintiffs’ Facility will be operated in compliance with all applicable laws, rules and regulations.

Portsmouth opposition
27. Defendants have already publicly expressed its opposition to Plaintiffs’ Facility. In a September 28, 2015 Union Leader article [see 15#09B]. ... 

STB pre-emption [see also GU decisions in Massachusetts]
34. The STB, as well as courts have held that the construction and operation of transloading facilities constitute “transportation;” provided that, the transloading operation is performed by, or under the auspices of, a “rail carrier.” This is because transloading facilities comprise an integral component of rail transportation services. As a result, state and local regulation – including state and local land use regulation – is preempted.

35. ... The Facility will provide no services other than transloading. However, the Facility will be located within Plaintiffs’ Portsmouth Yard and other transportation functions such as switching rail cars, storing rail cars and locomotives and track maintenance will be performed in the balance of Portsmouth Yard.

36. Plaintiffs’ Facility in the Portsmouth Yard will be operated by a contractor acting “under the auspices” of Plaintiffs. Therefore, the Facility is a transloading facility subject to the STB’s exclusive jurisdiction under the ICCTA.

38. In fact, Section 10.440, paragraph 14.90 of the Portsmouth Zoning Ordinance prohibits, in relevant part, the “storage, processing disposal, or transfer of...liquid petroleum products (“Section 10.440 Ordinance””) in all zoning districts in the city, including the Portsmouth Yard.

39. Any attempt to enforce the Section 10.440 Ordinance, or any other action that will unreasonably interfere with Plaintiffs’ construction and/or operation of their Facility, including but not limited to, limiting the number of trucks that can transport propane from the Facility, are not within a state or local government’s traditional police powers; these actions are plainly preempted by the ICCTA and fall within the STB’s exclusive jurisdiction.

Federal Rail Safety Act – all municipal regulation prohibited
42. The FRSA preempts all non-federal regulations “related to railway safety,” with two specific exceptions. Specifically, the FRSA assert that States can adopt and enforce laws, regulations, or orders related to railroad safety/security (1) until either the Secretary of Transportation [(“SOT”)] or Secretary of Homeland Security [(“SOHS”)] issues an order or regulation “covering the subject matter of the State requirement,” or (2) if the laws, regulations, or orders meet a three prong statutory test. Specifically, 49 U.S.C. § 20106(a)(2) states:

A State may adopt or continue in force a law, regulation or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the State requirement. A State may adopt or continue in force an additional or more stringent law, regulation or order related to railroad safety or security when the law, regulation or order—
(A) Is necessary to eliminate an essentially local safety or security hazard;
(B) Is not incompatible with a law, regulation, or order of the United States Government; and
(C) Does not unreasonably burden interstate commerce.

However, and unlike state regulation, municipal regulation relating to railroad safety/security is wholly preempted under 49 U.S.C. §20106(a), even if the subject matter has not been regulated by the SOT or SOHS. See, e.g., CSX Transportation, Inc. v. City of Plymouth, 86 F.3d 626, 628 (6th Cir. 1996) (citing cases).

44. Regulation of the transloading of rail tank cars containing hazardous materials, such as propane, “relates to railroad safety.” The Secretary of Transportation, by delegation, has prescribed multiple regulations covering
the subject matter of safe transload operations, including, without limitation, regulations for: (a) the securement of rail cars being transloaded; (b) applicable safety procedures relating to transloading; (c) requiring that transloading and delivery hazardous material, such as propane, from a rail yard, not be delayed; and (d) measures to be taken during the transloading process to maintain safety. See 49 C.F.R. 171.1, 171.8, 171.14, 174.14, 174.16, 174.67.

**Prayer for relief**

WHEREFORE, the Plaintiffs request that this Honorable Court:

1. Declare that Section 10.440 Ordinance cannot be applied to prohibit construction and/or operation of Plaintiffs’ Facility on federal preemption grounds;
2. Declare that the railroad operations Plaintiffs will conduct at the Facility are subject to the exclusive jurisdiction of the STB;
3. Enjoin Defendants from asserting, applying, or enforcing, or attempting to assert, apply, or enforce, actions prohibiting and/or interfering with Plaintiffs’ construction and/or operation of its transloading operations at the Facility....

Michael Connolly and Daniel M. Deschenes of the Concord firm Hinckley, Allen & Snyder represent Pan Am. Connolly represented Pan Am when MBRX sought unsuccessfully to lift the Leishman barred for life edict [see 11#10A]. {New Hampshire federal district court website, docket no. 1:15-cv-00403-JD}

**Comments by governor and others**

The day before, Governor Maggie Hassan said in a statement:

'Earlier today, I met with representatives from Sea-3 and expressed my concerns about Pan Am's proposal to transload propane in downtown Portsmouth, concerns that I have also conveyed to representatives of Pan Am.

'While propane is an important heating fuel in our state, we must ensure that it continues to be delivered to customers in the safest possible manner. New Hampshire has an excellent record of safe fuel delivery systems, and I strongly encourage Sea-3 and Pan Am to take all necessary steps to ensure the safe delivery of fuels to their customers.

'There are a number of public safety and environmental concerns around this issue that must be addressed through rigorous public processes at the local, state and federal levels, and I urge both companies to work within the state's regulatory structure in order to ensure that those concerns are addressed.'

On the 30th, after the filing of the lawsuit, Hassan released a statement: 'It's extremely troubling that Pan Am is refusing to work with state and local officials regarding activities that pose real safety and environmental threats to our citizens. This is absolutely the wrong approach...'

Portsmouth city attorney Bob Sullivan said: “So the position of the city is going to be that we will do whatever we can within the bounds of the law to protect our citizens from the hazardous aspects of that transloading activity.” {WMUR 30.Sept.15}

**Sea-3.** Sea-3 in a statement wrote that Pan Am's plan highlights the value of the proposed upgrade to its rail car handling capacity at its Newington propane storage and distribution terminal.

'We would strongly discourage Pan Am from transloading in Portsmouth or along the railway in any other New Hampshire community, especially since we can provide a better, safer alternative, but we understand that there is a strong and growing demand for propane in New Hampshire that will ultimately be met by someone,' Paul Bogan, Sea-3’s vice president of operations, said in the statement. {Jason Schreiber in Manchester Union Leader 29.Sept.15}
PAN AM: MORE ON SEA-3*

8 October, Portsmouth. **THE COURT AGREED THAT NEWINGTON HAD APPROPRIATELY PERMITTED THE PROPANE FACILITY EXPANSION**, in a 49-page ruling.

Safety plan needs work
Judge Marguerite Wageling addressed Portsmouth’s contention that the Planning Board erred by 'granting approval of the condition that Sea-3 update its safety plans from its original site plan approval.

'The record is silent as to what is contained in the existing safety plans and it is unclear whether the Planning Board reviewed those existing plans in any detail.' She ordered the Planning Board to 'review the existing plans' – perhaps without a hearing.

But if the Planning Board determines that the safety plans 'call for discretionary judgment on matters that should have been discussed during the public hearings, further hearings must be held to allow input from the public, including Portsmouth. …

But not the site
'Contrary to Portsmouth’s argument, the certified record demonstrates that the Planning Board engaged in [an] extensive safety review of the Sea-3 site’ itself. The board hired an independent railway engineering consultant and received 'multiple opinions regarding fire and security safety issues as they pertain to site safety concerns.' She also noted that despite claims about how large the proposed expansion is, it is 'very limited in size and impact. …

' evidence shows that Sea-3’s operation and handling of LPG was largely being modified as to how LPG was being received at the site, not how LPG was being handled.

'The limited scope of changes made it reasonable for the Planning Board to rely on prior plans and studies.'

Whether for export not material
She also ruled that whether the Planning Board clarified if the proposed expansion would focus on the plant being an import or export facility was “not material” to the board’s decision.

She acknowledged Sea-3’s “testimony regarding the extent of exportation” of the LPG was “inconsistent. … Ultimately, Sea-3 is seeking to import domestic LPG at a lower cost, which would be reflected in consumer prices.

'While some of Sea-3’s product may be exported to foreign markets, it does not make the Planning Board’s decision unreasonable or unlawful.'

She also ruled that Portsmouth’s claim that Sea-3 would be using unodorized LPG 'did not pose a detrimental impact on the public’s health, safety, and welfare.”

Planning Board hearing
On 12 October, Newington Planning Board Chair Denis Hebert scheduled a hearing 15 October to review the part of Sea-3 site plan approval related to “safety plans.” The board will determine, as directed by the court, “whether or not the updating of these plans is administrative in nature,” Hebert said. {Jeff McMenemy in seacoastonline.com 8 & 12.Oct.15}

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**MARITIMES**

**CN: NEW CUSTOMER ++**

6 October, Moncton. **CRRC WILL BEGIN MANUFACTURING RAILCARS AT THE FORMER CN SHOPS HERE**, under an agreement signed this day [CRRC will manufacture subway cars for the MBTA in Springfield – see Massachusetts], in a partnership named 'ARS Canadian Rolling Stock.' **ARS, American Railway Supply of Miami, Florida, is the other partner.**
Dale Thibodeau of Fredericton-based DJ Thibodeau & Associates, wrote: 'We anticipate to be in production mid-2016 and my organization will be serving as commercial sales agent for freight car sales.'

**Ownership**

The partnership now owns the shops; it bought them from IRSI sister company Industrial Rail Realty.

**Product**

ARS plans to assemble DOT 117 tankers, flat cars, and gondola cars, and possibly some log cars. {e-mails to *ANR&P* 13-15.Oct.15}

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**YARMOUTH-PORTLAND FERRY: CARGO UP**

13 October. *CARGO BUSINESS HAS RISEN 45% ON AVERAGE* on the ro-ro passenger-truck ferry crossing the Gulf of Maine [see 15#02B]. Dale Thibodeau of Fredericton-based DJ Thibodeau & Associates, contracted to develop business, wrote that 'cargo business was up close to 100% some months. ... Passenger counts were soft because of foreign exchange but I am only involved on the cargo side.' {e-mails to *ANR&P* 13-15.Oct.15}
RAIL FREIGHT FACILITIES

Described in this issue.

B&M (SLR, Maine) No agreement on subsidy.

Ciment Quebec (Pan Am, Massachusetts) New terminal.

CRRC (CN, New Brunswick) New plant.

CRRC (CSXT, Massachusetts) Use rail?

GU propane (GU, Massachusetts) Pre-empted.

GU Railcare (GU, Massachusetts) Bagging not preempted.

Neeltran (HRRC, Connecticut) 1st outbound transformer.

NE Trans (Pan Am, Massachusetts) Opening opposed.

NGL (Pan Am, Maine) Trying to move to Rigby.

Pan Am propane (Pan Am, New Hampshire) Opposed.

Sea-3 (Pan Am, New Hampshire) Permitting okayed.

Safety-Kleen (CSXT, Massachusetts) More data.