REGIONAL ISSUES

High-speed rail: Jeffords proposes certification.
Passenger: Amtrak to Montréal or Saint John?
Express: B&A and Amtrak talking.
PW: Role of Class Is in New England.

CONNECTICUT
ConnDOT: Rail grants coming.
CSXT: North Haven customers.

MASSACHUSETTS
Fall River/New Bedford: T wants Stoughton route.
GU: Building a transload facility.
GRS: Legal actions in three courts.
PVRR: Potential propane facility.

NEW HAMPSHIRE
Appeals Board: Overburdened.
Airport branch: CLF case dismissed at NHDOT.
CCRR: Working on Westboro Yard plan.
GRS/NEGS: Possible Ciment Québec customer.

RHODE ISLAND
FRIP: RIDOT going for trilevels now.

VERMONT
Amtrak: ABRB possible this summer. Politics holding it up?
Wells River: Three responses to RFP. More on B&A and GMRC/NECR proposal.

MARITIMES/QUÉBEC
Québec: New industry advocacy group.
Gaspésie: New wood traffic.
CBNS: Possible loss of Cape Breton line.

ATLANTIC NORTHEAST PORTS
Boston: Autos up, containers to drop.
Canso: Superport takes over.

PEOPLE
New section: Major moves by Rail America.

FROM THE PUBLISHER

Spring!
Still snow on the ground, but my son is improving, thanks for the support from the subscribers. My apologies again for the late issue.

Gossip?
Maybe the new People section looks like it. Let me know your reaction to it: good, bad, or indifferent.

-Chop Hardenbergh

REGIONAL ISSUES

HIGH-SPEED RAIL
6 March, DC. JIM JEFFORDS WANTS BOSTON-MANCHESTER-BURLINGTON AS A HIGH-SPEED RAIL CORRIDOR, according to a ‘Dear Colleague’ letter he sent this day to his fellow senators. Jeffords (R, Vermont) would like senators to sign a letter to President Bill Clinton asking him to use the authority under TEA-21 to designate the line linking

Boston, Lowell, Manchester, Concord, White River Junction, Montpelier, and Burlington an HSRC.

Jeffords argued that New England has the highest population density in the United States. Travel in the region has grown 150% recently. Logan Airport ranks at the bottom of comparable airports in delayed flights. ‘Massport, which operates the airport, believes it should promote alternate means of transportation, including greater use of regional airports and...high-speed rail.’

‘We are working to reposition the economies of our downtowns in this new high-tech era, and many of our old industrial cities have been reborn as centers of commerce, technology, and tourism. Rerouting travelers through these cities is an important part of the revitalization of these areas....’

‘A recent study of high speed rail in North Carolina demonstrates the benefits of an HSRC. The state projects over $700 million in new taxes revenue, $10.5 billion in employee wages, 800 permanent jobs to operate the corridor, and over 13,500 new economic spin-off positions as a result of its designation as an HSRC.’ {text of letters}

**CANADA/NEW ENGLAND TRAVEL?**

15 February, Montpelier. **AMTRAK COULD USE B&A TRACKS TO GETTO MONTRÉAL**, Chief Operating Officer Dan Sabin told the Vermont Senate Transportation Committee [see 4 February issue].

Reportedly Amtrak in the past has cited the expense of using CN north of East Alburgh to reach Montréal. The passenger railroad last estimated the cost as $900,000 a year, much of which would pay for the transfer of crew and cars to the Canadian National system.

Many rail supporters and members of the Committee said the **Vermont**er could become viable if it were extended to Montréal. Sabin told the Committee that by using Amtrak to bring express cars to and from the B&A market region, the service could pay for itself. [See below. The **Vermont**er on its current route could not carry freight cars because of the long backup move between Springfield and Palmer.] {Anne Wallace Allen in AP in Manchester Union Leader 16.Feb.00}

6 March, Saint John. **THE DREAM OF PASSENGER RAIL RETURNING TO SAINT JOHN** may come true in two ways. Transport 2000 Atlantic believes that in the face of spiralling fuel costs and a shrinking airline industry, federal Transport Minister David Collenette is getting ready to beef up Canada’s money-starved VIA Rail with $30 million in additional operating capital and $400 million in equipment funding, which he will announce in early April.

When that happens, this Halifax-based watchdog group will renew its campaign to have Ottawa reinstate the VIA Atlantic from Montréal to Saint John, said President John Pearce.

**Amtrak to Saint John**

Maine’s Northern New England Passenger Rail Authority will bring Amtrak back to Portland around January 2001. NNEPRA is already looking at extending these trains an extra 30 miles northeast to Brunswick and from there to Augusta, Waterville, and Bangor. From there, NNEPRA can envision running to Montréal or Saint John. “We'll go wherever the ridership is” said Executive Director Mike Murray. {Marc Trueman in Saint John Telegraph Journal 6.Mar.00}

**B&A/AMTRAK EXPRESS DEAL**

14 March, Northern Maine Junction. **THE RAILROAD HAS CONCRETE PLANS TO BECOME PART OF AMTRAK EXPRESS SERVICE**, Chief Operating Officer Dan Sabin pointed out. “We’ve talked with Amtrak officials for some time about this. We’ve met in Washington with senior management, and the officials are reviewing our plans.”

Amtrak has sent to VAOT a 14 March letter describing the plans with the B&A. It noted that Amtrak and the B&A had developed a prototype freight operation for its surplus EMF F40PH locomotives, and the B&A had leased a number of them.

Second, noted Lee Bullock, vice-president for freight affairs, ‘The vision that Iron Road Railways has shown in developing markets to feed into our network is quite exciting. We believe that this can grow into a substantial volume of traffic [Sabin estimates 20,000 to 25,000 loads] that will allow us to develop several corridors for express from various points along the Bangor and Aroostook System....’

‘We see their plan as another avenue to capture the Montréal passenger market in a logical, economic approach. Perhaps this can be accomplished with diminished needs for passenger train subsidies....We believe the opportunity of opening the White River Junction gateway to the B&A is significant.’ {text of letter from B&A}

**The customers**

The railroad has pitched the service to ten selected customers in B&A territory, including Québec. “They like the idea of getting loads to California in five days, to Denver in three and a half;” said Sabin. “The service will beat truck transit time and truck cost.”

For Northeast Corridor traffic moving through Penn Station, he expects to use new 80-foot Plate B express cars, which can carry the equivalent of two truckloads. Otherwise, the various existing Amtrak MHCs (material handling cars) work just fine.”

Despite the amount of traffic, Sabin did not expect any resistance from the Class Is; “this business is now running all truck.”

**The service, first phase**

At the beginning, the B&A will collect express cars and turn them over at White River Junction to GRS, which could hook them to west-bound Amtrak trains at Springfield, and/or NECR, which could move them to Amtrak trains at Palmer for west-bound loads (though Palmer has some limitations which need addressing), or to Amtrak trains at New London, for south-bound loads.

**The service, second phase**

Later, the B&A could connect directly with an Amtrak service which would use B&A tracks from Montréal to White River Junction. Sabin planned to collect express cars from Montréal,
Magog, Bangor, and Saint John at Farnham, and at Newport or St. Johnsbury tack the cars onto the Amtrak train southbound.

Amtrak would then continue via Palmer and Springfield, as the Vermont does now. It could drop west-bound cars at those two points, and proceed via New London or New Haven to New York and points south. Due to current signaling patterns, a limit of 45 cars would apply to any trains in the Northeast corridor, according to Sabin. If the Amtrak passenger service had four cars (coach, sleeper, baggage, and cafe) the train could take 41 express cars.

[B&A might also connect with Amtrak in Bangor in future years. See above.]

** PROVIDENCE AND WORCESTER **

14 March, Worcester. PRESIDENT ORVILLE HARROLD DISCUSSED THE RAILROAD AND THE FUTURE OF THE INDUSTRY during a talk at Assumption College. Reached the next day, he added to his remarks:

Role of railroads in New England

Railroads can survive in New England despite the loss of the manufacturing base, because of the amount of in-bound finished goods. PW is handling this via its container terminals: traffic has grown from 600 in 1987 to around 60,000 boxes in 1999 [up from 53,800 in 1998, per the Annual Report 1998].

Problems of the Class Is

Calling attention to the Wall Street Journal op-ed piece published this day,* Harrold argued that the railroads are doing a “pretty good job” in preferential freight, namely intermodal, which can move a box from west to east in five days.

But it cannot deliver consistency in conventional carload freight.** “There’s no consistency, and you cannot run a just-in-time production system if you don’t have consistency.” Conrail—PW’s major interchange partner—was doing “fairly well” at running a scheduled railroad, but successor CSXT is “not doing well.”

Harrold laid the problem at the feet of management and the lack of capacity. Ten years ago Conrail took up the second track between Boston and Albany. “Now, if any problem occurs, the traffic just backs up.” But the problem is actually “more tied to the yards than to the tracks....they just can’t get the cars out of the yards.”

** A measure of CSXT performance

Noting that both NS and CSXT claimed they would take trucks off the highways, the PW president emphasized traffic had actually slowed on the railroads, and both are turning away new traffic at this point. “They can’t even handle the traffic now, and they couldn’t handle the truck traffic if they could get it off the highway!”

Harrold described a daily measure taken by his railroad: number of cars in transit more than two weeks; a car should be able to get anywhere in the rail system in two weeks. “Pre-split, that number came to 15 or 20, most of which were stopped for repairs. Post-split, that number grew to 150, and has now shrunk back to about 35,” still well above the normal number. [ANR&P discussion]

* ‘Effectively, railroads have had to sit out the e-commerce revolution -- not just the last 20 minutes but the last 20 years. UPS, the Post Office and Sunkist have to turn to Amtrak (Amtrak!) for just-in-time delivery services. Not being able to supply a service appropriate to a modern economy, the freight roads are relegated to a smaller and smaller chunk of the “captive” economy, like chemical plants and utilities and auto plants. Now even those industries are undergoing globalization and deregulation—and one way or another learning to detach themselves from a rail industry that can’t keep up. Detroit is looking to use the Internet to reduce the overhang of new vehicles in dealer lots by building and delivering cars only when customers order them. There’s another piece of business the railroads can kiss goodbye because their service can’t be counted on.’ {Holman W. Jenkins Jr. in WSJ 15.Mar.00}

** BNSF’s Chuck Schultz, executive vice-president and chief marketing officer, said recently: “All we have to do is focus on the customer. We’ve shown we can do it with time-sensitive customers like United Parcel Service—we’re very attuned to what they need. What we need is a better understanding of what all customers need.” {Pat Foran in Progressive Railroading 3.00]

** CONNECTICUT RRS **

ConnDOT - RAIL GRANTS

21 March. ANOTHER PROMISE OF NEWS. According to Harry Harris, head of the public transportation division, letters will go out to the railroads on 22 March. He will then inform me of the awards on 23 March. [See PW, below.]

CSXT - CONNECTICUT

15 February, North Haven. ONE NORTH HAVEN RAIL CUSTOMER, ONE FORMER CUSTOMER and their need for ‘exempt’ signs:

Leon’s Bakery

According to company officials, they use at least a carload of flour a day. Yet ConnDOT recently asked the company, at 1000 Universal Drive, to mark its grade crossing for the siding ‘exempt.’ Gilbert Smart of the department explained that the siding crosses busy Universal Drive, along which vehicular
traffic—including buses and hazmat carriers required to stop at all active crossings—moves at high speed. “We received complaints that the buses and trucks were nearly hit from behind as they stopped for apparently no reason.”

CSXT delivers about twice a week, according to Smart. The train is always flagged, so putting up the exempt sign means the trucks and buses will no longer need to stop. It does not mean the grade crossing is no longer used.

According to the officials, some years ago Leon’s was sold to Pennant Foods. It uses rail only for incoming flour; truck moves all other inbound and outbound traffic.

Island Transportation, a former customer
Located farther north at 170 Universal Drive, this bulk (mostly liquid, some dry) trucking company (headquartered in West Babylon, Long Island NY) also owns a siding from the CSXT main line which has not been used in several years. It has no crossbucks, only the circular ‘RR Xing’ sign some distance away.

Smart is seeking company permission to take out the crossing; it’s so worn that if ITC wanted rail, it would need to replace the crossing anyway. If that is not forthcoming, then ConnDOT will ask the company to put crossbucks up with an exempt sign. {ANR&P discussions 14, 18, 21.Mar.00}

PW - WETHERSFIELD SECONDARY
20 March. THE RAILROAD HAS TWO EFFORTS TO GET THE FUNDS to complete the connection between Hartford and Middletown, according to Deborah Sedares, PW general counsel. State Senator Ciotto, chair of the transportation committee, has introduced a bill in the state legislature which will appropriate the necessary funds.

Alternatively, ConnDOT has under consideration a ‘special grant’ to PW for the work, in addition to the general grants made this week [see above]. {ANR&P discussion}

MAINE RAILROADS

B&A - MAINE
14 March, Milo. THE NEW DERBY SHOP WILL GIVE THE RAILROAD BETTER LOCOMOTIVE UTILIZATION, according to Chief Operating Officer Dan Sabin. Of the 84-85 locomotives of the railroad, nine are “heavily bad-ordered” meaning they require major repairs. Another 17 to 22 units are not in service at any one time, undergoing routine maintenance, FRA inspection, or quarterly tests.

“Our goal is to get down to a maximum of 15% of our fleet out of service at any one time. This will be possible with upgrades to the fleet and the new Derby Shop, which will reduce locomotive transit days by 300 per month.” {ANR&P discussion 14.Mar.00}

Debts
In February, the Bangor Daily News reported on debts owed by the railroad. Sabin said in March that all are now paid, except one who refused to accept the funds. {Diane Bowley in Bangor Daily News 19.Feb.00}

In late February, National Salvage and Service Corporation of Bloomington, Indiana, filed a civil action stating that in October 1998, B&A Railroad entered into an agreement to purchase about $198,752 worth of rails, plates and bars. The materials, the last of which were supplied in December 1999, were used by B&A in its buildings, equipment and land at its Derby yard in Milo.

National Salvage and Service is asking the court to enforce a lien against the materials by ordering the railroad to sell its Derby repair shop in Milo so the firm can recoup the $151,000 it is owed.

Dick Rushmore, B&A vice president of finance, said 16 March that his company had not yet filed a response to the National Salvage action, but would do so soon. “We view it as a commercial matter.” Railroad officials have been negotiating directly with National Salvage. “I’m sure it will be settled amicably.”

Milo residents voted earlier this month to create a tax increment financing district for the railroad. The plan will allow the railroad to complete a $2.2 million expansion of its Milo repair facility. {Diana Bowley in Bangor Daily News 17.Mar.00}

On 14 March, Sabin said as part of the company’s partial refinancing in the summer of 1999, Maine DOT had agreed to provide $3 million promised in 1994. “We’re still waiting for that money” a major part of which was supposed to come in January. Lawyers were still working out the terms, under which MDOT was funding trackwork in the Greenville area. “We’re pouring every penny we’ve got into construction of the new Derby shops,” said Sabin, which, when done, will save the railroad tens of thousands of dollars. “All vendors are being contacted and will be paid within a reasonable period of time.”

Derby startup
In the first phase, locomotive servicing will begin on 24 March. The second phase, starting in August, will include all locomotive repairs and maintenance. {ANR&P discussion 14.Mar.00}

GRS - MAINE
11 March, Brunswick. GRS IS WORKING ON RATES TO DELIVER POTATOES. Dick Willey, senior vice-president for marketing and sales for Guilford, told the annual meeting of MRG/Downeast Rail, a Maine rail advocacy group. {ANR&P coverage}

Dan Sabin, B&A’s chief operating officer, correcting an earlier account [see 3 March issue] stated the B&A had presented a plan to rail potatoes from Presque Isle to Ayer MA, and had given quotes, using PFE (refrigerated cars). He believed the growers would not switch because it’s a temporary situation.

Ray Kilcollins, who handles marketing for Maine Potato Growers, said he had not received the proposal to move potatoes to Ayer, only to Bangor. However, even railing them to Massachusetts would not help. “We still need to load the potatoes onto trucks to get them to the railhead in Presque Isle [see 3 March issue], and transload them in Ayer. That costs
FOR THE RECORD: MAINE

AMTRAK MAY START 25 JANUARY. Mike Murray, NNEPRA executive director, said the marketing people are using that as a target date.

Rail work got underway 13 March; ballast is moving from New Hampshire’s MB. (ANR&P discussion with Murray and GRS Executive Vice-president David Fink 16&21.Mar.00)

MASSACHUSETTS RRs

MBTA: FALL RIVER/NEW BEDFORD

15 March, Boston. THIS REPORT...CONCLUDES THAT THE ATTLEBORO ROUTE DOES NOT MEET...MINIMUM STANDARDS, and is not a viable alternative for service to Southeastern Massachusetts,” wrote Kevin J. Sullivan, secretary of transportation, in a letter to State Senator Mark Montigny. Senator Montigny said that as a result of the MBTA’s conclusion, reconstruction of track south of Cotley Junction in Taunton could begin as soon as the legislature approves this year’s state transportation bond.

Despite the MBTA’s conclusion that the Attleboro connection is not practical from an operational standpoint, it will include the route in its next study of the environmental impacts of a commuter rail service to SouthCoast. That study is scheduled to be completed by 15 July.

Joe Pesaturo, an MBTA spokesperson, said the Secretary Durand of the Executive Office of the Environment wants to compare the two impacts, and his agency will do that. However, the MBTA believes its research will eliminate the Attleboro alternative, Pesaturo said. “We set out with two objectives in mind here. One was to prove to the secretary that Attleboro is not a viable alternative, neither from an operations standpoint nor from an environmental standpoint.” The MBTA thinks Stoughton would provide more environmental benefits because it would attract more train riders and get more cars off the road, he said.

Even in a best-case scenario, the Boston-New Bedford commuter rail connection would not be expected to be completed until 2004. (Jack Spillane plus Ottaway News Service writer David Olson in The Standard Times (New Bedford) 16.Mar.00)

CONTENT OF REPORT’S EXECUTIVE SUMMARY

Posture
The report noted that five studies exist:
- 1990 Feasibility Study
- 1995 Expanded Environmental Notification Form (ENF) - identified Attleborough as preferred alternative.
- 1997 Feasibility Study
- 1999 Draft Environmental Impact Report (DEIR) - said Stoughton route operationally preferable and would have less wetland loss.

The 1999 DEIR certificate required MBTA to do a Supplemental DEIR looking at Stoughton route. Because of wetland loss and species loss, the MBTA must demonstrate that no practicable alternative exists. The T will re-examine all five alternatives (Attleborough, Stoughton, Middleboro, Enhanced bus, and No-build).

Attleboro alternative update
Train operation simulation was done counting the T’s 137 trains a day, Amtrak 18 (more when Acela service begins), and CSXT local and through freights. The number of available time slots at South Station will shrink by the target start date of 2005, due to added service to Worcester, Providence, T.F.Greek Airport, and the Greenbush line towns.

The T would like to do 28 trips daily between Fall River/New Bedford and South Station. Because of the congestion, only three of those could come into South Station at peak hours (7-9AM), and only two could depart between 4 and 6PM. This falls short of the T’s service parameters, which call for three trains in the peak hours to each of Fall River and New Bedford, with 90-minute travel times.

Plus, with so many trains, the system is exposed to instability with only a slight delay in any one train. For these two reasons, the T concluded that the Attleboro service is not a practicable alternative from an operational standpoint. (text of executive summary)

[Note: How will the T get the trains to Stoughton? Answer: trains already run to Stoughton (three arriving at peak AM, three departing at peak PM). These would then be extended to Fall River and New Bedford. This would mean no extra trains on the Northeast Corridor, and no extra slots at South Station. Attleboro trains could work with a change there, but that would take a significantly longer commute.]

GRAFTON & UPTON

15 March, North Grafton. THE RAILROAD IS BUILDING A TRANSLOAD FACILITY HERE, at the north end of the yard next to the switch to CSXT. Florence Sairs, who manages the GU for owner Lucey, said customers, whom she declined to name, were waiting for the completion of the dock, which she expected in a month or two.

Unbeknownst to the railroad, the town had rezoned its North Grafton yard as residential. “After we got that straightened out,” GU got a building permit.

Other customers
Washington Mills remains the principal customer. Upton Fuels and Construction, in West Upton, did have a salt delivery in spring 1999, but nothing since then. (ANR&P discussion)
Gras - Auto Facility in Ayer
15 March, Ayer. LEGAL PROCEEDINGS IN THREE DIFFERENT FORA ARE FILED on the construction of what GRS calls 'Guilford Rail System Auto Unloading Facility II' [see 5 March]. Each calls into question the Ayer Planning Board's decision of 19 August 1999, which placed 36 conditions on the construction of the facility.

Massachusetts Land Court
Apparently Guilford filed its appeal to the Zoning Board of Appeals (ZBA) late, and the ZBA refused to consider it. So GRS, the Selectmen of the Town of Ayer, and the Planning Board all on 6 March appealed the ZBA refusal to the Massachusetts Land Court, which has jurisdiction to hear appeals from town ZBAs.

The Land Court, which has assigned #262-654 to it, won’t make a decision “for many months,” according to an official with the Court, if the case is contested. “It’s up to one of the parties to move the case forward for a hearing or summary judgement.”

{ANR&P discussion}

US District Court
Guilford has filed with the federal court, arguing that federal law pre-empts local control over railroad property, as other railroads have successfully argued [see 10 September 1999 issue]. GRS Executive Vice-president David Fink said on 19 March: “We worked for 20 months to put together an environmentally sound package for our 120-acre parcel. The Planning Board did approve the project, but with 36 conditions, some of which were onerous and illegal.”

{ANR&P discussion}

Massachusetts Superior Court for Essex County
[No information available on this by press date.]

Pioneer Valley
14 March, Westfield. GAS SUPPLY RESOURCES WANTS TO BUILD A TRANSLOAD FACILITY with a 120,000-gallon propane storage facility here just north of Summit Lock Road (formerly Buck Pond Road) and west of the Easthampton Branch.

Gas Supply sought a permit in February. The City Council held a public hearing this day. Gas Supply presented the project, the railroad supported it, and citizens raised some question. Jon Lasko, general manager of the PVRR, said Gas Supply answered the questions adequately.

Summit Lock Road also has a potential customer, C+S Cold Storage kitty-corner from the Gas Supply site. C+S had planned a rail siding when its warehouse was constructed, but declined to install it.

More on Gas Supply
Gas Supply has a facilities on the SLR in Auburn ME, in Albany NY, and in York PA. It is seeking a third New England facility in Sharon VT. The company had proposed a distribution facility in the Conrail West Springfield yard some years ago, but encountered local opposition and decided to look elsewhere.

End of track on the Easthampton branch
Closer to the Westfield yard on the Easthampton branch, PVRR serves a cluster of businesses off Egleston Road, including: a Servistar Warehouse, Barker Steel, Agway, Ampad, and Jen-Coat. The last has a manufacturing facility near the Westfield yard; two years ago it opened a warehouse off Egleston.

Gas Supply would become the northernmost customer. Usable track ends in Westfield at a recently installed derail just south of North Road crossing, about 4 miles from the Westfield yard. Beyond that the track lies dormant through Southampton.

The town of Easthampton purchased 5 miles from Eastampton/Southampton town line into Easthampton for a bike trail and that was torn up in 1999. PVRR ceased running to Easthampton when WR Grace moved in 1992. Springfield Union News 2,Mar.00; ANR&P discussion with Jon Lasko of PVRR 19,Mar.00)

NH Railroads

Railroad Appeals Board
14 March, Portsmouth. THE BOARD HAS THREE CASES BEFORE IT, said its chair, Frank Quinn of the Portsmouth law firm Boynton and Waldron, and one just decided:

CSRX: Bartlett crossing. This was heard more than a year ago, and concerns access to private property.

SLR: Berlin overpass. Quinn said he would try to clear up the issues, but unless the parties can settle it, “there’s so much money involved I’m sure it will go to the [New Hampshire] Supreme Court. We’re looking at years before this is completed.”

NEGS: Tilton grade crossing. In autumn 1999, NHDOT hearings officer Paul Sanderson found that the Town of Tilton must pay the entire cost, about $22,000, of a grade crossing improvement project. However, the railroad must provide for the laying of a conduit to carry future cables under the street (Noyes Road). {DOT No.99-09R} Paul Sanderson, NHDOT hearing examiner, said the Board upheld his original finding on 16 March.

NHN: Milton grade crossing. This will be heard by the board on 23 March.

How long for decisions
Faced with “a stack of paper three feet high” on his desk, Quinn described the backlog problem. “Normally we have no docket to speak of, but we now have these four cases, and I’m the only attorney on the board so I’m expected to read all of this.” The board has no legal assistance, and all members serve without pay, collecting only a per diem of $45 to go to hearings.

“I’m doing the best I can,” said Quinn, but he has obligations to his firm so he works on the cases in his spare time. “People have to hear” the difficulty the board finds itself
Kit Morgan, NHDOT rail administrator, noted that, under direction from the legislature to cut the budget, the Railroad Appeals Board has had its budget cut back in recent years. [ANR&P discussions 14, 15, 21.Mar.00]

Of course, the Board may also hear the airport case [see below].

**NHDOT - MANCHESTER AIRPORT**

18 January, Manchester. _THE NHDO THEARINGSEXAMINER DISMISSED THE PETITION ON THE AIRPORT BRANCH._

While a hearing was scheduled on the matter, Paul Sanderson, the examiner, acted on a written motion to dismiss filed by the City of Manchester and opposed by petitioner Conservation Law Foundation (CLF); NHDOT indicated it agreed with the city’s analysis, and GRS took no position

According to Sanderson, two requests for relief remained before the agency:

**A. RSA 228:60-a L** Has the respondent City of Manchester violated RSA 228:60-a L, and if so, must the respondent restore the railroad property in question to a condition rendering it fit for potential rail use, without a greater than minimal expense?

Noting that the STB had published the GRS abandonment of the line without objection, Sanderson stated that ‘any obligation to continue the status of this location as a rail property arose under and was controlled by state law. Petitioner alleges that the City of Manchester has a duty to preserve the location as a rail line pursuant to RSA 228:60-a L.’

However, the Conservation Law Foundation failed to allege that the property was used by a railroad since 1969—a requirement of the statute. Nor did CLF plead that the railroad actually owned the property, another requirement of the statute.

Even assuming those facts to be true, Sanderson continued, ‘A close reading of the statutory sections invoked by the petitioner does not show a clear delegation by the legislature to the Commissioner of this Department of any power to order any property owner to either cease removal of railroad track or to cease actions which might serve to sever a railroad line.

‘On the contrary, the Commissioner is only empowered to “negotiate” (See RSA 228:60-a VI), or “enter into agreements” (See RSA 228:60-c I) with property owners, or ultimately to condemn the property pursuant to RSA 228:60-a II. These powers are not mandatory, but are expressly made discretionary by the terms of the statute. Although the Commissioner could have acted pursuant to these provisions, his determination not to do so was a lawful exercise of his discretion, and consistent with the language of the statute. The Petitioner has failed, as a matter of law, to show that the Department is empowered by statute to provide the relief which is sought.’

**B. RSA 228:55 I** Does the railroad property located on land of the City of Manchester require reconstruction pursuant to RSA 228:55 I?

Here, Sanderson found that in order for relief to be provided pursuant to this statute, the department must have jurisdiction over an entity as a common carrier. Petitioner has made clear in its pleadings that the Respondent is the City of Manchester, and that the City of Manchester is not a common carrier. As a matter of law, no claim has been stated for which relief may be granted pursuant to RSA 228:55 I. [text of decision]

**Next step**

According to CLF attorney Nancy Girard, it is deciding its next move. An appeal of the decision to the Railroad Appeals Board must be filed 30 days following Sanderson’s decision. [ANR&P discussion ?? March]

**GRS/NEGS - CEMENT CUSTOMER**

9 March, Manchester. _CIMENT QUÉBEC IS PROPOSING FOUR CEMENT SILOS_ in the downtown here, adjacent to an existing railroad spur at the end of South Elm???, in the virtually-gone Manchester rail yard. This day the Planning Board conducted a public hearing on the proposal, and accepted it. The Board will now consider the proposal and make a decision, according to Terry Harlacher, a city planner.

**The proposal**

On 3 March, Mayor Robert Baines and city officials met with representatives from Ciment Québec Inc. and GRS to discuss the project. The four 98-foot cement-storage towers in the rail yard south of downtown would store dry cement arriving via rail. Trucks will dray the cement throughout the area. Last month, Lazos told the Zoning Board that 10 to 15 trucks would leave the facility each day. All would turn onto Elm Street.

The Zoning Board approved a variance that allows development of the one-acre lot without the required road frontage. In official minutes, no mention was made of the height of the towers.

**Some drawbacks**

Baines said concerns include increased truck traffic on Elm Street, residue from the facility, and its compatibility with future uses of the rail-yard area. Others are worried about alteration of the Manchester skyline, and the effect on the views from Riverwalk, a trail planned to run alongside the east side of the Merrimack River. According to Planning Director Robert MacKenzie, the rail yard and Singer Family Park would separate the Riverwalk from the towers. According to a rail observer, a 600-car garage will sit near Riverwalk, in part of the former rail yard.

Baines acknowledged that the silos would alter the skyline. But the Manchester Gas Company for years had tall structures near the spot, he said "They may have even approached the height of this," Baines said. On the ground, the structures would tower above the Singer Family Park, said Kevin Provancher of the Riverfront Park Foundation, which founded and operates the park.

The biggest concern of the park, which has a soccer field, is
This $20 million project will carry the road aka Post Road, in Providence, the FRIP will undercut the road over three tracks. It is deteriorated enough that Rhode Island will be able to run trilevels. The additional $34 million will pay for doublestack, and include one mile of dedicated track. But even without that dedicated track, PW will be able to run trilevels.

**Trackwork**
The agreement with Amtrak for track work on track 7 (Providence to the Boston Switch) was signed December 1998 [see 8 January 1999 issue]. RIDOT has found that much of the track can be used for a significant period of time, so it is re-writing the work to be done on track seven.

As for the other major trackwork, on track 3 from Warwick to the Providence line, “We are in the process of signing an agreement with Amtrak for that,” said Farhoumand [signing was once expected spring 1999 - see 7 April and 30 April 1999 issues].

**12 project packages**
RIDOT has prepared 12 packages for upcoming work: Amtrak will do four, eight will go out to bid soon, the bridges:

- Cranston Viaduct, Cranston Street. This $20 million project will replace the heavy bridge carrying Route 10 over the NEC and under Cranston Street.
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**How to pay for the work**
The US Congress appropriated $55 million; Rhode Island voters approved $50 million in bonds; the Rhode Island legislature approved $2.5 million [see 18 June 1998 issue: Quonset Point]. In addition, RIDOT has moved up some bridge replacement work already in the pipeline, which will be treated as a highway project and get FHWA support.

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**CLAREMONT CONCORD**
17 March, West Lebanon. *THE RAILROAD IS COMPLETING ITS PLAN FOR THE USE OF THE WESTBORO YARD.* “We’ll have a meeting real soon about that,” said Jeff Albright.

**Bid on Wells River**
The company decided not to bid [see Vermont].

**Gravel train**
The shakeup at NECR has delayed a meeting to discuss how to start moving sand this summer. [ANR&P discussion]

**The naming of the Westboro Yard**
Myths have arisen about the origin of the name. While I have not gotten to the ‘truth’, one says that the Boston and Maine renamed many of its stations following a collision caused by confusion between two names. Hence West Lebanon became Westboro to distinguish it from Lebanon. {various e-mails on NERAIL listserv}

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**RHODE ISLAND RR s**

**RIDOT - FRIP**
19 March, Providence. *RIDOT IS CLEARING THE FRIP FOR TRI-LEVEL AUTO CARRIERS* due to financial constraints, said Kazem Farhoumand, head of the project’s bridge design [see 12 November 1999 issue]. [Note: FRIP, or freight rail improvement project, will create 17 miles of dedicated third track between Davisville and the Boston Switch, enabling PW to run doublestack freight along that part of the Northeast Corridor, needing to use only five miles of the already-congested two tracks. Full doublestack clearance was initially planned.]

Farhoumand emphasized that where financially possible, the FRIP—costing $148 million, above the assumed $122 million—will provide full doublestack clearance. [See box.] Where not possible, the FRIP will provide trilevel clearance and not do anything which would prevent full doublestack in the future.

For example, the Hunts River Road bridge will be raised some in the process of replacing it. Amtrak will also undercut the track. But if Amtrak undercut enough to permit full doublestack, the FRIP would run into major drainage problems entailing many additional dollars to fix.

Farhoumand calculated that to provide full doublestack would cost an additional $34 million - money the state does not now have. “If we had the money, we would do full doublestack now.”

RIDOT is also changing the plan for the southern end, by deferring construction on the two miles of planned dedicated track, and cutting it back to only one mile. The additional $34 million will pay for doublestack, and include one mile of dedicated track. But even without that dedicated track, PW will be able to run trilevels.

**DRRAINAGE, Provencher said. The rail yard is 20 feet higher than the soccer field; if the project takes water runoff into account, his organization will be satisfied, he said. {Mark Hayward in Manchester Union Leader 4.Mar.00; NERAIL listserv 7.Mar.00}**

GRS Executive Vice-president David Fink said the company had offered to put a sign on the silos or to paint them any color the city wanted. {ANR&P discussion 20.Mar.00}

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Bennington Banner

The governor’s been committed to the Albany-Bennington-Rutland be weighed against other rail projects in the state. “The agency kicked out Sue Compton [see People], the only person asking hard questions. She was moving too fast, and “disconnect between the leadership and the bureaucrats.”

What’s the problem at VAOT?

Environmental groups, such as the Conservation Law Foundation, have also been lobbying hard for upgrading the state’s rail system. Senior Attorney Mark Sinclair said now that the deal is signed, Governor Howard Dean’s administration must see the project through to reality. “We want to get past the politics and get this thing moving by this summer,” said Sinclair. “We’re asking (the Dean administration) to step up to the plate and follow through on the promises they made to the Rail Council and Bennington-Manchester communities three years ago.”

According to the 28 September 1998 issue of the Bennington Banner, Governor Howard Dean expressed his support for this project with a caveat. “[W]e’ve got to get an agreement with Guilford on all this; nothing can happen until that….Stannard has to get the track rights agreement signed. That’s been part of the original deal since day one.” [Mike Eckel of AP in Valley News 12.Mar.00; ANR&P discussion]

Why will trilevel clearance suffice?

ANR&P analysis: RIDOT does not need to provide full doublestack for the entire FRIP. PW has no need for it right now, as the two proposed intermodal facilities in Rhode Island, at either Quonset Point or South Quay, appear years away. Furthermore, due to Massachusetts’ financial inability to provide full doublestack within its border, PW will have only 19’6” clearance leading into Rhode Island [more in a later issue].

Completion date

Farhoumand said the bridge packages will seek a summer 2002 completion date [RIDOT had earlier predicted completion by the beginning of 2002 - see 30 April 1999 issue]. He expected Amtrak to finish its work by the same time, so that tri-levels could begin running then.[ANR&P discussion 19.Mar.00; FRIP Final Environmental Impact Statement, map section]

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VERMONT RAILROADS

AMTRAK - ABRB SERVICE

10 March, North Bennington. SUPPORTERS ANNOUNCED THE SIGNING OF A GRS-VAOT CONTRACT, which governs the terms under which Amtrak may use GRS track from Mechanicville to Hoosick Junction NY.

What’s next

State Transportation Secretary Brian Searles called the deal a big step, but did not confirm the project will come to pass. Now that a right of way is secured, he said, the project's capital costs must be weighed against other rail projects in the state. “The governor's been committed to the Albany-Bennington-Rutland-Burlington [ABRB] project since its inception;’ Searles told the Bennington Banner. "But everything you do when you invest the public's money must go through a cost-benefit analysis. We really do prefer, if we can afford it, to have the train run on the Vermont side.”

Deputy Transportation Secretary Micque Glitman noted that the second Amtrak report on the service, detailing the capital improvement costs for the route between Schenectady and Bennington, is expected by August. If the Bennington project is not deemed profitable, repairs to the rail route will not receive funding priority from the state. If the cost report shows the service is feasible, Amtrak will need to negotiate an operating agreement with Guilford before the Ethan Allen actually starts along the new route.

Bob Stannard, a lobbyist with the Manchester-based group Railhead Limited., said: “[N]ow it’s up to the state to show some leadership on the project.”

Stannard, whose group represents local businesses in Manchester and Bennington, dismissed concerns of a revenue shortfall and predicted the new route would be a gold mine. "You only need 100 people a day on that train, out of a pool of 20 million (from New York City) to make it pay,” said Stannard.

Environmental groups, such as the Conservation Law Foundation, have also been lobbying hard for upgrading the state's rail system. Senior Attorney Mark Sinclair said now that the deal is signed, Governor Howard Dean's administration must see the project through to reality. "We want to get past the politics and get this thing moving by this summer," said Sinclair.

"We're asking (the Dean administration) to step up to the plate and follow through on the promises they made to the Rail Council and Bennington-Manchester communities three years ago."

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Travel times

Proponents argued that time to Rutland could be cut by one-half hour. The Ethan Allen currently takes five hours flat to five hours ten minutes, including stops. {Amtrak timetable}

Amtrak’s study assumed a train could leave Penn Station at 6:15 AM, reach Albany at 840 AM, and Mechanicville via Schenectady by 943 It would get to Rutland by 1122AM, for a total of 5 hours seven minutes. {text of study}

The timetables in 1953 show cars from New York to Rutland took at least six hours running via Troy and Manchester. {NERAIL listserv e-mail 17.Mar.00}

WHAT'S THE PROBLEM AT VAOT?

The Legislature appropriates funds. The people support rail. The governor supports rail. Yet rail projects seem to take forever.

What’s happening? Mark Sinclair, senior CLF attorney, sees a “disconnect between the leadership and the bureaucrats.”

“The agency kicked out Sue Compton [see People], the only person asking hard questions. She was moving too fast, and posed a threat because she was not playing politics.
Wells River opportunity had come along later, “we would need to pay attention to what we are doing there.” If the proposal: “We’re already doing one start up [West Lebanon].” Jeff Albright of the railroad described why CCRR had not put in a proposal: “We’re already doing one start up [West Lebanon].” Claremont Concord representatives to the selection committee. Terrill Albee in this meeting, it decided to seek an appointment of one of its members. Charles Carter, the executive director, noted to the NVDA board that “a short line between B&A and the other regional railroads is a highway guy. He doesn’t believe in rail.”

Another view Dick Pembroke, the representative from Manchester who strongly backs the ABRB service, noted that Amtrak and VAOT still had not agreed on renewal of the service contract, which should have happened last autumn. The ABRB service could become part of the new agreement, but he is “concerned that if we add that to the mix” getting the overall agreement will become that much harder. ANR&P discussions 14&21.Mar.00

Wells River Branch

15 March, Montpelier. Three Proposals Arrived by The Due Date, 15 March: GMRC and NECR, B&M, and NVR. Claremont Concord decided not to bid [see below]. Edna Martineau of VAOT’s contracting office said on 16 March that the financial parts of the proposals were sent to the state audit office. After that audit review, and assuming the proposals are complete, she will assemble the selection team, composed of herself; Mique Giltman, VAOT deputy secretary; David Scott, chief of project development; Barry Driscoll, chief of policy and planning; Sam Lewis, interim director of the rail section; and Robert Merchant, formerly of VAOT and now a consultant with Macon (sp?). Martineau said she had not heard about the selection of an NVDA member [see below]. Each member will receive the technical proposals and review them alone before the committee meets. ANR&P discussion 16.Mar.00

Another member of the selection committee? The Northern Vermont Development Association expressed concern that the selection committee is composed only of agency officials. Charles Carter, the executive director, noted to the NVDA board on 24 February that the state had given GMRC the interim operation, and GMRC had spent $500,000 improving the line. “It doesn’t seem likely the state is not going to give the Green Mountain Railroad something for its investment. [The bidding process] is a little less than above board.”

The NVDA board had already decided to support the NVR bid, emphasizing the key role the railroad played in the region. At this meeting, it decided to seek an appointment of one of its representatives to the selection committee. [Terrill Albee in The Caledonian Record 25.Feb.00]

Claremont Concord

Jeff Albright of the railroad described why CCRR had not put in a proposal: “We’re already doing one start up [West Lebanon]. We need to pay attention to what we are doing there.” If the Wells River opportunity had come along later, “we would certainly have put in a bid.” ANR&P discussion 17.Mar.00

GMRC/NECR Proposal

David Wulfson, president of the Vermont Rail System, and Jerry Hebda, VRS vice-president and president of the Green Mountain Railroad, said on 16 March that GMRC had submitted its proposal with NECR as co-applicant.

Let’s run traffic now! “We are doing business on the line right now,” said Wulfson, receiving traffic. “We have VTR customers who would like to use the gateway, and we know of customers on the NVR [north of Wells River] who would like to receive from the south.”

But the B&A continues to refuse to interchange. “Sabin won’t even let his pricing department talk to us,” said Wulfson. Sabin’s position, that he did not want to start up traffic only to have it run into problems, didn’t wash. “He’s presuming it’s not cost-effective right now. But we’re open for business. Whatever moved right now would only foster the ability to grow more traffic.”

What about Sabin’s concern that the track will not permit good speeds? “We’ll get it up to Class 2 in the spring,” said Hebda.

Should GMRC or NVR gets the award? Hebda said as far as traffic from the north was concerned, the B&A would have no problems dealing with GMRC. “If the business grows, the B&A can run a through train to White River Junction, and even beyond. We’ll do better than any other railroad because we’re the best-operated railroad in Vermont.”

Plus, “the NECR wants us to operate the line,” and NECR holds the cards because it controls traffic. “The B&A can have all the benefits in the gateway for its customers in its market region, without the additional liability of another 42 miles of road.”

What of the B&A’s plans to run express for Amtrak? “We will put up no roadblock to what they want to do,” said Wulfson. “We are offering an open door and a handshake, but it’s not a two-way street now.”

B&A Proposal

Dan Sabin, B&A’s chief operating officer, underlined his belief that “a short line between B&A and the other regional railroads at White River Junction is just a toll bridge to add cost and reduce service levels.”

“B&A needs to get to White River Junction to reach GRS and CCRR, as well as NECR. We have the opportunity to provide petroleum traffic to CCRR, from Saint John [Irving refinery] and from Searsport.”

Furthermore, the chance to add the Amtrak express traffic will immensely increase the overhead traffic on the branch.

As for GMRC claims that NVR customers are ready now to use the Wells River branch, Sabin said: “Our customers are saying they will not change shipping patterns until a permanent operation is in place.”

Intermodal business

“Our intermodal traffic is about half where I want it to be,” said Sabin. He expected it to pick up this spring, when Kent Lines will...
provide additional business with its larger ship. He has also seen other strong market interest which should add to the traffic.

Finally, when the B&A accesses the White River Junction, the B&A can add some Montréal traffic for Palmer and Springfield. "I don’t need doublestack," Sabin declared [double stack cannot get south because of the railroad tunnel in Bellows Falls]. Spine cars work more flexibly, as they can take trailers as well. {ANR&P discussions 17.Mar.00}
operations manager, and Sandra Williams as his assistant. Contact: 902-747-2078.

PEOPLE & POSITIONS

At the request of one subscriber, I am beginning this section. We would welcome any moves, promotions, and other changes which you can supply to ANR&P.

Region: NECR/CSO
As part of the RailAmerica reorganization of RailTex, nine regions were created in North America. The ‘Atlantic region’ covers the Atlantic Northeast, and Charles Moore, former director of the Western division, on 8 March became manager of the division, handling NECR and CSO as well as CBNS.

Moore began his career more than thirty years ago at the Norfolk and Western, gaining an extensive background in safety, rail operations, and customer service. More recently, beginning in 1998, he served as RailAmerica’s general manager of the Cascade and Columbia River Railroad in Omak, Washington.

Mike Brigham, former GM for NECR and CSO, was offered a different position in the company, but decided to pursue other interests; he called his departure a “mutual deal.” Jack Dodd, former marketing guy, left the company when his position was eliminated. Kevin Galizio, who had become marketer for southern New England for a few days, left to join Providence and Worcester in train service.

Minding the store at this point for operations is the assistant general manager, Mike Olmsted. RailAmerica has created a new position, Business Development, and has brought in Martin Agnelly to fill it for both CSO and NECR. [ANR&P discussion with Bill Hallene, director of PW labor relations 14.Mar.00; with Louise Corbier of NECR and Mike Brigham 13.Mar.00]

Agnelly got his BS from Nicholls State University, and an MBA from Northeast Louisiana State. He worked in the marketing and operating departments of UP and BNSF, then as the rail logistics manager for the Pacific Harbor Line, and most recently (beginning in December 1998) as marketing manager for RailAmerican’s former Southwest Region. [Moore and Agnelly bios from RailAmerican newsletter]

New Brunswick
Back in June of 1999, Peter Fullarton was hired to handle Nancy Belding’s old position as transportation policy advisor in charge of rail and marine freight for the New Brunswick Department of Transportation. Belding had earlier become program manager (aka assistant director) for transportation policy. [ANR&P discussion with Fullarton 2.Mar.00]

Dale Thibodeau, who was wearing the hat of general manager of NBSR as well as general manager of Irving’s Sunbury Transport, has given up the railroad post. Peter Touesnard [see below], became the new GM of NBSR on 1 March. [ANR&P discussion with Sandra Moore of CBNS 14.Mar.00]

Nova Scotia
As part of the Rail America reorganization of RailTex, Charles Moore has become regional manager for CBNS as well as NECR and CSO [see above]. Peter McCarron, the former president of RailTex Canada (which no longer exists) and general manager of CBNS and two other RailTex Canadian roads, has left the company. Peter Touesnard, former director of marketing and business development for RailTex Canada, had already left on 1 March to become general manager of NBSR. [ANR&P discussion with Sandra Moore of CBNS 14.Mar.00]

Vermont
Sue Compton, head of the rail program in the Vermont Agency of Transportation, and Dan Grabovac, a planner, were reassigned to duties in the maintenance division. Sam Lewis, head of transit, is holding down the program manager job for rail in the interim. VAOT is advertising for a new program manager; normal bureaucratic procedures mean that the position will remain unfilled for another 2.5 months.

The rail program is also missing the services of rail projects manager Richard Bowen, out on medical leave until May. [ANR&P discussion with David Scott, head of the project development division, 2.Mar.00]

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ANR&P appears twice a month. Subscriptions cost $295 for professionals, $95 per year for students, young and old. Introductory prices available.

E-MAIL ISSUE