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Operating railroads + ports, intermodal facilities, and government environment

**Issue 01#03A 13 March 2001**

**REGIONAL ISSUES**

**B&A:** Flow of butane to Saint John.
**Regional rail:** Four consultants on short list.

**CONNECTICUT**

**GA:** Bills on commuter rail in NE Connecticut and on reducing congestion in SW Connecticut.

**MAINE**

**Legislature:** Bills on various rail topics.
**MDOT:** BTIP & 6-year plan
**Amtrak:** Service in July? Rekola and Nadolny defend Guilford. Hall attacks again. STB filing.
**B&A:** Limestone customers.
**Brewer-Calais:** Need for traffic, etc.

**MASSACHUSETTS**

**GC:** Only Senate bills available on-line.
**EOTC:** Doublestack study not yet paid for. Freight rail program.
**GRS:** No one interested in rail to Westover
**HRRC:** EOTC wants an agreement for BKSR
**PW:** No service yet for Metals Recycling

**NEW HAMPSHIRE**

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**NHC:** Promising for Groveton-Littleton.

**RHODE ISLAND**

**General Assembly:** Commuter study bill and others.

**VERMONT**

**General Assembly:** Bills
**VAOT:** Rail plan
**LVRC:** RFP out, due back 29 March.
**NECR:** Possible solution for Bellows Falls tunnel.

**MARITIMES/QUÉBEC**

**CN:** Halifax commuter?
**CBNS:** Goldboro and Melford updates.
**SLQ:** Richmond intermodal facility coming?

**ATLANTIC NORTHEAST PORTS**

**QPD:** Governor pushing container port, again.
**Eastport:** rail access [see Maine].

**PEOPLE, POSITIONS, EVENTS**

**CALENDAR**

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**From the publisher**

Not all the *e-bulletin*

For the first time, I have summarized and not repeated three articles of what appeared in the most recent *e-bulletin*. My apologies, but I ran out of space. If you want all the verbiage, I can e-mail it to you.

Chop Hardenbergh

Next issue: 27 February 2001

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**REGIONAL RAIL**

12 March, Saint John. **IRVING OIL IS CONTINUING TO SHIP PRODUCT** with the railroad. According to the company’s spokesperson, Daniel Goodwin: ‘Although I cannot speak to specific products or product quantities, as this is competitively sensitive information, what I can tell you is that the high demand season for propane is winter and demand typically tapers off around this time, and that we are still consistently shipping product with the B&A.’ [e-mail to ANR&P]

B&A’s assistant vice-president for sales and customer service, Bob Thomas, said earlier that he had not seen traffic for Irving Oil “in a long time.” [ANR&P discussion]

12 March, Montpelier. **FOUR COMPANIES MADE THE HIGH-SPEED RAIL SHORT LIST**: Parsons Transportation Group of Concord NH; Parsons Brinckerhoff (a different company); Louis Berger of Needham MA; and Edwards and Kelcey (a nationwide engineering firm with an office in Manchester).

**What’s next**

Scott Bascom of VAOT, the project manager, said the selection committee met on 7 March in Concord and went over the outline of scope of work. The committee hopes to issue it soon, select the consultant, and get the work underway by 1 July, when the states (Massachusetts, Vermont, and New Hampshire) will begin their new fiscal year. (The states will then have access to the match money.)

The committee would like the work done in 12 months [see 30 January issue]. [ANR&P discussions with Edna Martineau]
CONNECTICUT RRs

BILLS IN THE LEGISLATURE

12 March. BILLS ON RAILROADS OR PORTS introduced in the General Assembly by this date. (Raised bills—RB—mean those taken up by the legislature; proposed bills—PB—are not yet taken up.)

RB 1132 Reactivating rail in NE Connecticut. ‘The Northeastern Connecticut Council of Governments shall conduct a study of the reactivation of a part or all of the Hartford to Providence freight line and a commuter link from Worcester to Boston. The Northeastern Connecticut Council of Governments shall submit a report of its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to transportation and to planning and development on or before February 1, 2002.’

Public hearings on 14 and 23 February.

PB 5151 Bond authorization for Railroad Museum of New England. Not more than $900,000 to be used by DECD to establish a Railroad Museum of New England in Thomaston.

PB 5451 Strategic Five-year Plan to Reduce Traffic Congestion. ConnDOT shall do a five-year plan looking, in part, at rail, ship, or barge, and in particular at ‘the feasibility of establishing a barge terminal along the coast, including the possibility of using Bridgeport, New Haven or New London harbor.’ Hearing scheduled for 20 February.


SB 626 Reduce road traffic. Though expanded rail service. Hearing scheduled for 20 February.

[The concept behind these last bills will probably fit into the proposal to continue the Transportation Strategy Board—see 13 February issue.]

MAINE RAILROADS

BILLS IN THE LEGISLATURE

12 March. BILLS ON RAILROADS introduced in the Legislature by this date. {http://janus.state.me.us/legis/}

LD 362 Grandfathered no-fee crossings. This bill prohibits railroad corporations from collecting maintenance and insurance fees from property owners using rights-of-way on private crossings prior to the effective date of this bill. House and Senate referred to Joint Committee on Transportation.

LD 463 Authorizing MDOT to locate and construct rail lines. The department, which proposed the bill, must provide notice before acting. House and Senate referred to Joint Committee on Transportation.

Chris Hall, a state representative who attended a 12 March hearing on the bill, predicted the committee would unanimously stamp it ‘ought to pass.’

LD 591 Unsafe railroad bridges. ‘The commissioner may limit or prohibit the use of any railroad bridge that is determined to be unsafe after an examination performed pursuant to section 7301.’ House and Senate referred to Joint Committee on Transportation.

Hall, who proposed this bill, said MDOT official neither opposed nor supported the bill. He was uncertain about its chances for passage.

LD 767 Limit passenger liability to $75 million. ‘If those providers have first secured and maintained liability insurance having policy limits of not less than $75,000,000 per occurrence in the aggregate.’ Referred to Joint Committee on Transportation.

Hall reported that speaking in support of LD 767 were Craig Denekes, attorney for Libra Foundation, who gave a lengthy presentation on the Pineland project [see 3 November 2000 issue]; and Lucien Gosselin of Lewiston, the head of the Lewiston-Auburn Economic Growth Council.

Hall predicted the committee would unanimously stamp it ‘ought to pass.’

LD 1342 Passenger Rail Trust Fund. Funded from all railroad excise taxes collected under Title 36, section 2625-A; all use tax revenues on special fuel tax refunds collected from railroad companies under Title 36, section 1864; and the surtax collected from railroad companies that use infrastructure funded by the fund. The Fund will pay for maintenance, operating assistance, and planning. Referred to Taxation and Transportation Committees.

LD 1416 Build the bridge across Back Cove to the SLR. Authorizes MDOT or the Northern New England Passenger Rail Authority to
develop and build a railroad bridge across the tidewaters of Back Cove in Portland. Title 23 section 5071 requires legislative authorization before a railroad may be built across tidewaters where vessels can navigate. Referred to Joint Committee on Transportation. {Legislature website; e-mail to ANR&P from Hall 9, Mar. 01}

SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN

2 March. MDOT ISSUED THE SIX-YEAR TRANSPORTATION IMPROVEMENT PLAN: “The Six-Year Plan is the link from our policy-based 20-Year Transportation Plan to our project-based Biennial Transportation Improvement Plan (BTIP), which goes to the Legislature every two years in support of our funding request.” {MDOT press release} Relevant portions:

PASSENGER RAIL
- Expand the Boston-Portland service to Brunswick and Auburn. Extend Amtrak service over the Union Branch to connect to the SLR.

- Phase in rail improvement and stations on the Rockland Branch. When done, it will permit passenger excursions, connection to the Amtrak service in Brunswick, connection to the marine highway along the cost of Maine, improved freight service, and possible commuter rail service.

- If the rail connection between Bangor International Airport and Bar Harbor looks feasible, the state will do the environmental assessment, preliminary engineering, and construction over the second and third bienniums of the six year plan. The Calais Branch Commission is currently studying the feasibility of re-establishing freight service on the Calais Branch.

- Work with other Northeast states, Amtrak, and USDOT to identify strategies to provide regional rail connectivity.

PORTS

Eastport
MDOT has plans for the two piers. The Breakwater Terminal, immediately downtown, would be reconfigured to serve the growing cruise ship market. At the Estes Head terminal, efforts will take place to generate new markets for cargo. ‘Part of this effort will include the restoration of rail service between Brewer and Calais.’

Searsport
Work will continue to develop the new dry cargo pier.

Portland
The BIW Ship Repair Facility will become a modern passenger terminal. The International Marine Terminal will be upgrade to meet its cargo growth needs.

FREIGHT RAIL
Rehab the track from Caribou to Limestone. {text of 6TIP}

BIENNIAL TRANSPORTATION IMPROVEMENT PLAN

Each two years, MDOT issues this plan to indicate to the Legislature how it would like to acquire revenue (usually general fund bond and federal funds) and expend the revenue for transportation. The Legislature must pass the bond fund (tantamount to approving the proposed expenditures), and then the voters approve the bond, before MDOT can acquire and expend the funds.

For FY2002-2003, the BTIP contains the following narrative and line items:

Intermodal Transportation Program
As indicated in the Six-Year Transportation Improvement Plan, the success of Explore Maine [the proposed statewide non-auto transportation system] will depend upon providing a seamless transportation experience for visitors to Maine. This will include connections between terminals and access to local transportation at tourist destinations. The Intermodal Transportation Program (ITP) contains funding for intermodal facilities in Bath, Bangor, Rockland, Brunswick, Freeport, and Newcastle. [See Passenger Rail, below.]

Passenger Rail Transportation Program
The Passenger Rail Transportation Program (PRTP) contains funding for rail improvements in support of re-establishing passenger rail service between Portland and Brunswick, Portland and Auburn, and from Rockland to Brunswick. The corridor rehabilitation schedule is fully described in the MDOT’s Six-Year Transportation Improvement Plan.

Amtrak Portland-Boston
Project 6929.15, $2,000,000, FY2003.
Project 6929.10, $2,000,000, FY2002.
Funding to Northern New England Passenger Rail Authority to operate passenger rail service to Portland from Boston.

Amtrak Portland-Brunswick
Project 10557.00, $2,000,000
Forest Avenue Interchange improvements in preparation for the new AMTRAK railroad station.
Project 9503.30, $5,518,402
Portland North. Passenger Rail Extension.

Explore Maine intermodal stations
- Project 10318.00
Intermodal Station Development in the Midcoast Corridor.
**Atlantic Northeast Rails & Ports** – twice-monthly trade newsletter

(Freeport, Brunswick, Newcastle, Rockland, etc.)

**$2,850,000**

- **Project 10319.00**
  Purchase buses to support intermodal station connections in Trenton, Bangor, Lewiston/Auburn, Amtrak, Midcoast Corridor. $383,795

- **Project 10222.00, $400,000**
  Bath Rail Station. Historic Station Rehabilitation.

- **Project 10416.00, $500,000**
  Bath Waterfront Intermodal. Serves buses, Park & Ride, Ferry and Bike/Ped.

- **Project 6854.10 $550,000**
  Kennebec River Rail Trail, Phase II, continuation of a 10.47 km (6.50 Mi) shared use path connecting Augusta and Gardiner.

- **Project 10381.00 $1,900,000**
  Bangor River Development, EARMARK. Intermodal Rail Bike/Ped.

- **Project 10333.00 $490,000**
  Statewide Intermodal Facilities Development.

**Freight Rail Program**

The Freight Rail Transportation Program (FRTP) builds upon MDOT's previous programs and initiatives that help to promote a safe, efficient, and manageable freight rail system for the State of Maine. This rail program is consistent with MDOT's Three-Rail Carrier Strategy. Traditionally, MDOT has provided a 50/50 match for rail projects that have both a public and private economic benefit arising from market demands on the three major rail carriers in Maine. MDOT also has included funding (no 50-50 match) for track extension at the Loring Commerce Centre, as well as track and bridge improvements to Lower Road and other state-owned lines. The Industrial Rail Access Program (IRAP) will continue with previously programmed funds.

**B&A line, Loring Commerce Centre, Limestone.**

Project 10312.00, track extension. $3,500,000 [See below.]

**Industrial Rail Access Program, statewide.**

Project 10306.00, $750,000

IRAP/Local Rail Freight Access Revolving Loan account.

**Track and bridge improvements**

Project 10304.00, $1,000,000. Improvements to Lewiston Lower Road and other state-owned railroad lines.

**Marine Program**

The Marine Program, which is consistent with MDOT's Three Port Strategy, continues to develop Maine's coastal infrastructure. Requests are included to cover cost escalation for the construction of the new General Purpose Cargo Pier at Mack Point in Searsport that will allow shipping in this area to diversify and grow amid the changing product markets. Funding is also included for landside and marine improvements to small coastal harbors (SHIP Program).

**Mack Point property acquisition and pier construction.**

**Project 8188.00 $1,000,000**

**AMTRAK**

28 February, Bristol. **HALL CONTINUED HIS ATTACK ON TAXPAYER EXPENDITURES.** Chris Hall, Maine state representative, followed last issue's activity [see 27 February issue] with an op-ed piece, published in the Portland Press Herald 28.Feb.01. For space reasons, I have omitted all but the last part.

Both Maine and New Hampshire want to acquire abandoned or disused railroad corridors from Guilford, which could potentially lead to enhanced freight rail competition in the region - at Guilford's expense. Rather than face the prospect of years of continued negotiation and litigation with Guilford, the state of Maine and our congressional delegation need to explore alternative ways to a comprehensive resolution of the problem.

This could take the form of Amtrak's use of its power to take the Guilford tracks between Massachusetts (where they are already owned by that state's transit authority) and, say, Brunswick.

Alternatively, the threat of such a taking may bring Guilford to agreement on a comprehensive settlement of all outstanding issues with the two states–one which would allow Guilford to continue operating a safe, profitable freight railroad while allowing northern New England a safe, fast passenger rail network.

The alternative to all this? Give us our money back!

**WHO'S RUNNING THIS CIRCUS ANYWAY?**

Brett Rekola, PE [professional engineer], responded to the publication of the Amtrak/NNEPRA/Guilford disagreements with the following. Rekola served the Plaistow NH-Portland ME project first as the project manager from 1993 to 1998 in the design phase, and then as consultant for oversight for Louis Berger in the construction phase. He completed his work in May 2000 and is now overseeing a port buildout in New York.

**Look at the long view**

Let's face it, this isn't rocket science. This arrangement (Amtrak/NNEPRA/Guilford) will be long term, and the parties are able to cooperate with each other. In my experience working with the railroad on this project (five years) they were tough negotiators but always fair and reliable.

The story of getting the Downeaster started is the history of many similar railroad projects since the mid-1850s. Elation upon receipt of federal funds, lengthy negotiations with the parties, project planning, design, and implementation delays, construction challenges, continually shifting schedules, legal battles, etc. History has shown that the investment of public funds in private railroads has generated benefits far in excess of the costs of those...
public investments.

Now about the particular issues:

Cost of work
The cost of the work completed to date by the railroad is in line with industry standards. Other class 1 railroads, transit agencies, and intercity passenger providers have a much higher unit cost for tie, rail, and surfacing programs. In fact the work completed based upon unit cost to date is a bargain for the state. A simple benchmarking of unit costs by NNEPRA or state would show this.

Track modulus testing
The 79 mph track modulus testing requirement ordered by the STB [Surface Transportation Board] is not practical or reasonable. The FRA has track safety standards that must be met to run passenger and freight trains at designated speeds. The FRA standards are field-tested and known by every railroad engineer.

What the STB did was to listen to the parties, then disregard the FRA track safety standards and require a new (non-FRA) and untested track safety standard (track modulus) to determine whether the track can operate at 59 or 79 mph.

To my knowledge (I serve on a number of AREMA committees including high speed rail), no one in the United States utilizes this new STB track modulus standard in determining track speeds. In fact, no equipment exists to test the track (real time) in accordance with the "loose" language of the STB decision. The opinion by the STB was probably written by a qualified lawyer but not reviewed by a railroad engineer who understood the implications of the decision.

This has been a long process. NNEPRA's legal team reviewed all the agreements which included the terms and conditions for the expenditure of public funds in exchange for certain operating rights. If their review and contract language did not provide for 79 mph operation on the rehabilitated track that is not the railroad's problem. The moneys were released, the track rebuilt to exceed FRA standards, and along the way the STB changed the rules. It is too easy politically to point the finger of blame at the railroad.

NNEPRA should go back to the STB to get this onerous requirement removed or stipulated. Without this modification Amtrak will never operate at 79mph on this stretch.

The depot/platform issue
The communities and/or NNEPRA need to agree to reasonable conditions with the railroad. This will require NNEPRA to accept environmental liability in the state of New Hampshire or adjust their agreements and have each New Hampshire community or the state of New Hampshire accept this liability. This issue could be resolved in short order. Interim service could be initiated with temporary platforms if other issues could be resolved.

Layover facility
The location of the layover needs to be fixed. The site (politically) continues to move. In the interim, NNEPRA could have the equipment serviced in Boston or probably on other available railroad property (requiring an agreement - say Rigby Yard). This should not delay the start of service.

Eminent domain seizure of railroad right of way
Railroads own the right of way, and state and federal agencies always want to run on private property but not pay the full cost of those operations. Do you think the Turnpike would reduce fares to not cover the cost of operations? The railroad has to protect their investment and get a reasonable return on moneys invested.

Eminent domain seizure would probably delay the startup for say five years. Many of the remaining issues have been known for over a year.

Who is managing this process?
The time has come for Governor King to appoint an independent panel to review the progress of the project to date and finally give the state taxpayers a realistic status report on the progress to date, cost of the work in place, remaining project issues to be addressed, and a "real" project schedule.

5 March. **GUILFORD RESPONDS.** John R. Nadolny, former general counsel and now a Guilford Transportation Industries senior vice-president, wrote an article published in the Waterville Sentinel 5 March. It provided an excellent overview of the history of delays. For space reasons, I have omitted all but the penultimate paragraph.

Why is it that the trains, to be operated by Amtrak, will have to reduce their speeds to 60 miles per hour or less when they reach the Massachusetts border, where the rail is stronger (132 lb. vs. 115 lb.) and the lines are maintained by Amtrak itself?

7 March, Portland. **GUILFORD AND THE STATE THINK SERVICE COULD START IN JUNE.** David Fink, president of Guilford Transportation Industries, told the Press Herald that if Amtrak and NNEPRA wanted to start at 59 miles per hour, that appeared do-able.

MDOT Commissioner John Melrose said later: "The general opinion now is we'd prefer to run it sooner, at 59 miles per hour, than wait for federal agencies to resolve whether we can go at 79 miles per hour."

At 59, the trip is expected to take roughly 2 hours and 40 minutes. That includes stops at stations in Saco, Old Orchard Beach, Wells, Dover and Exeter, NH, and Haverhill, Massachusetts.

At 79, the trip would be around 12 minutes faster. These time estimates assume that the train can only run at top speed over
straight stretches, must slow at curves and populated areas and stop at stations.

"It makes no sense to me why 12 minutes is life or death to this operation," Fink said. {Tux Turkel in Portland Press Herald 9.Mar.01}

12 March. AMTRAK ASKED THE STB TO RESOLVE THE SPEED QUESTION. The filing did not, however, ask the STB to resolve the other outstanding questions.

Moreover, it noted that Guilford would not complete trackwork until July.

Finally, it did not request relief in the alternative: if the STB realized that its proposed track modulus testing was too onerous, it could switch to a different method of track testing. {text of submission}

More in a future issue or e-bulletin.

BANGOR & AROOSTOOK

2 March. MDOT PLANS TO REHAB THE TRACK FROM CARIBOU TO LIMESTONE, and to construct about one mile of new track to provide rail transport to a new wood-products manufacturing facility at the Loring Development Centre. {MDOT Six-Year Transportation Improvement Plan 2002-2007}

Possible Loring Commerce Centre rail tenants

Maine Readiness Sustainability Maintenance Center. The facility would like to bring in army vehicles by rail for repair [see 18 February 2000 issue]. It has done that by transloading from Caribou.

Hydroblend. This company has used rail for inbound flours, starches, and spices. It is waiting for rail speed to improve [see 18 February 2000 issue].

Lamb Weston. This Kennewick, WA-based company would construct an $80 million french-fry manufacturing plant. The company recently extended its option on a 165-acre parcel by six months to December 2001, due to unfavorable short-term market conditions. {Loring Commerce Center news winter.01}

Irving Forest Products. This Saint John-based company would construct a $100-million+ manufacturing facility on a 415-acre site. The company is watching market conditions before deciding, by the late 2001 deadline, whether to exercise its option on the site. {Loring Commerce Center news winter.01}

More on the Centre’s plan

Brian Hamel, Centre president and CEO, said Irving had a three-phased project: it would begin with an oriented strand board (OSB) plant, and possibly move on to a co-gen power plant and a particle board facility. “They’re doing due diligence right now to decide to build the facilities, and hope to have project permits ready in the June-September time frame. What is holding it up is slumping lumber prices...”

Loring Commerce Center is centrally located to all of Irving’s land in Maine, Hamel explained. “The company can run heavy-haul trucks from Millinocket to Limestone without leaving its own land (except to cross public roads).”

If Irving decided to proceed next year, it would build the OSB plant, costing about $120 million, in nine months. Almost all product would move by rail, about 4,000 carloads a year. If, Hamel said, Irving also built the particle-board plant, that would add another 3,000 carloads a year.

Funding rail construction

MDOT’s BTIP calls for $3.5 million [see above], but the project actually requires about $4 million, said Hamel. Improving the track between Caribou and Limestone would cost $1.5-$2 million, building the mile of track to the Irving site would cost $1 million, and an additional mile of track to the Lamb Weston plant would cost another $1 million.

What about the MDOT requirement for a 50-50 match? Hamel said his authority is going to ask the Legislature for the entire $4 million. “That money will support private investment of over $400 million in private investment” if the Lamb Weston project is added to the Irving project, and will generate 700 jobs.

MDOT suggests getting $1.5 million from a bond issue, and $2 million from the federal government. Hamel doubts that the federal government could provide $2 million. {ANR&P discussion 8.Mar.01}

BREWER-CALAIS

23 February, Cherryfield. HOW TO REVIVE RAIL IN WASHINGTON COUNTY continued as the focus of the Eastern Maine Railroad Development Commission, which held another meeting this day. Skip Rogers, head of the Federal Marine operation in Eastport and the chair of the Commission, noted:

Meeting with Baldacci. The Commission is seeking a meeting with US Representative John Baldacci to discuss a possible federal earmark for funding for the rail line, “to get on the federal radar screen.” Rogers said only he, Sunrise County Economic Development director Diane Tilton, and State Representative Eddie Duguay would attend the meeting. “Baldacci knows what our objectives are, maybe he could help us come up with funds. We could look at other options than transportation, such as rural development, or Indian affairs.”

Possible new traffic. Two of the players in the effort to revive rail are discussing some traffic which would move via NBSR to the eastern United States [more in a future issue]. Rogers related that the Commission urgently wants traffic back on the line, “to get on the federal radar screen.” Rogers said only he, Sunrise County Economic Development director Diane Tilton, and State Representative Eddie Duguay would attend the meeting. “Baldacci knows what our objectives are, maybe he could help us come up with funds. We could look at other options than transportation, such as rural development, or Indian affairs.”

Rob Elder, head of the Office of Freight Transportation for MDOT, said the department wanted rail traffic on the line and would look at the proposal, “once they have a rate from Guilford”
to move the traffic. Without a rate, the players don’t know if the traffic will make a profit.

Repairing washouts. Rogers complained that MDOT had not done the scheduled washout repair in summer 2000; it was held up for environmental permits.

Elder said Everett Barnard, the head of MDOT’s bridge maintenance division, had run into some environmental problems. DEP is working with the division. “We anticipate getting permits, so work can occur this summer.” Both Rogers and Elder noted that the work was not grandfathered. “It’s not like replacing culverts.”

Rendering. To show the Legislature, Commission members want a rendering of bulk moving through the Estes Head pier. Rogers is still working on getting that done.

Eastport cargo. Due to a world-wide pulp glut, he’s looking for places to store pulp, produced at Georgia Pacific in Woodland. Not much is moving out of the port. {ANR&P discussion with Rogers 8.Mar.01; Elder 9.Mar.01}

MASSACHUSETTS RR

GENERAL COURT

12 March. A LIST OF RAILROAD BILLS. introduced in the Massachusetts Senate follows. [If any reader has insight into how to obtain bills in the House, and how to get a status report, I would appreciate the knowledge. Every other legislature in New England at least provides full-text search and status reports. Connecticut even has a My Bills section! Editor]

Senate bill 177, Penalties for train surfers. Senate bill 1215, Safety for MBTA operators. Senate bill 1497, Counselling for train crews involved in accidents. Senate bill 1780, Requiring two-person crews. {Massachusetts Senate website}

EOTC RAIL & DOUBLESTACK

9 March. EOTC REVIVED THE FREIGHT RAIL CAPITAL IMPROVEMENT PROGRAM for the FY01 (1 July 2000-30 June 2001), said Siobhan Norton Perenick, supervisor of rail. Some years ago the agency had the program active, but it then became dormant. The program was resurrected this year because “the secretary knows that this was an important program to keep freight rail active in the Commonwealth.” Key features:

- Funds are offered to a public agency, although EOTC will look at a public-private partnership.
- The public agency will expend the funds for capital improvements to further freight rail, and the effort must provide a public benefit.
- The agency has limited funds this year from the transportation bond bill, and hopes to increase it next year.
- Applicants must show they (the public agency) can furnish a 25% match.

Outreach

In early autumn 2000, EOTC sent out program guidelines to all planning agencies, any town that had rail through it, regional transportation agencies, the Massachusetts Railroad Association, and public transit agencies, said Norton Perenick.

For the next fiscal year, which begins on 1 July, “we’re hoping to get them out earlier,” just as EOTC gets out water transport and intermodal guidelines.

Grants this year

According to Norton Perenick, the agency has granted two contracts and has one in the works. Two other projects are getting their documents and permitting lined up. The three current projects:

Franklin Council of Governments. EOTC granted funds for a feasibility study of creating a railroad hazmat training center, potentially mobile.

Massachusetts Water Resources Authority. EOTC is funding rail improvement to the Fore River staging area. This will help three stakeholders: the rail customers will get better service; the community won’t need to look at unsightly rail cars, and the Quincy Bay Terminal railroad will have space to park its cars other than the once and future Greenbush line to Scituate.

It will also help any future need for rail at the former General Dynamics shipyard in Quincy. {ANR&P discussion}

9 March. EOTC EXPECTS TO GET THE DOUBLESTACK STUDY SHORTLY, said Siobhan Norton Perenick, supervisor of rail for the Executive Office of Transportation and Construction.

On 8 March, Jim Molloy, professor of business at Northeastern University and the leader of the team which did a study of doublestack, said the state had not yet arranged payment. He is declining to release the study until he gets paid [see 17 November issue].

On 9 March, Norton Perenick said the Massachusetts Highway Department, the agency required to actually pay for the report, is “taking care of payment as we speak.” She expected to get the study “in a matter of weeks.” What happens after that depends on the content of the report. {ANR&P discussion}

CSXT

Paige Kane, the railroad’s government liaison, said she had not heard from the state about the doublestack program in quite some time. {ANR&P discussion 13.Mar.01}
GUILFORD RAIL SYSTEM
In October 1999, GRS embargoed this 2.6-mile spur due to track condition, and said that repairing the track was not worth it [see 22 November 1999 issue]. The Westover Metropolitan Development Commission, which operates the former Westover AFB as an industrial park, made efforts to try to revive the track. In November 2000, WMDC seemed to conclude that the line could generate at most 300-400 carloads, while 600-1000 would be needed to keep the line viable [see 3 November 2000 issue].

9 March, Boston. WESTOVER HAS NOT SOUGHT RAIL IMPROVEMENT FUNDS. Siobhan Norton Perenick, supervisor of rail for EOTC, said her agency had brought the parties involved to the table in order to figure out what the issues are. “Everyone aired the differences, we asked them to compromise and work with each other.” Also, EOTC had a different operator willing to run the line.

Moreover, EOTC sent WMDC program guidelines for the Freight Rail Capital Improvement Program [see above] in autumn 2000, “but we never got an application. We would have looked favorably on it.” {ANR&P discussion}

HOUSTONIAN RAILROAD
9 March, Boston. EOTC AND HRRC ARE STILL NEGOTIATING A FIGURE FOR THE COST OF TRACK REHAB, said Norton Perenick [which would permit the Berkshire Scenic to run excursion trains—see 27 February issue].

Very recently EOTC sent HRRC another figure. “We would love to see the [Berkshire Scenic] trains run.” HRRC “has got to compromise and come to the table.” {ANR&P discussion 9.Mar.01}

NH RAILROADS
NH GENERAL COURT
12 March. RAIL BILLS PENDING include:

HB 258 Task force on Manchester-Lawrence and Concord-Lebanon lines. House has passed, in Senate Transportation committee. Twenty-person force includes a representative of the New Hampshire Railroad Revitalization Association, and a representative of TrainRiders/Northeast. ‘The task force shall terminate when regular passenger rail service has been re-established on the Lawrence, Massachusetts to Manchester, New Hampshire and Concord to Lebanon rail lines or when the task force concludes that re-establishment of such service is not feasible. The chairperson of the task force shall certify to the secretary of state that the task force has terminated.’ Passed the House on 8 February, referred to the Senate Transportation Committee on 22 February.

Former Representative Bill Mosher commented: ‘HB 258 has a good chance of passage considering that this route has been designated a high speed line. Representative George Katsakiores and I wanted this in order that we could work together as I would be one of the NHRRA members to be appointed.’

HB 320 Leasing state-owned rail property. This bill restricts eligibility for certain leases of state-owned railroad properties, and increases the cost of such leases from $5 to $10 per running foot per year. Transportation Committee, hearing 6 February.

Mosher predicted this would pass.

HB 352 Limiting passenger liability. Sets the limit at $75 million. A hearing on 7 February at the Judiciary Committee; a subcommittee work session on 7 March.

Mosher rated this a “possible pass” this time, after two previous session did not pass it.

HB 413 NHDOT may dispose of rail properties. NHDOT wants the power to release sections of corridor to towns and other organizations for non-rail uses. Hearing in House Public Works And Highways 14 February.

Mosher rated this a “possible pass.”

HB 545 Trespass penalties. New railroad trespass prevention act. House recommitted to Criminal Justice and Public Safety Committee 8 March. {http://gencourt.state.nh.us/ie/billstatus, e-mail to ANR&P from Mosher 8.Mar.01}

CLAREMONC CONCORD
2 March, Claremont. THE RAILROAD MAY GAIN ANOTHER CUSTOMER, when APC Paper does a transload out of LaValley Building Supply. Paul Mallet, vice-president for operations of the mill, said he will load two cars with kraft paper for delivery to Kentucky. There, the paper will become the wrapper for the National Geographic.

Mallet said the company, named after three mills it bought in Pomona, California, and New York (the latter uses rail).

The building housing the mill was built in 1880 and formerly, according to Jeff Albright of CCRR, had a spur right into it. The current company is celebrating its 10th year.

Other CCRR customers
LaValley Building Supply. This company bought the railroad in 1988 to keep its rail service open. In 1997, LaValley received about 60 cars.

Recycling Services. This scrap metal dealer provides outbound traffic, which in 1997 amounted to 10 cars.

Davis Timberframe. Bob Orth of the company said it receives Douglas fir timbers by rail, perhaps 4-6 carloads a year, transloaded at LaValley.
Atlantic Northeast Rails & Ports – twice-monthly trade newsletter

C&I Construction. In 1997, the railroad brought in a few cars for this company.

Albright noted that one potential shipper, water company Amsource [see 10 September 1999 issue], was dead and out of business. {ANR&P discussion with Albright 2.Mar.01; with Bob 6.Mar.01:Atlantic Northeast Rail and Marine Transport Review 1999}

NEW HAMPSHIRE CENTRAL

2 March. **NHC HAS THINGS “MOVING AND SHAKING” ON THE GROVETON-LITTLETON LINE**, said Bill Boudreau of NHDOT. Meetings have occurred with potential shippers and local governments.

While in the previous North Country meetings, “people were dreaming” about rail, now with “an operator willing to do something” real plans should come to fruition this autumn, said Boudreau. He declined to comment further. {ANR&P discussion}

ST. LAWRENCE AND ATLANTIC

12 March. **THE RAILROAD IS LOOKING AT AN AUTO TRANSFER FACILITY HERE**, said President Robert Grossman. It would serve the giant dealer Berlin City Motors. However, Grossman cautioned that “nothing is imminent.”

North Stratford

The MacIntyre fuel facility on NHC is not yet open, Grossman said [see 13 February issue]. “It’s a matter of weeks at this point.” {ANR&P discussion}

RHODE ISLAND RRs

GENERAL ASSEMBLY

12 March. **STATUS OF BILLS IN THE GENERAL ASSEMBLY**:

**H5079 Freight Rail Improvement Project.** The bill making revised appropriation for FY01 (ending 30 June 2001) had this line on the FRIP: For FY01, the legislature had appropriated $68.5 million. The budget revision recommended removing $43.5 million, leaving the FY01 appropriation at $25 million. Referred to House Finance.

**H5298 Light rail to Quonset Point.** A House resolution would create a special House Commission to study high-speed light rail service between T.F. Green State Airport and Quonset Point Industrial Park area. Sponsored by McNamara, Trillo, Aitken. Referred to House Corporations. A hearing scheduled for 30 January was continued.

**H6094, S0537 Special legislative commission on commuter rail.** To study all aspects of commuter rail service including, but not limited to, (1) the number of Providence to Boston trips, (2) the proposed Pawtucket layover facility, and (3) the impact of high speed rail on the commuter. To report back by 23 February 2002.

Passed by the House 14 February, by Senate in concurrence 1 March. Senate Special Legislation hearing 14 March. {http://dirac.rilin.state.ri.us/BillStatus}

VERMONT RAILROADS

GENERAL ASSEMBLY

12 March. **ONLY TWO BILLS ON RAILROADS** showed up: H.0336 Compensating landowners for land originally taken for a railroad; and H.0343 Trespassing on railroad property. {http://www.leg.state.vt.us}

RAIL CAPITAL PLAN

12 March. **VAOT IS AWAITING A RESPONSE FROM THE LEGISLATURE** about the Rail Capital Investment Policy Plan, said Scott Bascom, project manager for the plan. Members of the Vermont Rail Council and VAOT want the legislature to see it.

“I expect we will present the plan to the legislature in the next three or four weeks,” he said. Assuming no major concerns emerge, the consultant and agency should finish it up by the end of April. {ANR&P discussion}

LAMOILLE VALLEY

27-28 February, Montpelier. **CORRIDOR ADVOCATES MADE PRESENTATIONS** to the House and Senate Transportation Committees.

**Trails.** Representatives of VAST, Rails to Trails Conservancy, and the business community (Dick Mackay) discussed converting the 96-mile line to New England's longest railtrail. The Lamoille corridor is seen by tourism/recreation activists as the key Vermont piece of an almost continuous east-west trail across New England (TrANE), which would eventually consist of the out-of-service St. Johnsbury-Whitefield sections, and the in-use Presidential Railtrail from Waumbeec Junction to Gorham. The former Mountain Division between Portland and Fryeburg would form the Maine portion. {e-mail to ANR&P from Mackay 5.Mar.01}

**Rails.** Peter Snyder and Brad Worthen of Vermont Rail Link testified to the same committees about their rail proposal, and particularly about the need for state funding to rehab the line.”The bottom line is that the state is going to have to participate if they want it to be successful.” {ANR&P discussion with Peter Snyder 5.Mar.01}
23 February. **VAOT RELEASED THE RFP ON THE ENTIRE CORRIDOR.** VAOT is asking for proposals only for the St.Johnsbury to Swanton segment (milepost 0.057 to milepost 95.324). NECR is leasing the Fonda Junction-Swanton segment already.

**Rail proposals.** VAOT warns applicants about the dismal prospects, and adds that any selected operator is expected to enter a long-term contract. The two sides will negotiate the exact form of the contract. Rail operators must accept common-carrier obligations, and must obtain the appropriate STB approvals.

The operator must maintain the track at minimum levels, and ultimately upgrade it to Class 2. Applicant’s proposal must describe its effort to work with, and accommodate, compatible multiple uses.

The applicant must show its ability to reinstate rail service on the line for an initial five-year period without operating subsidy.

VAOT will assume all responsibility for maintaining all non-track elements of bridges and culverts of a clear span of 10 feet or more. But the operator will have the responsibility of restoring missing bridges [even though VAOT took them down! Editor].

**Trail proposals.** Trail applicants must also show their willingness to work with compatible multiple uses. The RFP warns that due to flooding, a significant amount of repair work may have to be done by the applicant.

**Availability of state funding.** No state funds are programmed in the capital budget for funding any types of uses along the corridor. All proposals must demonstrate the existence of an adequate source of funds to meet all restoration, maintenance, capital improvement, and operation needs. The Vermont legislature and the federal government may supply funds, but VAOT cannot guarantee this.

**What’s next**

Any party intending to submit a proposal must attend a pre-selection conference on 13 March at VAOT at 1PM. Proposals must reach VAOT no later than 2PM on 29 March.

The Mountain-Valley consortium of groups in northern Vermont, after reviewing the proposals, will make its recommendation to VAOT, and Secretary Brian Searles is expected to make a final decision sometime in May [see 13 February issue]. The RFP says VAOT will make an effort to inform applicants by 15 May. {text of RFP}

**NEW ENGLAND CENTRAL**

12 March, Bellows Falls. **THE TUNNEL MAY PERMIT A RELATIVELY CHEAP ENLARGING,** according to an examination by Henry Russell of Parsons Brinckerhoff. As a follow-on to its contract for the Rail Capital Investment Policy Plan [see above], PB was asked to look at improving the NECR’s rail tunnel clearance here to full double-stack.

According to Scott Bascom, VAOT’s project manager, Russell proposed cutting into bedrock inside the tunnel, and lowering the bridge at the north end (the most significant part in past thoughts about the tunnel). This and other adjustments would permit the full 20" needed for full doublestack. Russell estimated design work would take a year, and construction a year, if all went well. Per Bascom, Russell had figured out how to do the work while permitting the freight and passenger trains to pass.

VAOT officials will meet with NECR officials on 13 March to discuss the study. If NECR wants to go ahead and wants state funds, Bascom said, it should approach the agency. {ANR&P discussion}

**QUEBEC/MARITIMES RRs**

**CANADIAN NATIONAL**

9 March, Halifax. **COMMUTER RAIL TOOK ANOTHER STEP** when the municipality put forward to CN a proposed route and schedule. Six trains a day would serve eight stations, beginning at the VIA station and reaching Sackville-Beaverbank. Larry Hughes, a professor at Dalhousie University, was asked by Mayor Peter Kelly to put together service, and Hughes publicized the municipality’s proposal at a transportation forum this day.

Municipal planners believe this basic service would cost about $5 million to get up and running. "CN is examining it and seeing if it can be incorporated into their existing freight service," says Hughes. "What we want CN to do is tell us how they're going to charge us for access. We can then make the decision how to proceed from there." {CBC website}

**CAPE BRETON AND CNS**

15 February, Guysborough. **AN UPDATE ON THE BUILD-INS TO GOLDBORO AND MELFORD** was provided by Gordon McDonald, manager of the petroleum office for the Guysborough Regional Development Authority (GRDA) [see 15 December issue with map]. He said most companies interested in investing in the region are looking at Goldboro, where the Sable Island gas came ashore. Companies looking for deep water and marine transportation wanted to locate on the Strait of Canso.

**Goldboro build-in**

“We have still have not finalized the funding partners for the preliminary engineering, outreach, and environmental permitting of new rail into Goldboro. It’s taken much longer than we hoped.” Thompson hoped that he could award that contract in the next two weeks, if the balance of the funding comes through.
Private study already underway
At least one party interested in using the proposed line has already begun route analysis. MacDonald noted that several potential users were looking at the gas from Sable, and the rail corridor. Because some of the users would compete directly with other users, he doubted that any one user would share railroad analysis with another user, or with GCRDA.

To protect the interests of the municipalities along the route, GCRDA wants an independent assessment of the route and the costing.

The municipality of Guysborough has promised $50,000, but GCRDA has not yet confirmed a federal or provincial partner.

Melford build-in
McDonald said Melford is seeing interest in investing in the Melford Industrial Reserve, by companies who want to bring raw product in by ship, and ship value-added product out by rail.

[GRDA is also considering building a rail line into the Melford Industrial Reserve as a separate project—see 15 December 2000 issue. It is holding that effort until the big user of the rail makes a formal announcement, possibly by May 2001.] {ANR&P discussion 8.Mar.01}

SLR QUEBEC
12 March, Richmond. THE RAILROAD IS CONTINUING TO WORK WITH THIS MUNICIPALITY on locating an intermodal facility in an industrial park about one mile from the existing line. Robert Grossman, SLR and Emons president, hoped to attract the significant traffic in the surrounding area, some of which is drayed to Montreal.

The railroad is also talking to Ministere Transport Quebec about its funding program to assist such projects.

As for the next date in the effort, Grossman characterized the effort as “ongoing” and did not have a definite date. {ANR&P discussion}

QUONSET POINT/DAVISVILLE
20 February. QUONSET POINT PARTNERS FILED FOR ARBITRATION recently, to recoup some of the $5 million in invested in trying to become the operator of a container port here. The firm alleges that the state Economic Development Corporation (RIEDC) used a pretext to scuttle the cargo-port proposal in the face of mounting opposition, and that the state is now pursuing another port plan using studies and information gathered by QPP.

The developer also claimed that the stakeholders’ process was supposed to be a sham. ‘Governor Almond viewed the

stakeholder process as an effective means of providing ‘cover’ for his political considerations....The governor expressly represented to QPP that the state would proceed with the proposed development with QPP notwithstanding the ultimate results of the stakeholders process.’ Almond even assured QPP that if he lost a reelection bid in 1998, he would approve QPP’s plan before leaving office in January 1999.

State officials denied the developers’ allegations and filed a counterclaim demanding a $150,000 option-fee payment from QPP, which signed a port-development and lease-option agreement with the state in 1998. In its written reply, the EDC dismissed the developers’ 32-page demand for arbitration as ‘a hybrid of complaint, conjecture, innuendo, editorial and essay.’

Secret dealing?
QPP also stated that the first sign of alleged bad faith came in May 1998 when EDC officials secretly contacted principals of SSA Ventures and proposed that they proceed with the development without QPP. Quonset Point Partners included QPD Intermodal and SSA Ventures Inc., a subsidiary of Stevedoring Services of America, one of the largest private cargo-handling companies. The developers say SSA Ventures rejected the state’s "improper and duplicitous inquiries," which they claim were made at Almond’s direction. {Edward Fitzpatrick in Providence Journal 20.Feb.01}

9 March. UPDATE ON VARIOUS ISSUES FACING THE PORT

MASTER PLAN
In June 2000, RIEDC announced it would update the master plan. Parsons Brinckerhoff completed a draft plan in December 1997.

On 31 July, RIEDC issued the final report of consultant R.K. Johns on the feasibility of the container port.

In November 2000, QDMC and RIEDC engaged Rackemann Strategic Consulting, Inc. (RSC) and Environmental Service Professionals (ESP) to assist them in developing a Vision Statement and Strategic Guiding Principles for the Quonset Davisville Port and Commerce Park. The Vision and Principles will provide a framework for updating the Master Plan and developing a long-term Implementation Plan for the facilities at the Park.

In November, the two boards approved a vision statement. In November and December 2000, Rackemann and ESP developed 45 strategic guiding principles for the port, working with the QDMC and RIEDC boards plus the Town of North Kingston. In 16 November and 5 December, Rackemann held two public hearings on the documents. Principle W6, which called for moving ahead to do a Major Investment Study (MIS) and Environmental Impact Statement (EIS) on the container facility, drew substantial criticism. {Kathleen Yanity in Providence Journal 19.Dec.00}

Nevertheless, QDMC and RIEDC intend to retain the principle, because Governor Almond and others want to study the viability of the container port.

According to Eckert, the master plan will finalize the plan for waterfront and land use. She anticipated another two or three public hearings before the summer realization of the master plan.

The RIEDC board would then vote on whether to accept it.
ENVIRONMENTAL IMPACT STATEMENT ON CONTAINER FACILITY
As Eckert noted, “Governor Lincoln Almond is a strong supporter of a container terminal somewhere at Commerce Park.” The state will perform an EIS to finally determine whether a container terminal is economically and environmentally feasible. Thus, while the master plan process is moving forward, so is the EIS process.

Rhode Island Department of Environmental Management Director Jan Reitsma outlined the steps involved in the EIS process. Such a study will cost in the range of $3 million to $5 million and should take between two and three years, said Robert Stolzman, RIEDC legal counsel.

Ten principles for the container facility
On 9 February 2001, Almond issued 10 principles of how the state is guided in looking at the container facility.

1. A container terminal would generate high-quality jobs, tax revenue and spur economic development.
2. The terminal would be able to take advantage of $300 million in federal and state investments already made or committed to improved rail and highway access.
3. Private and not taxpayer money would have to pay for building and operating the terminal.
4. The state would have an agreement with a private terminal operator before there will be any work on a terminal or harbor channel improvements.
5. State taxpayer money would only be used to match federal dollars for improving roads, rail lines or improvements to the harbor channel.
6. A container terminal would be environmentally sensitive to Narragansett Bay.
7. The governor would support a detailed environmental-impact study of the port terminal.
8. The terminal would be compact and not a mega-terminal.
9. The terminal would be respectful to neighbors, air quality, noise, light and land use.
10. Permits for the terminal must be considered in an open process with public hearings.

A counter-study
On 13 February 2001, the North Kingstown Town Council sponsored a presentation by John Vickerman, of TranSystems Corporation, a consulting firm with experience in port development. The town hired TranSystems to independently review R.K.Johns’ Quonset Point feasibility study.

According to port opponents, Vickerman's presentation, available on the Web at www.northkingstown.org, demonstrated that the economic projections and technological assumptions in the feasibility study range from extremely optimistic to downright unrealistic.

Job growth and other economic impacts
In tandem with the ongoing drafting of the master plan, the Rhode Island Economic Policy Council will conduct another study delving further into potential job growth and other economic impacts of a container port. The study area will include not just Rhode Island cities and towns surrounding North Kingstown. It will extend as far north as the Blackstone Valley and beyond, to Worcester, said Kip Bergstrom, executive director of the policy council.

It will be conducted by the newly established University of Rhode Island Transportation Center and should be finished by June 30, Bergstrom said. That's about the same time that a final master plan will be adopted. {Kathleen Yanity in Providence Journal 10.Feb.01}

Bring back the port authority?
Some, including the state auditor general, argue that the development of Quonset Point/Davisville should be separated from the Economic Development Corporation and put in the hands of a revived Rhode Island Port Authority. {Eric Anderson (RI director of policy and program development 1995-1997) in Providence Journal 3.Feb.01}

FREIGHT ACCESS TO THE PORT
Eckert said the Freight Rail Improvement Project is underway, as is the renovation of Route 403 into a four-lane access road [see map in 22 March 1999 issue], and new access to I-95.

CALENDAR
13 March. Pre-bid conference for Lamoille Valley corridor bidders.
22 March The Nova Scotia Legislature will open. No railroad bills are expected.
28 March. Taskforce on the Eastern Line. Seabrook Community Center at 7pm. Agenda: Community benefits of rail, economic development, jobs, business brainstorming, station facilities, ridership, commuting population, bus services, maglev, public input & letter writing campaign
29 March. Proposals due for Lamoille Valley.
11-13 April Northeast Association of Rail Shippers, Newport RI. Good panels, and always a good time! Contact Bill Donovan at 508-428-1224.

E-MAIL Issued