
**Regional Issues**

**MMA:** Update on startup plans.

**PW:** Freight cars up 13%, intermodal off.

**High-speed rail:** Boston-Montreal corridor first-phase study done.

**East-west transportation:** Feds may fund study of the corridor from New Brunswick to northern New York.

**Connecticut**

**HRRC:** Rand-Whitney customer in Newtown.

**Maine**

**BAR:** STB permits BAR to proceed against CN.

**SLR:** Will get customs in Auburn.

**SRP:** Atlas Rail may bid on operation.

**Massachusetts**

**CSXT:** Saxonville USA opens in Norwood.

**GRS:** Retains freight rights on Mystic Wharf branch.

**HRRC:** First Coltsville customer in November.

**Boston:** Fees increased.

**New Hampshire**

**State railroad tax:** Committee decides not to recommend legislation on tourist railroads.

**Commuter Nashua:** Truckers use constitution to hold up funding.

**Commuter I-93:** Environmentalists want more for rail.

**NEGS:** Reed Minerals returns and Perini starts up. Traffic up generally.

**TSRD:** NHDOT to buy; negotiating on transfer of operating rights.

**Rhode Island**

**QPD:** Voters reject bond for improvements.*

**Highway salt:** Morton apparent winner of all districts.*

**Vermont**

**GRS:** Cannot look at competitors' data.

**Maritimes Québéc**

**CBNS:** U&RB okays abandonment in Cape Breton.*

**EMERAs** and government offer aid.

**SCR:** Emera negotiating with Logistec to sell.*

**Halifax:** Quick decision in favor of Ceres. Possible depth problems.* Stevedores seek expanded jurisdiction.*

**Rail Shippers/Receivers**

A cross-reference to companies mentioned here.

**People, Positions, Events**

John Melrose, Bill Mosher.

**From the Publisher**

New section

As an aid to readers, and to provide publicity to the forthcoming Directory of New England Rail Shippers & Receivers: Southern New England (why do I love long titles?), I have added a table of all customers who have a substantive reference in this issue. Let me know whether the table aids you!

- Chop Hardenbergh

Next issue: 27 November
REGIONAL ISSUES

MONTREAL, MAINE & ATLANTIC
1 November, Chicago. MMA SENT A UPDATE ON STARTUP to customers and others. Written by Vice-president Marketing Bill Schauer, it echoed Ed Burkhardt [see 28 October issue] in noting that the railroad had purchase contracts for the entire locomotive replacement fleet, and most freight car leases are done as well. {letter from MMA}

[No adverse news on the 1 December startup date–editor.]

PROVIDENCE & WORCESTER
12 November, Worcester. THE THIRD-QUARTER RESULTS SHOWED IMPROVEMENT, especially since the second quarter results had to take the charge from the loss of the Amtrak arbitration [see 30 August issue]. The railroad said it is still contesting the arbitrator’s finding.

**Freight cars**
From 3rd quarter 2001 to 3rd quarter 2002, PW had a 13.2% increase in carloadings (up from 8,672 to 9,821), offset by a 10.7% decrease in revenue per car. ‘The decrease in the average revenue received per conventional carload has been significantly impacted by an estimated $110,000 of additional Amtrak mileage charges which were recorded during the quarter as a result of the arbitration decision rendered in June 2002. In addition the mix of traffic handled during the quarter has shifted somewhat toward lower rated commodities such as construction and demolition debris and construction aggregates.’

**Intermodal**
‘The decrease in container freight revenues is primarily due to a decrease in traffic volume. Total intermodal containers handled during the quarter decreased by 1,474, or 7.9% to 17,146 containers in 2002 from 18,620 containers in 2001, principally due to the loss of a customer in the third quarter of 2001.’ [K-Line moved to Ayer. See 25 September 2001 issue.] {10-Q filed with SEC from Free Edgar website}

REGIONAL HIGH-SPEED RAIL
11 November. THE BOSTON-MONTREAL HIGH-SPEED RAIL RECEIVED PUBLICITY during public meetings in New Hampshire, Lowell, and Montpelier as part of a three-year, $400,000 feasibility study. “In general, people are very supportive of it,” said Ron O’Blenis of Parsons Brinckerhoff, which is handling the study. “Obviously, the question that comes (next) is how much is it going to cost and who’s going to pay for it? At this point, we don’t have sufficient information to answer those questions.”

The 325-mile Boston-to-Montreal corridor—about the same distance as Boston-to-Philadelphia—would need to be upgraded to handle trains that will average about 90 mph. That would mean trip times in the four-hour range. O’Blenis said early ridership surveys indicate the train would slightly outperform the Downeaster, the Amtrak-run Boston-to-Portland service that has exceeding expectations since debuting earlier this year. {Doug Hanchett in 11.Nov.02}

O’Blenis said his team examined many things “in a cursory manner.” They weighed the potential for interminable border delays, station capacities in Boston and Montreal, conflicts with freight trains, possible competition from Amtrak passenger service through New York to Montreal and upstate Vermont. They looked at environmental issues and the need to upgrade 360 grade crossings, strengthen the bridges, install new track in the abandoned 50-mile, state-owned corridor from Boscawen to Lebanon, and improve existing track to accommodate speeds up to 110.

The study found about 700,000 people per year would ride it upon startup (projected at 2025), with 221,000 riding the whole way.
Phase 2
After it listens to the public, O’Blenis expects the consulting team will recommend a Phase Two detailed study of what it would cost to construct, operate and maintain a high-speed passenger rail service on the New Hampshire-Vermont corridor, and the revenue such a service might generate. He plans to deliver the team’s report to the three states and the Federal Railroad Administration by December. “If there is sentiment to support Phase Two, the states will need to evaluate” whether to pay the $400,000 or more it would cost to continue the study.

The first phase cost $400,000; the federal government paid half, and the three states split the balance. {Roger Talbot in New Hampshire Sunday News 10 Nov. 02; AP in Foster’s Daily Democrat 13 Nov. 02}

New Hampshire reaction
Kit Morgan, NHDOT rail administrator, said his state was encouraged by the findings and looked favorably on going to the next phase. The state would use state planning and research funds (part of the highway fund) to make the 50% match to federal funds. Aware that some did not approve of use of highway funds for rail [see New Hampshire], he noted that no one had yet opposed the use of highway funds for planning. {ANR&P discussion 18 Nov. 02}

EAST-WEST TRANSPORTATION
15 November, Bangor. FHA HAS AGREED TO STUDY AN EAST-WEST CORRIDOR from New Brunswick to northern New York. Sandy Blitz, executive director of the Maine-based East-West Highway Association, said the FHA would look at not just highways, but other forms of transportation as well. Three states had supported the study in legislative resolutions; “all refer to an intermodal economic transportation study.”

Funding for the study still must come from the US transportation appropriations bill, due in a lame duck session before the end of the year. {ANR&P discussion; AP in Manchester Union-Leader 24 Oct. 02}

CONNECTICUT

HOUSATONIC RAILROAD
4 November, Newtown CT. THE RAND-WHITNEY LINERBOARD PLANT WOULD LIKE TO USE MORE RAIL than its current one to two carloads a week, said Niles Vogel, the plant manager. Unfortunately, most of his raw material suppliers use truck; those in Canada have no rail service.

“We prefer to receive by rail” in part because truck service requires immediate unloading, while the railcar can remain on-site. “Housatonic is a good railroad, and is good to us,” concluded Vogel.

His plant production is trucked to other Rand-Whitney corrugated container plants [see 28 October issue: Massachusetts]. {ANR&P discussion}

MAINE

BANGOR & AROOSTOOK
23 October, DC. THE STB SET UP A DECISION ON THE CN TRACKAGE RIGHTS ISSUE by stating:

(1) It granted the waivers and exemptions in the Waterloo Railway companion case as it had in the CN case [see 30 September issue].

(2) It denied BAR’s effort to avoid the filing of a case on the Waterloo Railway’s operating easement separate from the CN
(3) It consolidated the two cases. ‘Because the adverse discontinuance and the adverse abandonment are legally separable outcomes involving different railroads, however, a consolidated application will be captioned with both docket numbers. CN is correct in observing that BAR's consolidated application must independently justify the relief sought in each docket.’

BAR must still file the two cases. {STB Docket No. AB-124 (Sub-No. 2) released 23.Oct.02}

**ST.LAWRENCE & ATLANTIC**

1 November, Auburn. **US CUSTOMS PROMISED TO CLEAR CONTAINERS** here instead of in Portland, ending a years-long effort [see 26 July issue].

According to Genesee & Wyoming, SLR parent, the Auburn terminal handles about 13,000 domestic containers and 1400 international boxes on an annual basis.

US Senator Olympia Snowe said SLR officials have identified potential customers that could result in 35,000 international containers coming through the facility each year. The absence of an onsite inspector raises a hurdle to this growth. {AP in Maine Sunday Telegram 3.Nov.02; GWI press release}

**SAFE HANDLING RAIL**

15 November, Eighty Four PA. **ATLAS RAIL’S NAME WAS MENTIONED AS A POSSIBLE BIDDER** for the Rockland Branch and Lower Road when MDOT puts the operation out to bid. Bill Stout of Atlas said his company is a “silent partner” in a couple of railroad operations outside of Maine, which he declined to name.

Asked how Atlas was getting along with Safe Handling, Stout said as in any railroad/customer relationship, “we have had spirited conversations about business.”

Tourist operation?
Stout praised the Rockland Branch as a means of getting tourist traffic off Route One, and a beautiful ride. MDOT as of May was not placing a high priority on finding a tourist operator [see 17 May issue]. {ANR&P discussion}

RFP in preparation
Ron Roy, MDOT director of passenger transportation, said the department is looking at final drafts for the RFP for the operator which may go out before Christmas. It includes a passenger component. “We’d like the operator to be in a position to support public events on the line, such as festivals, and to begin scheduled service when the Amtrak connector is completed to Brunswick.” {ANR&P discussion 19 November 2002}

**MASSACHUSETTS**

**CSXT**

13 November, Norwood. **SAXONVILLE USA HAS CONSOLIDATED TWO DISTRIBUTION FACILITIES HERE:** the South Sudbury facility and the Hampton NH facility [see 15 June 2001 issue]. Scott Jenks, vice-president of transportation for Saxonville’s parent North Pacific Group, said the Sudbury facility required relocation because of the loss of rail service [see 24 October 2001 issue]. The lengthy search for a new location turned up 60,000SF of space here, but the Sudbury activity required only 40,000SF. The company realized it could add the Hampton activity as well, and use the entire space.

Jenks underscored the benefit of the new location. It has five-day a week service, with switching available twice a day (“a significant efficiency for us”), compared with twice-weekly service at Sudbury and similar frequency at Hampton. This helps not only Saxonville, but also the railroad by increasing the velocity of its equipment.
The consolidation took place about one month ago; both the Sudbury and the Hampton facilities are now vacant. Saxonville will continue to serve its customers north of Boston, using Norwood for those in the southern part, and Auburn Maine for those in the northern part. SLR serves the Auburn facility.

The pullout from Hampton leaves only Foss Manufacturing on the Hampton line, noted Jenks, and may jeopardize its rail service [Foss lies at the end of the otherwise vacant 10-mile branch—editor].

Saxonville facilities

Today, the company operates New England distribution facilities in Norwood, Auburn (six years old), Springfield MA, Charlestown NH (all on rail), and Charlestown Reload. While its distribution facility in Charlestown is served by GRS (“good service in the last six months,” said Jenks), Charlestown Reload is served by NECR. The reload has two operations: a Northeast Structural Wood Products facility (a joint venture with Cushman Lumber), and Cushman Lumber.

It also operates industrial division facilities in Springfield MA, Providence RI (both Allied Plywood rail-served), and Kearns Specialty Wholesale in Manchester NH. (not rail-served, particle-board) {company website}

Exit from Shepaug Reload

Within the last year, Jenks noted, Saxonville “pulled out of Shepaug” the HRRC-served lumber reload in Newtown CT [see 9 August issue] and consolidated the lumber reload into the Allied Plywood facility on CSXT in Springfield. {ANR&P discussion 14 November 2002}

GUILFORD

13 November, Boston. MASSPORT WOULD PURCHASE THE MYSTIC WHARF BRANCH THIS DAY, according to a GRS filing at the STB on 8 November announcing that the Boston and Maine Corporation would sell to Massport. GRS withdrew its abandonment, approved in 2001 [see 16 January issue] but per GRS not consummated. {STB Docket AB-32 (Sub-no.92)}

The deal

Massport filed a notice of exemption on 4 November; it will purchase 221,496SF, from MP 0,0 to MP1.5. B&M will retain an exclusive permanent easement to provide rail service on the line. Springfield Terminal Railway, the operating arm of GRS, will retain the operating right on the easement. {Finance Docket 34276}

HOUSATONIC RAILROAD

12 November, Pittsfield MA. FILKINS TRANSPORTATION WILL VERY SOON RECEIVE ITS FIRST CAR [see 30 September issue], possibly the 15th, according to owner Joel Cooper. The delay from the planned early October startup was due to the shipper. {ANR&P discussion}

BOSTON

1 December. AN INCREASE IN USAGE CHARGE WENT INTO EFFECT this day:

- Container under twenty-six feet - From $18.00 to $24.00 per container.
- Containers over twenty-six feet - From $25.00 to $31.00 per container.
- Non Container Cargo: From $3.15 per ton to $3.65 per ton. Minimum Charge: $6.55 per bill of lading. {Massport notice to port users}

No increase in wharfage or dockage

The term Dockage refers to the charge assessed against a vessel for berthing at the facility or for mooring to a vessel so berthed.

‘The term Wharfage refers to a charge assessed against the vessel on all cargo and containers, full or empty, passing or conveyed over, onto or between vessels (to or from barge, lighter or water) when berthed at the wharf. Wharfage is solely the charge for use of the wharf and does not include charges for any other service.’ (Both unchanged since 1998) {Massport website}
NEW HAMPSHIRE

NASHUA COMMUTER RAIL
30 October, Concord. **THE EXECUTIVE COUNCIL VOTED 3-2 AGAINST A CONSULTING CONTRACT FOR THE NASHUA COMMUTER RAIL PROJECT.** While Councilors Raymond Burton and Dave Wheeler voted to approve, Councilors Ruth Griffin, Peter Spaulding and Ray Wieczorek voted against a NHDOT request to amend the consulting contract to add an environmental study on the East Spit Brook Road property where the $6 million, 17,000-square-foot Nashua rail station would be located. Without the study, the project cannot receive building permits.

Parsons Brinckerhoff Quade & Douglas of Boston has a contract approved in February for $1,118,456 to perform preliminary engineering services for the extension of commuter rail service from Lowell, MA to Nashua. The additional work would cost an additional $76,400.

Constitutional bar
Both Griffin and Spaulding said they turned down the request because they couldn’t justify spending highway funds on a rail project. Wieczorek could not be reached for comment. “I question the DOT for using specific highway funds for a rail project,” Griffin said. “I am waiting for the DOT to explain; I want to know what the rationale is.” The New Hampshire Motor Transport Association (NHMTA) has argued that the state constitution prohibits spending highway funds on other projects [see 13 September issue].

According to Murray, the issue first surfaced at the Executive Council level three weeks ago at a meeting of the Governor’s Advisory Commission on Intermodal Transportation. The commission is made up of the Executive Council and the state transportation commissioner. Spaulding questioned the use of the gas tax at that meeting, and revived his concerns at the Executive Council meeting last week.

DOT Commissioner Carole Murray said the department’s rationale is that the rail project is considered mitigation for the large highway projects currently in development, such as the Interstate 93 widening and the Circumferential Highway. If the NHMTA sues and wins, she said, the DOT would have to go back to the Legislature and request more funding.

Nashua Mayor Bernie Streeter pointed out Park and Rides in Nashua and Portsmouth as examples of consumer gas tax money that has been used for congestion-mitigation projects. “I think the gas tax issue is really just a ruse. There is an election and the motor transport people are promoting trucks over rail . . . I think it is short-sighted of the council members to be taken in by lobbying groups, and I would hope that they would reconsider,” Streeter said.

Impact of the vote
According to Murray, the vote leaves the project in limbo. It has been ongoing for several years and gaining speed recently. Asked if the decision threw a monkey wrench into the project, she said, “A big one. If we can’t proceed with the environmental study, it throws the whole project into jeopardy.”

The commuter rail is scheduled to start running in 2005. More than $30 million in federal funding has been set aside for the project, but federal transportation programs that would pay for the project are designed with a 20 percent match coming from the state. The Department of Transportation was planning to use the gas tax funds for the match.

In addition to the study being stopped, other effects could involve having to pay back federal money, delaying the purchase of equipment to run on the line, and delaying bringing commuter rail to Merrimack and Manchester. {Stephanie Hooper and Joshua Trudell in Nashua Telegraph 31.Oct.02; Executive Council website}

As of 18 November, the department had not yet received a go-ahead to resubmit the contract to the governor and council. {ANR&P discussion with Kit Morgan 18.Nov.02}

I-93 COMMUTER RAIL
12 November, Salem. **HEARINGS OPENED ON THE WIDENING OF I-93.** [See 14 June issue.] The Conservation Law Foundation and the Society for Protection of New Hampshire Forests stressed the damage the widening will do, first
because of its auto-centric focus, and second because it will induce sprawl. CLF in September called for the re-opening of the Manchester-Lawrence rail line to mitigate the effects of more traffic and sprawl. [CLF argued, and lost, that the Manchester airport should not have been permitted to cut the line to build a new runway–see 17 May issue.] CLF also is seeking ‘meaningful public participation’ in the process. {CLF website; Tom Fahey in Manchester Union-Leader 27.Sept.02}

EPA proposes anti-sprawl measures
Apart from improved mass transit, the EPA has asked NHDOT to increase, from 650 acres to 3,000 acres, the mitigation of doubling the highway lanes. In a letter from Robert Varney, EPA regional administrator and former NH commissioner of environmental services, the agency said: “EPA continues to support the widening of I-93 in concert with adequate mitigation for the significant impacts it would cause, and as part of a broader strategy—including firm commitments to future rail service—for ensuring that solutions to the traffic congestion in this corridor are sustainable over the long term.”

NHDOT thoughts on rail
Jeff Brillhart, NHDOT project manager, said the department has planned for possible future light rail down the median of I-93. He anticipated funding for a New Hampshire-Massachusetts study of the long-term potential for passenger rail and bus service. {New Hampshire Sunday News 22.Sept.02} Brillhart repeated the sentiment of former commissioner Leon Kenison: this will be last time I-93 gets bigger. The future will produce more resistance to widening from land-owners, and more potential rail commuters. But people living near the Manchester-Lawrence rail line will probably not relish the idea of its restart. {Tom Fahey in Manchester Union-Leader 27.Sept.02}

STATE RAILROAD TAXES
November. NO LEGISLATIVE PROPOSAL EMERGED from the legislative study committee [see 11 October issue] to address whether tourist railroads should pay local property taxes. {ANR&P discussion with Kit Morgan of NHDOT} At least one committee member was “uncertain why we are studying this subject.” [Perhaps the fact that the House Speaker wanted to? Editor?]

The Conway Scenic payments
CSRX pays to the state 10% of annual gross ticket sales as a user fee (for the part of their runs which go over state-owned trackage, that is, Intervale to Crawford Notch). For 2001, 15% or $13,543 [making the CSRX ticket sales for the one Notch train and the three Bartlett trains $902,866–editor] was paid back by the state to the five towns through which CSRX operates: Conway, Bartlett, Hale’s Location, Carroll, and Whitefield. The total is apportioned by the length of track in each town. {Loren Billings in Conway Daily Sun 14.Oct.02}.

NEW ENGLAND SOUTHERN
18 November, Bow. SERVICE FOR REED MINERALS RESUMED THIS WEEK, said NEGS President Peter Dearness. Reed treats the fly ash from the Bow power plant and ships some of it to Canada for use in roofing shingles About 18 months ago the receiver of the fly ash had stopped using Reed Minerals’ product because of quality problems, created by the kind of coal burned by New Hampshire Public Service and the burn itself.
Those problems are now resolved and Dearness looks forward to the return of the traffic, which amounted to about 120 carloads a year when it stopped.

Perini traffic started
Steel company Perini Corporation has begun to use its siding [see 17 May issue], getting its first car in and steel shipped out.

Traffic
With these two and other customers doing well, “traffic has been outstanding the past ten to twelve weeks,” Dearness said. {ANR&P discussion 18.Nov.02}
TWIN STATE RAILROAD

13 November, Concord. **THE GOVERNOR AND COUNCIL APPROVED THE PURCHASE** from the Boston and Maine Corporation of a portion of a railroad corridor in Whitefield and Dalton, NH and Lunenburg, VT at a price not to exceed $391,000. The agenda also added: ‘(2) Further authorize to pay the Twin State Railroad Company a sum not to exceed $100,000 to transfer the freight operating rights on the Mountain Division railroad corridor in Whitefield and Lunenburg, VT and pay the necessary filing fees to the US Surface Transportation Board to effect this transaction.’ {Council website}

**Explanation**

Kit Morgan, NHDOT rail administrator, said the parties were still working out how to transfer the operating agreement, now held by Clyde Forbes’ Twin State Railroad (T TSRD), to the New Hampshire Central Railroad, which holds freight rights from Whitefield east, north, and south.

TTSRD has a long-term lease from the B&M on the part of the Mountain Division NHDOT is buying, as well as the section from Lunenbg to St.Johnsbury. {ANR&P discussion 18.Nov.02}

RHODE ISLAND

RHODE ISLAND HIGHWAY SALT

11 October. **MORTON APPARENTLY WON ALL RHODE ISLAND DISTRICTS**, as it did for 2001-2002. International Salt, Eastern Salt, Eastern Minerals, and Cargill also bid. The state for 2002-2003 was looking for about 70,000 tons of either rock salt or solar salt; it guaranteed the purchase of 35,000 tons, but estimates total purchase at 70,000 tons.

The winning bidder must also provide salt to those municipalities who chose to buy from it. The vendor must deliver the salt to the state highway depots. Bids went out 23 September, and were opened on 11 October at 10AM. {bid solicitation and bids on RI department of purchasing website}

The state is dawdling in making the actual bid awards.

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Morton will import the salt from Inagua, Bahamas and Mexico, as before [see 01#12B issue]. {e-mail to ANR&P from Morton spokesperson Joe Wojtonik 11.Nov.02}

QUONSET POINT/DAVISVILLE

5 November. **RHODE ISLAND VOTERS REJECTED AN IMPROVEMENT BOND**, 54% to 46%. It would have provided $11 million for road and utility improvements, replacing 17 miles of the 23 miles in the park's internal rail system inherited from the Navy, land clearing, building demolition, and repair to the crumbling south bulkhead at the Davisville pier in a bid to draw more businesses and jobs to the park.
Backers will look to governor-elect Don Carcieri for direction. Much of the work tied up in the bond issue is badly needed if the state-run industrial park in North Kingston is to move forward and be an economic engine for the state. “Until those are in place, we’re not effectively going to be able to bring Quonset to the next level of development,” said Keith Stokes, treasurer of the Rhode Island Economic Development Corporation's board of directors. “I think we need to sit down with governor-elect Carcieri and make sure he understands what the development priorities are at Quonset/Davisville.”

A mistake?
Three other bond issues on the ballot all passed. One of those approved called for $63.5 million for transportation projects, including a new Route 403 to Quonset Point. Stokes and State Sen. J. Michael Lenihan, D-East Greenwich, both said they believe voters rejected the bond issue because they confused it with Governor Almond's controversial plan to build a cargo container port at the old Navy base. [See Sheehan argument against container port in 26 July issue.]

Lenihan, a member of the Quonset/Davisville Management Corporation who opposes the container port but supported Question 4, said he received many calls before the election from people who thought the ballot question was about the container port. He tried to correct the confusion, but it was more than he could deal with in a series of telephone calls. Lenihan said the fact that Carcieri has consistently opposed the container port idea will help dispel the confusion if the ballot question is brought before voters in the future. {David McPherson in Providence Journal 5.Nov.02}

VERMONT

GUILFORD RAIL SYSTEM
4 November, Montpelier. **THE STATE SUPREME COURT TURNED DOWN GUILFORD** in its effort to peek at competing bids to operate on the former Guilford line from Wells River to White River Junction [see 13 February 2001 issue].

The Superior Court concluded that much of the data ‘is generally private corporate information that gives its possessor a commercial advantage over others, thus making the financial information exempt from disclosure under §§ 317(c)(9). We agree with the superior court.’

Interesting notes
At a hearing in 2000, STR's attorney admitted that STR sought disclosure of the financial information submitted to VTrans because it desired the "business and other information" of its competitors and that they were "being nosey."

‘STR's admission that it sought the financial information for the purpose of gaining a commercial advantage over the intervenors emphasizes the economic value of this internal financial data. While motive is irrelevant to the right of access under the Public Records Act, Finberg, 159 Vt. at 437, 623 A.2d at 983 (1992), STR's motive for seeking the information is instructive in determining that the financial information to which it sought access is the kind entitled to protection pursuant to the statutory exception....

‘STR contends that it failed to submit its own sensitive financial information to VTrans because its reading of the Public Records Act gave them "little comfort that its internal, financial information would remain confidential once submitted" to VTrans.’ [Gotta respect that chutzpah! Editor]{text from court}

QUEBEC/MARITIMES

CAPE BRETON & CENTRAL NS
5 November, Halifax. **THE UTILITIES AND REVIEW BOARD FINALLY ISSUED A DECISION ON THE ABANDONMENT OF THE CAPE BRETON LINE.** The Board found that despite the pleading from many parties to save the line, it had only authority to decide when, not whether, the railroad could abandon the line. It set the date as 5 April to
‘discontinue service on the rail line east of St. Peter’s Junction, Richmond County, being the Sydney subdivision of the CBNS railway.’ It set 3 May 2003 to ‘abandon the railway line east of St. Peter’s Junction, Richmond County, being the Sydney subdivision of the CBNS railway.’ While this date falls considerably beyond six months from the date the railroad filed its request [12 April 2002–see 3 May issue], the Board set forth its reasoning to allow the maximum six months from the date of its decision:

The Board considers that the notice period for the abandonment of the subject railway line should be approximately six months. The actual “abandonment date” determined by the Board is set out below. In selecting these dates, the Board has weighed, among other things, the fact that shippers and receivers will need time to arrange for an alternative means of transportation and that they may have to undertake infrastructure investments as discussed by Mr. Sawler and Mr. Burke. The Board is also mindful of the point made by Mr. Sawler that the Applicant’s customers have been understandably reluctant to commit funds to these investments until knowing for certain when rail service will come to an end. The Board considers that a reasonable time must be provided for potential purchasers of the line to investigate the rail line and negotiate a sale with CBNS. Finally, the Board is also mindful that the overall line between Truro and Sydney continues to be profitable, and that knowledge tempers any concern that the Applicant is being unduly delayed in its goal of terminating operations over the Sydney subdivision and ultimately removing its tracks and other assets. The Board considers that the finality of an abandonment and the probable removal of the rail infrastructure following the abandonment date requires it to select the maximum period permitted by the Act.

Reduction in service

‘The Board is satisfied that with co-operation on the part of CBNS and the shippers, a reduction in service to one train a week should not unduly inconvenience the present users and will provide worthwhile cost savings to the Applicant. The Board will authorize the reduced service frequency to commence approximately one month from the date of this decision. The date is set out in the Directions which follow [2 December 2002]. This approval is conditional on CBNS abiding by the undertaking given by [CBNS General Manager Peter] Touesnard that it will put on an additional train if required to service its existing customers.’

Possible transload

To aid rail customers on Cape Breton, the decision stated: ‘While the Board does not propose to make it a part of the Discontinuance Plan, the Applicant is directed to forthwith make every reasonable effort to determine whether it is economically feasible for CBNS or its agents to construct and operate a rail-truck freight transshipment facility at Port Hawkesbury or elsewhere as discussed at the hearing by Mr. Touesnard. If such a facility is determined to be economically feasible, the Applicant is directed to make every reasonable effort to have it in place and operating by the Discontinuance Date set out in the Directions.’

Touesnard told the Board that CBNS has lands available in the Port Hawkesbury area which it could make available for this purpose and it would be willing to construct such a facility if there is sufficient demand and it proves to be economically feasible. Both CBNS and CN could benefit in that they would not lose the freight completely and the shippers and receivers would benefit if their overall transportation costs were to be lower by combining rail service with trucking. He undertook to explore this possibility with the Applicant’s customers in the Sydney area. He mentioned that CN had indicated that they would provide “cargo flow experts to assist us in those efforts”. He indicated that a trans-shipment facility could quite possibly be in place within four months of the date of the decision.

NSP decision relevant?

On 29 October the Cape Breton Regional Municipality asked the Board to re-open the case based on findings of the Board in the Nova Scotia Power rate case. ‘The Board does not agree. Whatever issues were addressed in that decision do not relate to these applications. CBRM’s application is denied.’

RAIL INFO FROM THE CBNS HEARING

Often at public proceedings officials provide details about their business which do not easily come to light. Such as the case here:
Peter Touesnard, CBNS general manager

Total track from Truro to Sydney covers approximately 245 miles, including spurs. The abandonment commences immediately east of Point Tupper at St. Peter’s Junction, Richmond County, mile 17.02, Sydney subdivision, and terminates approximately 98 miles east of that point at Sydney.

CBNS employs approximately 70 employees overall; if some employees transfer, “four job losses east of Port Hawkesbury” would occur.

Ninety-four percent of the Applicant’s total business on the Truro-Sydney line comes from the following shippers:

1. Sproule Lumber Limited, Colchester County
2. Michelin North America (Canada) Limited, Pictou County
3. Kimberly Clarke, Pictou County
4. Nova Scotia Power Inc. - Trenton Generating Station,
5. TrentonWorks Limited, Pictou County
6. Sable Offshore Energy Inc. - Point Tupper, Inverness Cty
7. Canadian Gypsum, Point Tupper, Inverness County
8. Stora Enso, Point Tupper, Inverness County

Only one of these shippers, Nova Scotia Power Inc., has shipped freight over the Cape Breton segment in the past year.

Touesnard on traffic

In 2001 the Applicant transported slightly more than 30,000 carloads over its entire system between Truro and Sydney. It projects this number will decline to about 26,000 carloads for 2002.

In 1996, the Applicant carried about 13,000 carloads on the Sydney subdivision, consisting principally of 10,000 carloads of coal from the Sydney area to Nova Scotia Power generating stations at Point Tupper and Trenton, 2,300 carloads of freight for Sydney Steel and several hundred carloads of CN inter-modal traffic bound for Newfoundland. The 13,000 carloads made up 48% of the of total traffic handled by the Applicant over its entire line in 1996.

In 1998 CN discontinued its inter-modal service to Newfoundland through North Sydney and CBNS lost this business. The Phalen mine closed in 1997 resulting in a significant reduction in coal traffic. With the closure of the Prince mine in late 2001, the transportation of coal by CBNS ceased completely. CBNS moved about 6,000 carloads of coal over the Sydney subdivision in 1997. This volume declined to 4,000 carloads in 1998 and 2,000 carloads in 2001. In 2002 CBNS transported 286 carloads of stockpiled coal with the last coal shipment being in May, 2002. Nova Scotia Power’s generating stations are now obtaining their coal from offshore sources. Coal destined for Point Tupper and Trenton is off-loaded at Aulds Cove, Antigonish County. The Applicant does not foresee the transportation of any more coal on the Sydney subdivision. Sysco ceased shipping in 2001, although there were a few “spot movements” of scrap metals subsequently. Most of the remaining scrap is expected to be moved by marine transport.

Touesnard indicated that he understood the difference in cost to Emera/NSPI for shipping from Sydney versus Aulds Cove was in the order of $8.00 to $9.00 a ton and “the variance is just too great” for CBNS to get the work.

Touesnard on current customers in Cape Breton

To the date of the hearing, approximately 600 carloads had been transported over the Sydney subdivision in 2002 with a total 2002 volume expected to be 1,053 carloads. The largest remaining customers in the Sydney subdivision are Canwel Distribution Ltd, a building supply and distribution centre located in the Sydport Industrial Park, with a projected volume of approximately 200 carloads in 2002, Trans-Atlantic Preforms Ltd, with 88 carloads of plastic resins projected for 2002, and Copol International Ltd. with 64 carloads of plastic resins projected for 2002. In the past, CBNS has also handled approximately 100 carloads annually of in-bound propane over the subject line. The receivers of the propane have indicated that it will now be shipped by truck from Point Tupper to North Sydney and Sydney, once truck loading capability at the Sable Offshore Energy facility in Point Tupper is in place. The railroad has about 18 other customers on the Sydney subdivision.

Touesnard on Georgia Pacific traffic

The Georgia-Pacific Corporation established a new limestone/gypsum strip mining operation at Melford, Inverness County. To get the business of moving the product to Point Tupper, CBNS would have had to construct a seven-mile spur line from
the nearest point on its main line in the River Denys area which would have cost about $11 million. Given the cost of the spur line, CBNS could not compete with the cost to Georgia-Pacific of having the commodity trucked to Point Tupper. Had CBNS been successful it could have received from 18,000 to 25,000 carloads a year. As matters stand, Georgia-Pacific has hired truckers to carry the limestone and gypsum to Point Tupper and has indicated that it is not prepared to review its choice of transportation mode for at least three years.

Traffic needed
Others suggested that prospective off-shore work could generate traffic, but Touesnard found that too speculative. VIA Rail provides traffic, but it is “revenue neutral” to CBNS. Even an expanded summer season passenger service would not be a sufficient “money maker” to be of much use.

CBNS needs a “base of business” which is generally accomplished, at least in the case of short-line railway operators, by having one or two “anchor” customers. The line needs about 5,000 carloads a year to break even, and to be reasonably profitable and self-sustaining, an annual volume of 7,000 to 10,000 carloads [or roughly 100 carloads per mile, within the rule of thumb for short-line railroads—editor].

Under cross-examination, he confirmed that the service from Truro to Port Hawkesbury is profitable and provides a reasonable return and indeed the entire line from Truro to Sydney is profitable and earns a reasonable return.

Touesnard on moving maintenance shop
CBNS’s principal shop lies in Sydney. Touesnard stated that “In all likelihood, we would construct another facility somewhere else on our system.” He considered the most likely locations for a new maintenance shop would be Havre Boucher, where CBNS has a rail yard, or at Stellarton. In Undertaking U-1, CBNS estimated a construction cost of $702,500 for a new maintenance facility constructed on its own lands.

A subsidy to operate the railroad?
Asked for his views on the possible subsidization of CBNS from outside sources, Touesnard replied that “We are not in favour of rail subsidies as such”. He stated that if public funds were available he would prefer the subsidy go to shippers rather than directly to CBNS. He noted that to his knowledge, the only province in Canada “that actually contributes to rail infrastructure is the Province of Quebec”. When asked to comment on the irreversibility of a decision to close the railway, Mr. Touesnard said: ‘And while it may not be a venture that our company is prepared to continue taking losses on, if it’s in the best interests of the public to have this asset out there for economic development purposes, then I think the public should seriously consider purchasing the railroad.’

Impact on customers Copol and Trans-Atlantic Preforms
David M. Sawler, president of Copol International and leader of the Cape Breton Railway Stakeholders Association (CBRSA), said in order to handle the resin received by bulk trucks, his company would have to upgrade its facility to receive, transfer and store the resins [see 4 March issue]. He estimated that these upgrades would cost $300,000. In addition, he estimated that Copol would incur an annual expense of $400,000 to transfer the commodity from rail at a trans-loading facility and then bring it to North Sydney by truck.

He stated that Trans-Atlantic Preforms Ltd., located in the Sydport Industrial Park, also uses CBNS to bring in the plastic resin it uses in its manufacturing operation. He stated that they have “estimated their incremental costs to be a minimum of $1 million per year”. He submitted that the user group as a whole would incur incremental capital and operating costs “in the tens of millions of dollars”.

Impact on customer PolySteel
Sean Burke, General Manager of Polysteel Atlantic Limited and East Coast Rope, made oral and written submissions. He stated that his companies bring in about 30 rail tank cars of resin per year which equate to 90 to 120 truckloads. Polysteel estimates that the incremental cost of using trucks versus rail would be about $250,000 a year. Currently Polysteel uses a rail car to provide on-site storage of the raw material. Additional silos would be required. It took five months to have such silos manufactured and installed when last purchased in 1997. Polysteel estimates the cost of the required additional silos to
be approximately $200,000. Furthermore, switching to trucks would result in additional costs in that there would be a loss of flexibility in scheduling deliveries to take advantage of dips in resin prices. Mr. Burke indicated that he sees potential to use a combination of trucking and rail via a trans-loading facility to bring raw materials to his plants, but he needs further cost information.  \{Decision NSUARB-RAIL-A-02, RAIL-D-02 2002 NSUARB 62, 5.Nov.02\}

6 November, Sydney. **THE GOVERNMENT COULD STILL STEP IN**, according to Cape Breton Regional Municipality Mayor John Morgan, and order NSP to use the line to ship coal. If the provincial government has a plan to save the line, it should announce it now, and not use it as a pre-election edge.

Premier John Hamm said the line is not necessarily dead, and the province is still trying to drum up business. But Liberal MLA Manning MacDonald (Cape Breton) said “a railway is disappearing right before his eyes and his government has done nothing to save that railway.” MacDonald said what the province needs to do is pressure CN Rail to take over the line. \{Frank King in CBC webposted 6.Nov.02\}

Premier John Hamm promised in the Legislature this day to continue to work toward a lasting solution to maintain rail service in Cape Breton. A provincial interdepartmental team, led by Economic Development Minister Cecil Clarke, is working on ways to find new business for the rail line. It will include senior officials from the Economic Development Agency, Transportation and Public Works, and Justice. They will examine all potential options for a private-sector solution. Clarke will meet with stakeholders later in the week, the premier said in a release. \{Wes Stewart in Cape Breton Post 7.Nov.02\}

12 November, North Sydney. **THE PROVINCIAL GOVERNMENT WILL ASSIGN ITS RIGHT TO PURCHASE THE CAPE BRETON LINE** at net salvage value to a buyer of the line, Economic Development Minister Cecil Clarke told a meeting he called of commercial users of the line.

‘The province is engaging the Canadian Transportation Agency as a third party to determine an accurate assessment of the net salvage value of the assets. The assessment is expected to be available in January. “We've said from the beginning that government will not be in the business of subsidizing a railroad,” said Mr. Clarke. “But we are not prepared to give up our efforts at keeping the line open as long as we believe that there may be an opportunity for a private company to operate it.”

‘The province and the federal government, through Enterprise Cape Breton Corporation, will also conduct a market analysis of the requirements for rail versus other modes of transport for existing and projected Cape Breton business. The study will detail the costs of the alternatives and the impact on companies. “I look forward to working with Mr. Clarke in investigating all possible options for transporting goods over Cape Breton,” said Mark Eyking, MP for Sydney-Victoria. “And I am looking forward to getting back to users of the line in January with the results of the analysis.”

“‘The long-term viability of this rail line depends upon a sufficient volume of traffic—the service can and will only continue if there is sufficient demand from users,” said Mr. Clarke.’ \{provincial press release\}

**Legal background**
If CBNS itself cannot find a buyer, before pulling up the tracks provincial law requires it to offer to sell its assets to the province at net salvage value.

14 November, Stellarton. **THE PROVINCE DID NOT DISCUSS ITS SALVAGE VALUE OFFER** with CBNS. The public offer of the line at salvage value was “a little bit of a backhand,” said General Manager Peter Touesnard. The government had “told us not to come to the stakeholders’ meeting in Sydney. But we’re not the bad guys here. We’ve spent a lot of time and a lot of money to do everything we can to operate this section of line.” It must make money, and “it’s my responsibility to do something about this.”

**Transload facility**
“We are interested in providing that service” referred to by the Utilities and Review Board at the Strait of Canso, said Touesnard. “We will explore it in some depth over the next few weeks. John Winkler, director of marketing for this region, will provide assistance on contacting possible users, and in making plans with CN.” Touesnard envisions a transload which can handle two or three commodities. \{ANR&P discussion 14.Nov.2002\}
14 November, Sydney. **EMERA IS WILLING TO INVEST UP TO $2 MILLION IN THE RAIL LINE.** Chief Operating Officer Chris Huskilson told the Sydney and Area Chamber of Commerce. “We won’t subsidize but we will be there as a participant...we are willing to put the kind of value of one to two million dollars on the table as part of being that customer of the railroad.”

In particular, Emera believes that coal could be strip-mined on Cape Breton Island. “As coal development occurs, a part of the solution to the rail situation would be a domestic supply of coal. There is no reason why the coal could not be shipped to the mainland.”

Huskilson told Kevin Murphy, president of the Cape Breton Miners Cooperative, that Emera is committed to taking a domestic supply of coal.

**Selling to Logistec and CFQ**

Huskilson noted the advantage to Cape Breton conferred by Logistec and CFQ operating the former DEVCO railway and surface assets. NSP is selling a major share of the pier and railway to Logistec. {Wes Stewart in *Cape Breton Post* 15.Nov.02}

**SYDNEY COAL RAILWAY**

12 November, Montreal. **LOGISTEC IS NEGOTIATING WITH EMERA** about the ownership and operation of the surface assets in Cape Breton, which Logistec is now operating for Emera [see 28 October issue]. Madeline Paquin, Logistec president, said the two sides were looking for a formula which would work mutually. {ANR&P discussion}

**HALIFAX**

28 October. **THE ILA IS SEEKING JURISDICTION OVER THE ENTIRE PORT.** In a petition to the Canadian Industrial Relations Board, the International Longshoremen’s Union proposes control from Chebucto Head to Hartlen Point, the same definition of the port used by the pilots, which would include CN’s Auto-Port and the lands around the downsized Shearwater naval base. Gerry Murphy of ILA Local 269 said: “We anticipate there will be a third container pier. We believe the logical site for that is Shearwater.”

**The end of Halterm and Ceres because of security?**

Economist Michael MacDonald, who appeared on behalf of the union, told the Board: “Halterm’s days are numbered. Sooner or later someone is going to ask what’s in those boxes driving through downtown Halifax.” Security concerns, specifically the bomb in the box, may motivate a move away from downtown. “I’m not sure Fairview Cove is feasible anymore given, let’s say, the major naval centre through the narrows.”

Nova Scotia Premier John Hamm conceded the question. “We have to look at how we deal with it, how containers are routed through the downtown business district, where the expansion has to take place. Clearly, the union is looking at things positively, thinking positively.”

The Halifax Port Authority, the manager of the port, says future expansion will come not in Shearwater but in Fairview Cove. It says there are still many issues with Shearwater, including the role of the military which still maintains control over much of the land there. {Paul Withers in CBC webposted 28.Oct.02}

8 November. **POST-PANAMAX SHIPS MAY HIT SHOALS IN MAJOR STORMS,** according to computer modelling from the Halifax harbour pilots. “In the weather conditions we’ve simulated, you would potentially look at the loss of the ship,” said Andrew Rae, a harbour pilot in Halifax for the last 16 years. One computer simulation showed a post-Panamax ship rolling, pitching and heaving in the Halifax harbour approaches under 14-metre seas. The ship struck bottom four times.

“The study is dealing with extreme weather conditions and very unusual and rare circumstances,” noted Patricia McDermott of the Halifax Port Authority. Nevertheless, the port is contributing to a more ambitious research project proposed by the pilots: monitoring wave heights in the navigation channel in winter, and using motion sensors brought on board by pilots to record the vessel’s response to the waves in real time.

Pilots already restrict access to the port when they feel it is unsafe. It happens three or four times a year. They say a
more refined computer model would enable them to warn container lines in advance of potential delays, and therefore make the port a safer place. {Paul Withers in CBC webposted 8.Nov.02}

8 November. **THE PORT AUTHORITY SELECTED NYK/CERES TO CONTINUE THE OPERATION AT THE FAIRVIEW COVE CONTAINER TERMINAL.** According to the announcement, the company will have a twenty-year contract beginning 1 January 2003, immediately upon expiration of the existing 20-year contract which Cerescorp held as the original terminal operator, beginning operations with its opening in 1982.

“We have had a strong history of success at Fairview Cove and the interest shown in our Port by so many industry leaders allows us to be optimistic about the future,” said Karen Oldfield, Port Authority president and CEO. “This was an intensely competitive situation which was reflected in the quality of the proponents and bids. Our decision was based on our belief that NYK/Ceres will help us optimize our revenue potential and container growth objectives.” {Port Authority press release}

**MORE ABOUT NYK/CERES**

On 12 September 2002, the Japanese shipping and transport company, Nippon Yusen Kaisha (NYK Line), announced it had signed a binding agreement to acquire Ceres Terminals Inc. With annual revenues in excess of U.S.$150 Million, Ceres was founded in 1958 by Christos Kritikos and currently provides stevedoring and terminal operating services in Halifax, Nova Scotia, Canada; Baltimore, Maryland; Norfolk, Virginia; Charleston, South Carolina; Savannah, Georgia; New Orleans, Louisiana; Houston, Texas; Chicago, Illinois; Cleveland, Ohio; and Duluth, Minnesota. Ceres also participates in a joint venture with Logistec in Montreal, Quebec, Canada. {NYK press release}

This will now come under NYK, in addition to its other container terminals in Japan, the US and Taiwan. NYK, whose 2001 turnover was around US$ 8.5 billion, is one of the largest shipping and transport companies in the world. The company ranks among the top global container shipping companies and owns a large fleet of dry bulk vessels, tankers, RoRo car carriers and cruise ships. {Amsterdam Port Authority website}

**Reaction from Logistec**

Madeline Paquin, president, said “we were really, really disappointed” that the Port Authority didn’t really enter into negotiations with Logistec, and that the bid went to the company already in place. “This is the second time that the one who is there, stays.” [Referring to the Port Authority award of the South End terminal operation to Halterm, again after receiving world-wide bids, in 2000–see 15 September 2000 issue.]

“It costs a lot of money to enter into the bids. At least, why not make a change, after entertaining bids from all over the world?” {ANR&P discussion 12.Nov.2002}

P&O Ports North America did not question the decision. The company ‘made a strong bid and while we were disappointed, we also realize that the Port Authority had many considerations to balance. We congratulate Ceres on its renewal and we wish nothing but all the best of continued success for the Port of Halifax.’ {e-mail to ANR&P from Vice-president Bruce Cashon 12.Nov.02}

**How so quick a decision?**

The Port Authority announced on 24 October that it would ‘negotiate’ with four firms: Ceres/NYK, Logistec/CSX, P&O Ports, and Terminal Systems. Just over two weeks later, it announced its selection in favor of the current tenant. The Port Authority insisted that nothing was amiss: The process was ‘fair and equitable and everyone was treated equally,’ said spokesperson Dawn Dalley.

Yet Alan Abraham Jr, the chair of the Port Authority, added on 14 November: “The board and the port wanted a local partner with local initiative, which would leave something in the local community….The local component was an important part of the matrix. It wasn’t the biggest factor, but the local content did have some significance to it.” {Andrew MacDonald in AllNovaScotia.com 15.Nov.02}
RAIL SHIPPERS

As a precursor to our forthcoming Directory of Rail Shippers & Receivers: Southern New England this section lists the companies discussed in this issue.

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PEOPLE

John Melrose, commissioner of the Maine Department of Transportation, resigned effective 8 November to return to private consulting. Jane Lincoln, the deputy commissioner, was sworn in to succeed him until new governor John Baldacci (the only Democrat in a sea of New England Republican governors) appoints his own commissioner early next year.

Bill Mosher returned to the New Hampshire House, winning in 2002 after losing in 2000. A Republican, he will represent District 63 (Nashua) with a strong railroad background: former chair of HB-1409 Northern Line feasibility study, current chair of the HB-1378 Seacoast commuter rail task force, member of the ITRAC (governors integrated transportation committee), member Nashua commuter rail steering committee, and former locomotive safety inspector.