

*Article unchanged from e-bulletin.

**REGIONAL ISSUES**

[No report.]

**CONNECTICUT**


CSXT: New Haven C&D shipper gets permit.

Bridgeport/New Haven: TSB gives Bridgeport the nod.

**MAINE**

MDOT: Bond issue to help rails & ports.

BML: Railroad still for sale.*

GRS: STB says Guilford violated legal obligation to provide rail service to Grimmel.

Eastport/Calais Branch: MDOT supports transload in Calais.

MMA: MDOT grant for track rehab starts.

Rockland Branch: MDOT meeting on 23 May to consider proposals.*

**MASSACHUSETTS**

CSXT: MBTA, Turnpike, Harvard reach tentative agreement to preserve Beacon Park.* MHSAB acts.


**NEW HAMPSHIRE**

MBRX: Wilton Scenic has first passenger run.

TSRD: Inquiry about rates. NHDOT owns to mill.

Portsmouth: 2002 figures.

**RHODE ISLAND**

PW: No new connection between East Junction and East Providence Secondaries.

Provport/PW: One day in the life of PR-3, making up a train with coal cars for Mt.Tom.

**VERMONT**

VRS: Update on moving Rutland rail yard.

**MARITIMES/QUÉBEC**

NBSR: Transload to open in St.Stephen 1 July.

WHRC: Update on Fundy Gypsum facility expansion.* Laying long rail strings.

Halifax: Ceres enroute to resolving truck congestion.*

Saint John: New MelBridge container service.*

**RAIL SHIPPERS/RECEIVERS**

A cross-reference to companies mentioned here.

**PEOPLE, POSITIONS, EVENTS**

Bromirski, Duffy, Vanalderwerelt.

**EDITORIAL**

Guilford’s inexcusable behavior

---

**FROM THE PUBLISHER**

Missed get-together

As the two stories in this issue describe, St.Stephen is building a transload, and MDOT is proposing one for Calais. Unfortunate that the two countries could not build a joint facility, thus saving considerable funds.

Scrap shippers

The STB, in the Grimmel case, points out that scrap shippers cannot rely on its authority to govern railroad behavior, at least for ferrous and non-ferrous recyclables.

- Chop Hardenbergh

Next issue: 3 June

---


www.atlanticnortheast.com
CONNECTICUT

CONNECTICUT SOUTHERN

21 April, Hartford. A NEW C&D SHIPPER CAME ON LINE this month: Murphy Road. An official at the Connecticut Department of Environmental Protection (DEP), Calin Tanovici, on 12 May confirmed your editor’s observation on 21 April of the facility at 143 Murphy Road. A sign on Murphy Road reads, ‘McCauley Enterprises, an All Waste Company’. However, Tanovici said the permit at the time of startup was held by ADS.

On about 5 May, Tanovici said, the permit was transferred to Murphy Road LLC. Per Tanovici, the permit would not have been transferred without a determination from DEP’s enforcement section that the new permittee was meeting the department’s standards. [Thus correcting the 26 February issue.] {ANR&P discussion 12 May 2003}

CSXT

7 May, New Haven. CIRCLE OF LIFE RECEIVED A PERMIT TO CONSTRUCT A C&D FACILITY to handle 2,378 tons per day facility, from the Connecticut Department of Environmental Protection. It also received a temporary permit to operate. [See 6 March issue.]

Officials will meet next week to discuss construction and operation schedules. {ANR&P discussion with source 8 May 2003}

BRIDGEPORT/NEW HAVEN

13 May. THE TRANSPORTATION STRATEGY BOARD DECIDED IN FAVOR OF BRIDGEPORT for the startup of feeder barge service [see 6 May issue]. If approved by the General Assembly, $1.5 million will be available to Bridgeport immediately, while $5.5 million in additional funds will be available in three years.

Newspapers posited several reasons for the choice. First, Bridgeport asked for less money up front than New Haven did. Second, Bridgeport is more economically distressed than New Haven, and thus could use the investment. Third, Bridgeport local officials are closer to the Rowland administration than are New Haven’s.

New Haven elected officials opted for the last explanation. They criticized the decision, noting that New Haven is better situated for the project geographically. New Haven is farther east along I-95, and sits at the I-95—I-91 intersection, so arguably has better northward and eastward highway access than Bridgeport. New Haven hoped that the General Assembly will overturn the vote. {Tr-State Transportation Coalition newsletter 19.May.03}

MAINE

7 April, Augusta. MDOT PROPOSED A $75 MILLION TRANSPORTATION BOND PACKAGE supporting the FY04-FY05 Biennium

<table>
<thead>
<tr>
<th>Bonding</th>
<th>Federal</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td>HIGHWAY &amp; BRIDGES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Arterial Improvements</td>
<td>32.00</td>
<td>113.00</td>
</tr>
<tr>
<td>Major Collector Improvements</td>
<td>10.00</td>
<td>38.00</td>
</tr>
<tr>
<td>SUB TOTAL</td>
<td>42.00</td>
<td>151.00</td>
</tr>
<tr>
<td>FREIGHT RELATED IMPROVEMENTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Harbor Improvement Program</td>
<td>1.21</td>
<td>0.00</td>
</tr>
<tr>
<td>Mack Point</td>
<td>1.60</td>
<td>1.50</td>
</tr>
<tr>
<td>Atlantic Point Rockland Development</td>
<td>3.75</td>
<td>0.00</td>
</tr>
<tr>
<td>Montreal Maine &amp; Atlantic</td>
<td>5.40</td>
<td>0.00</td>
</tr>
<tr>
<td>Freight Rail and Intermodal Improvements</td>
<td>1.20</td>
<td>0.00</td>
</tr>
<tr>
<td>Industrial Rail Access Program</td>
<td>2.60</td>
<td>0.00</td>
</tr>
<tr>
<td>SUB TOTAL</td>
<td>15.76</td>
<td>1.50</td>
</tr>
<tr>
<td>PASSENGER RELATED IMPROVEMENTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portland to Brunswick and Lewiston Rail Rehabilitation</td>
<td>5.00</td>
<td>15.80</td>
</tr>
<tr>
<td>Curtis Replacement</td>
<td>2.00</td>
<td>4.00</td>
</tr>
<tr>
<td>Port Improvements</td>
<td>0.80</td>
<td>0.00</td>
</tr>
<tr>
<td>Aviation – Federal Aviation Administration</td>
<td>5.60</td>
<td>29.50</td>
</tr>
<tr>
<td>Statewide Trail/Pedestrian Improvements</td>
<td>2.00</td>
<td>5.20</td>
</tr>
<tr>
<td>Park and Ride Facilities</td>
<td>0.14</td>
<td>0.20</td>
</tr>
<tr>
<td>Transit Vehicles and Transit Improvements</td>
<td>1.70</td>
<td>24.80</td>
</tr>
</tbody>
</table>
**PARTICULARS,** as described in the draft testimony for MDOT Commissioner David Cole on 7 April:

**Mack Point**
The $1.6 million in the bond issue will match $1.50 million in federal funds, to provide warehousing and storage, of which the port at Searsport has none at this point. The rail- and truck-served facilities will ensure a complete cargo-handling operation, particularly for Great Northern Paper [now Katahdin–see 6 May issue]. ‘Project will also provide greater opportunities for storage and handling of products moved by MM&A Railroad, enhancing the railroad’s ability to serve Maine businesses. Warehouse and storage operations are likely to help generate up to 50 new jobs.’

**Montreal, Maine and Atlantic**
[See MMA.]

**Other freight rail and intermodal improvements**
‘$1.2 million will match $2.2 million in local funds to repair the rail bridge over the Androscoggin River between Brunswick and Topsham [needed if Grimmel is to get service–see below] and to provide the state share of construction costs for an intermodal facility in Calais. [See Eastport/Calais Branch for more on Calais project.]

**Industrial Rail Access Program (IRAP)**
$2.6 million will provide the state match for rail infrastructure improvements under the statewide Industrial Rail Access Program. This will continue economic development initiatives already proven effective under IRAP. This state investment will be matched at a 50/50 match level with local and/or private funds.

**Atlantic Point Rockland**
[See Safe Handling Rail, below.]

**Portland to Brunswick passenger rail rehabilitation**
$5 million in state bond funds will match $15.8 million in federal funds and $0.4 million in local funds for rail right-of-way and rehabilitation to Brunswick, thus allowing future expansion to Lewiston and Auburn. This will allow passenger rail service from Boston to travel onto Freeport, and through to Rockland, scheduled to commence in 2006.

**Rails to trails**
$2 million to match $5.2 million in federal funds and $2.6 million in local funds to continue to develop a variety of trails across the state. Key projects include the Kennebec Rail Trail, the Eastern and Mountain Division Trails, and the new Safe Ways to Schools. {text of draft testimony}

**Status of the bond issue**
The Maine Legislature is facing a number of proposed bond issues. In mid-April, it approve a $60 million economic development bond package to go before the voters in June. The transportation bond, LD 1572, lies before the Joint Committee on Appropriations and Financial Affairs. According to MDOT’s Greg Nadeau, the department hopes that its bond package gets approved by the end of this session, to go before the voters in November. {ANR&P discussion 13.May.2003}

**BELFAST & MOOSEHEAD LAKE**
8 May, Unity. “**WE’RE OPTIMISTIC THAT THE COMPANY WILL BE SOLD,**” said General Manager Bob Lamontagne. He had nothing firm to announce. [Asking price was $3.5 million. See 27 January 2003 issue]. Nothing is decided on whether to operate trips this year, but he is hoping the new company will operate them. {ANR&P discussion 8.May.2003}

**GUILFORD RAIL SYSTEM**
9 May, DC. **GUILFORD VIOLATED ITS COMMON CARRIER OBLIGATION TO PROVIDE RAIL SERVICE** to the Grimmel facility in Topsham upon reasonable request, according to a Surface Transportation Board vote 2-0.
The facts
‘Pejepscot Industrial Park, Inc., a Grimmel Industries (Grimmel) in January 1991 purchased an abandoned paper mill in Topsham, and, upon incorporating as Pejepscot Industrial Park, Inc., began the business of salvaging, selling, and shipping scrap metal and automobile shredder residue (ASR) at that location. A section of track approximately 3,000 feet in length (the Spur) connects Grimmel’s facility to the Lewiston Lower Road between Brunswick and Lewiston. The Line connects with other rail lines in Brunswick, but is stub-ended and has no connections in Lewiston.’

Also in 1991, ‘MDOT purchased the physical assets of a 9.4-mile portion of the Line between Brunswick and Lisbon Falls with the intention of possibly developing passenger rail service. Although MDOT assumed ownership of that portion of the Lewiston Lower, Guilford retained the right and statutory obligation to provide common carrier freight service over it through an easement. The easement agreement provides that, so long as the State has not commenced passenger operations on the Lewiston Lower, Guilford will continue to be responsible for maintaining it and providing rail freight service. The agreement specifies that the easement of the Maine Central Railroad (MEC) [a part of the Guilford Rail System] would end only if and when the Interstate Commerce Commission (ICC), were to relieve MEC of its common carrier obligation to provide rail freight service on the Line. No traffic has moved over the Lewiston Lower in more than a decade. Guilford declined to provide service to Grimmel, or to provide a written rate for service. 1

Common carrier obligation
‘It is undisputed that MEC is a common carrier, and that its obligations as a carrier extend to shippers of non-exempted commodities on the Lewiston Lower. As a common carrier, MEC has two interconnected obligations....First, it must provide written common carrier rates to any person requesting them....Second, it must provide rail service pursuant to those rates upon reasonable request. ...These requirements are linked, because a rate is a necessary predicate to any specific request for service. Without rates, and any attendant terms setting forth the particulars of service, a shipper cannot make a specific service request. It is axiomatic that a rail carrier may not indirectly avoid its common carrier obligation to provide service by evading its obligation to establish rates upon request.’

Exemption for certain commodities
‘The exemption of a commodity under 49 U.S.C. 10502 generally excuses carriers from virtually all aspects of regulation involving the transportation of that commodity. 2 This includes the dual requirements that a carrier furnish rates and provide service on reasonable request pursuant to those rates. Thus, even if a carrier’s conduct would constitute a statutory violation during a period of regulation, the exemption bars regulatory relief during the period when the exemption is in force.’

Guilford argued that Grimmel’s service complaints are unavailing because the particular commodities Grimmel wants to ship, i.e., iron and steel scrap and ASR, were exempted under 49 U.S.C. 10502 (formerly 49 U.S.C. 10505) from the regulatory requirements of 49 U.S.C. 10101-11908, citing Rail General Exemption Authority–Exemption of Ferrous Recyclables, 10 I.C.C.2d 635 (1995) (Ferrous Recyclables), and Rail General Exemption Authority–Nonferrous Recyclables, STB Ex Parte No. 561 (STB served Apr. 21, 1998) (Nonferrous Recyclables).

Rate was needed for ASR, not ferrous metals
On June 18, 1996, Grimmel requested a rate for the movement of ASR and scrap metal from Topsham to Steelton, Pennsylvania. ‘That specific request triggered MEC’s statutory duty as a common carrier to establish a rate for transportation of ASR in response, and,

1 Guilford “advised Grimmel from the outset that the Lewiston Lower required not only $250,000 in rehabilitation but also ongoing maintenance”. Second, as an alternative, respondents suggested that they would provide service if Grimmel would enter into a “take or pay” contract wherein the shipper would commit a minimum amount of traffic or revenue sufficient to cover respondents’ costs in restoring, and providing service over, the Line from Topsham. Grimmel did not accept either of the respondents’ alternative preconditions.

2 In directing the ICC (and now the Board) to use this exemption authority to relieve the transportation industry from unnecessary regulation, Congress suggested a trial-and-error approach, with the agency liberally exempting carriers from regulatory requirements and reviewing carrier actions after the fact to correct abuses of market power. See H.R. Rep. No. 96-1430, 96th Cong., 2d Sess. 105 (1980) (Conference Report for the Staggers Rail Act of 1980). The ICC’s exemption for ferrous recyclables (such as scrap metal) and our exemption for nonferrous recyclables (such as ASR) are in keeping with that directive. Both of these exemptions were based on the low rail rates typically charged for transporting these commodities and the widespread competition generally available from trucks and barges to haul them. In both instances, the facts reflected that railroads were, in general, losing market share to competing modes of transportation, indicating that railroads lacked market power to abuse shippers.
The Board did not mean to encompass the Grimmel facility based on the context in which the rate quote was made. Mr. Berg prefaces his testimony concerning the quote to Grimmel by asserting that the “common practice” in the rail industry for a shipper who “lacks a suitable siding and access to a rail line [is] to truck its goods to a nearby public delivery siding for loading onto rail cars.” …In addition, Mr. Berg made clear that his oral quote to Grimmel was based on a contemporaneous discussion with another customer, Mr. Delgrego of Tube City, about movements from Grimmel’s Topsham facility. In that discussion, Mr. Berg expressed his understanding that “there was no siding or rail access in Topsham” reflecting that, in Mr. Berg’s view, MEC rail service was not available from Grimmel’s plant. Mr. Berg then states that he did not discuss with Mr. Delgrego “how access to Topsham might be accomplished”, again leading us to conclude that MEC already decided it would not provide service directly from Grimmel’s facility. In light of this, the purported “Topsham” quotes to both Tube City and Grimmel were most likely an attempt to accommodate Grimmel and Tube City by proposing a rate for an alternative service – specifically, service from some “Topsham area” location at which (unlike Topsham itself) MEC already was providing rail service – rather than for the requested service directly from the plant.

[Guilford’s] unresponsive rate quote of June 26, 1996, thus is the first instance in the record where respondents clearly failed to establish a rate for service from Topsham after a specific request. As of that date, then, MEC appeared to be in violation of its common carrier obligation to Grimmel to provide rates for the transportation of ASR from its Topsham facility. Further, it does not appear that respondents have ever issued a rate or rate quote at any time thereafter applicable to service directly from Topsham, even though Grimmel continued to seek such rates. Thus, respondents’ apparent failure to comply with their obligation to provide rates for rail transport of ASR from Topsham began on June 26, 1996, and continued until the effective date of the ASR commodity exemption (May 21, 1998).”

**GRS cannot escape its obligation because of financial loss**
The STB decision continued: ‘We will now turn to respondents’ principal argument: that, under the particular facts of this case, they were excused from complying with the provisions of section 11101 that otherwise would have required them to supply rates and provide service upon request. Specifically, they assert that providing common carrier service to Grimmel from Topsham potentially could expose them to financial loss, and that their common carrier obligations under the statute were superseded by such financial considerations. We disagree. Respondents cannot lawfully make fulfilling their statutory obligations contingent upon whether they think it is “worth it” to do so. Rather, a carrier must adhere to its statutory obligations even if it suffers hardship in so doing…. The only appropriate mechanisms a railroad may employ to excuse itself, permanently or temporarily, from its common carrier obligations on a line of railroad are abandonment or embargo, and MEC has pursued neither.

‘Instead, according to both parties, MEC stated that it was unwilling to provide common carrier service from Topsham unless it could be persuaded that it was in the railroad’s financial interest to do so....’

**What penalty?**
The Board did not address the question of the damages to which Grimmel may be entitled. ‘[W]e do not believe that the court intended to refer to us whether or to what extent petitioner may be entitled to damages....’

The dispute between Grimmel and Guilford is under the jurisdiction of the US District Court in Maine. Grimmel appealed the District Court’s decision dismissing Grimmel’s earlier complaint. The First Circuit, in reversing that decision, held that the District Court has concurrent jurisdiction with the Board over the common carrier issue and directed that that issue be referred to the agency under the doctrine of primary jurisdiction. The First Circuit also stated that the decision to exercise supplemental jurisdiction over the remaining state law claims was within the discretion of the District Court. ‘By not referring the other counts to us, the District Court has reserved those matters to itself. Under these circumstances, it would serve no useful purpose for us to attempt to reach any conclusion as to either of these counts. However, we have in the past attempted to assist a court in its deliberations by bringing to its attention Board or ICC precedent that may be relevant to the matter before the court.

---

3 Mr. Berg explains that it is a common practice for the railroad, as an initial response to a request for a rate, to supply a hypothetical rate “quote.” As we understand respondents’ practice, if the rate quote is acceptable to the requestor, it will then be followed by a formal rate conforming to 49 U.S.C. 11101(b) and our regulations at 49 CFR 1300.1 et seq. Although respondents’ practice of quoting rates prior to establishing them is not specifically sanctioned by the statute or our regulations, we have previously indicated that our regulations should permit the prompt and informal exchange of rate information, consistent with the apparent objective of respondents’ practice, to reduce the burdens on carrier and shipper alike. See Disclosure, Pub. & Not. of Change of Rates – Rail Carriage, 1 S.T.B. 153, 156-57 (1996).
'In this regard, we are unaware of any potentially helpful agency precedent with respect to count 6. As to count 4, however, we have in the past determined that a carrier cannot invoke the preemption provisions of 49 U.S.C. 10501(b) to avoid its obligations under a presumably valid and otherwise enforceable agreement that it has entered into voluntarily, where enforcement of the agreement would not unreasonably interfere with interstate commerce.' { STB Finance Docket No. 33989, decision served 15.May.03}

Other actions by Grimmell or MDOT
When the STB permitted GRS to rescind its proposed abandonment of its freight rights [see 22 September 2000 issue], it did list other remedies: file a third-party application for discontinuance, or a feeder line application. The STB said, ‘we will not allow our jurisdiction to be used to shield a carrier from the legitimate processes of state law while there is no overriding Federal interest to protect.’

These options remain open to either Grimmell or MDOT [given the political will to exercise them. Editor]

EASTPORT/CALAIS BRANCH

19 May, Calais. **MDOT IS PROPOSING A NEW LOCATION FOR A TRANSLOAD FACILITY**, and funds through the upcoming bond issue [see above]. According to the department: ‘The Calais project involves acquisition of land, development of rail sidings, and construction of a warehouse. The project will be a public-private partnership developed in conjunction with the Maine Port Authority, and a private operator that will invest an estimated $2.3 million in development. Anticipated project scope includes a full transload facility that allows cargo transloading between truck and rail cars, bundling of cargo for outbound shipments, and intermodal, truck-on-rail car operations. Project will provide benefits to Port of Eastport, Domtar (Washington County’s largest employer), Springfield Terminal Railway, and increasing use of rail traffic. New warehouse operation will create additional jobs.’

Bluebird current private operator
According to Brian Nutter, executive director for the Maine Port Authority, Bluebird Transportation and Warehousing is currently doing transload for Yellow Freight, by packing intermodal containers. Its facility does not lie on the rail line, however, and one site it had chosen [see 25 September 2001 (has map) and 12 April 2002 issues] had wetlands which made construction difficult.

Locating near the coming third border crossing
In summer 2002, Maine and New Brunswick reached agreement on the location of a new border crossing between Calais and St.Stephen, at the Calais Industrial Park. MDOT proposes to site a transload facility within a short distance of the new crossing, with different uses:

**Transload.** The facility would permit cargoes to move from rail to truck, or vice-versa. Target markets include both cargoes moving through the Port of Eastport, and shipments in- or out-bound from shippers in Washington County.

**Right-sizing.** Because of its proximity to the border, Nutter believes permission could be obtained for trucks overweight for US highways to move the short distance. Too-heavy trucks could be lightened before proceeding into the United States, or trucks heading to Canada could be loaded up.

Public-private partnership/benefit
The Maine Port Authority proposes to purchase the land for the transload facility, and choose a company who would erect a warehouse, said Nutter. The resulting facility should help increase rail traffic, which will directly help Guilford. Indirectly, it will help Domtar because expanding the rail traffic base beyond Domtar’s will mean Domtar should pay less for its rail cars. {ANR&P discussion 19.May.2003}

16 May. **SKIP ROGERS WAS NOT HAPPY WITH THE CALAIS TRANSLOAD.** The effort to fund a transload there means that MDOT “is abandoning any ideas of rehabbing any of the Calais branch” and putting a transload in Ayer’s Junction, said the manager of Federal Marine Terminals in Eastport. The department believes that port cargo requires drayage to Ayer’s Junction, said the manager of Federal Marine Terminals in Eastport. The department believes that port cargo requires drayage to Ayer’s Junction, and that draying to Calais costs only an additional one dollar per ton versus draying to Ayer’s Junction.

And, continued Rogers, it thinks that rehabbing the Calais Branch as far as Ayer’s Junction costs well above the savings of one dollar per ton shippers would save, given estimated levels of traffic.

The problem, according to Rogers: “The extra dollar a ton will be passed along to every customer, which will virtually kill the business, or a lot of business surely” which might come to Eastport with a nearby railhead. “It would make sense, if they use that argument...[that MDOT state] here’s the dollar we are prepared to rebate anyone” who uses the Calais transload.

None the less, Rogers concluded, “if the numbers work [for the Calais transload], we will use it and do what we can. It’s better than what we have now.”

Searching for traffic for rail
The Eastern Maine Railroad Development Commission is cooperating with Chris Spruce of the Sunrise County Economic Council, who is doing a survey of future business which could move by rail. Rogers noted that Chris Hall of Stafford Business Advisors did two studies in 1997 and 1998 which reviewed only the possibilities for existing businesses to move product by rail. The Commission also would like
the research updated. It will review the status of the survey at its next meeting on 28 May. \{ANR&P discussion 16.May.2003\}

**MONTREAL, MAINE & ATLANTIC**

15 May, Augusta. *THE RAILROAD IS BEGINNING A TWO-YEAR STATE MATCHING GRANT FOR RAIL UPGRADES*, pursuant to an offer by MDOT in June 2002. Allan Bartlett, rail honcho for the department, said work will begin “this week or next” under an agreement to supply $2.7 million in each of two years. According to the offer by then-Commissioner John Melrose [see 28 June 2002 issue], $1 million would come from the department’s long-standing agreement to help the line between Brownville Junction and Jackman; a general obligation fund passed earlier will provide $3.5 million; and $1 million remains from a bond issue to help the Loring Redevelopment Authority. MDOT will have a $100,000 bonding authority after the expenditures.

**Railroad match and repayment agreement**

Bartlett said in the agreement, the railroad will match the state grants. MMA had also committed to continue to operate the ‘entire’ former B&A system for a period of ten years. If it does not, MDOT has a security interest in the materials [see 28 June 2002 for more details] which could provide a partial repayment.

**Particulars about Loring**

In 2001, MDOT obtained authority for a $1.8 million bond issue for the Loring Commerce Center [see 01#10B]. According to the 2002 letter, this was divided $800,000 for branch rehab, and $1.0 million for siding construction. But the Commerce Center was anticipating a $800,000 EDA match to get $1.6 million for track work [see 01#03A, 01#10A], leaving the $1.0 million available. Following the terms of the 2002 letter, MMA guaranteed it would spend $1 million when sidings become needed at Loring [see 02#04B, loss of possible tenant Lamb Weston], so it could obtain the $1 million now.

**Bond to provide additional matching funds two years hence**

According to the language describing the bond issue, ‘This $5.4 million will match $5.4 million in railroad company funds to provide freight rail preservation in northern and eastern Maine, associated with the re-organization of the Bangor and Aroostook Railroad, now the Montreal, Maine and Atlantic Railroad (MMA), consistent with prior State commitments. [See 28 June 2002 issue: MDOT prepared to offer up to $13.5 million.]’ MMA acquired the bankrupt Bangor and Aroostook Railroad (BAR) system in January 2003. For years leading up to the sale, maintenance was deferred on 500 miles of track in Maine. The $5.4M bond funds will be matched equally by MMA in calendar years 2005 and 2006 to offset the deferred maintenance and to strengthen MMA’s track structure, allowing safer, faster, and more timely service by MMA to their customers, including Great Northern Paper.’ {draft testimony of David Cole}

**SAFE HANDLING RAIL**

26 March, Portland. *DRAGON PRODUCTS HAS NOT YET DECIDED HOW IT WILL DISTRIBUTE CEMENT FROM THE THOMASTON PLANT* [see 12 March issue] following its expansion.

**Affect on possible Rockland Branch operators**

Since—according to MDOT [see 12 March issue]—revenues from Dragon ‘are proprietary to Safe Handling,’ bidders might have asked Dragon about possible rail traffic. At least one, who would like to remain anonymous, did meet with Dragon’s Jim Jaffray in February to discuss switching and loading agreements. {ANR&P discussion 30.Mar.03}

**Would Dragon consider using Mason Station?**

Upwind from Dragon’s plant in Thomaston lies the former CMP power plant smack on the Rockland branch, Wiscasset’s Mason Station, with deepwater access. Dragon could use this site to load ships with its cement, ships with deeper draft than the barge now sailing from Rockland [see interest in using Mason Station–12 April 2002 issue], acknowledges Terry Veysey, vice-president for cement operations.

However, wrote Veysey, ‘we have to follow our overall strategic plan’ and Dragon has not yet decided how it will distribute cement from the Thomaston plant [see 12 March issue] following its expansion. [On 19 May, Veysey said the company is still looking at Mason Station as a possible method of distribution. {ANR&P discussion}]

**Background on Mason Station and Dragon use**

[The idea of using this as a port facility for Dragon has existed since 1990. {Greg Foster in Lincoln County News} The coal-fired power station, built in 1941, is owned by FPL Energy, which purchased the plant from Central Maine Power. {Paula Gibbs in Boothbay Register 6.July.2000} FPL has listed the property with the Boulos Company for sale, per Judy Foss, who is handling economic development for Wiscasset. {ANR&P discussion 20 May 2003}]

**Will Dragon continue importing after Thomaston ramps up?**

At this time, Dragon supplements Thomaston product with imports from Venezuela. Veysey declined to comment about whether the
expanded production in Thomaston would obviate the need to import. ‘As far as the future is concerned, market conditions and production considerations will determine our cement importing needs.’ {e-mail to ANR&P}

13 May, Augusta. **MDOT WILL REVIEW PROPOSALS ON 23 MAY** for the operator of the Rockland Branch, probably [see 8 April issue]. Commissioner David Cole wrote this in response to queries about the delays: ‘We have settled on a selection committee that has eight members:’ the Offices of Freight and Passenger will each send three representatives, including management; Rail Maintenance and Finance will send one each.

‘That committee will most likely meet on May 23 to review submissions and discuss the work which has already been done. A subgroup of three will subsequently conduct interviews. We will hopefully have a June decision to select an operator. Business negotiations could extend final contract award slightly beyond that.’ {e-mail to ANR&P}

[Thus the operator, if new, will have two months to get prepared for the 1 September agreement start date. Editor]

15 May, Rockland. **A FERRY FACILITY AND DRAGON’S CEMENT LOADING FACILITY** may co-exist on the track leading to the ocean here. MDOT is proposing $3.75 million from the upcoming transportation bond bill:

‘These funds will be used for the acquisition and development of facilities to establish an intermodal passenger terminal that links the high-speed ferry operation to a second location in Maine. Through a public/private partnership in conjunction with the Maine Port Authority, the project will provide a linkage between ferry and passenger operations, and supplemental facilities to supplement the tendering operations for cruise ships calling on Rockland. Eight such ship calls are scheduled for 2003.’

Both Terry Veysey of Dragon and Allan Bartlett of MDOT stated that the two facilities could co-exist. {ANR&P discussion 15&19.May.03}

---

**MASSACHUSETTS**

**CSXT**

8 May, Boston. **THE MBTA, HARVARD, AND THE MTA REACHED TENTATIVE AGREEMENT** on ensuring the existence of the rail yard at Allston Landing. After meeting for a day and a half, the parties [and perhaps others–report did not state–editor] had a meeting of minds on these points:

- The permanent rail easements owned by CSXT would be transferred to the MBTA.

- The transfer would take place at no cost.

- Should portions of the 91 acres be developed by Harvard, the MBTA may obtain a second permanent main-line track easement, as well as 20,000 additional feet of storage using track either inside or adjacent to land the authority owns that is next to the Allston property, MBTA General Manager Michael Mulhern said.

- Harvard University will spend $1 million looking at transportation improvements that could be made on the property, including extending a freight rail line directly to the port of Boston. {Mac Daniel in *Boston Globe* 9.May.03}

19 May, Boston. **THE METROPOLITAN HIGHWAY SYSTEM ADVISORY BOARD WANTS TO REVIEW THE NEW DEAL.** Marc Draisen, executive director, said the board will convene at 9AM on 22 May, and has requested any documentation that the MTA can supply. “We’re taking the position that this is a new deal, and we empowered to review it [see 6 May issue for statutory authority]. The deal is governed by a new document which did not exist when MHSAB reviewed before.”

Moreover, said Draisen, while rail access for the port and for commuter rail will apparently happen under the deal, other issues exist which the loss of the rail yard would raise. Draisen noted that these were mentioned in the MHSAB’s letter to the MTA requesting a delay in the sale:

- How would the region replace the current hazardous material handling capability at Houghton Chemical?
- How would the region replace the current trash loading system in Beacon Park?

- How would the region replace the 85 jobs represented by Houghton Chemical?

He would like to see how the deal handles these issues, among others. \{ANR&P discussion 19.May.2003\}

**BOSTON**

19 May. **THE PORT WILL GET A THIRD DIRECT CALL NEXT WEEK**, when Mediterranean Shipping Company (MSC) splits its current Mediterranean inbound service. One string will start from Northern Europe, with Boston first inbound call, and one string will start from the Mediterranean, with Boston first inbound call.

**Service to the Southern Hemisphere**

Also important, noted an MSC official in Boston, Bill Eldridge, the Mediterranean string will continue to Freeport, the Bahamas, to MSC’s hub there. Via transshipment, Boston-loaded containers can reach the east and west coast of South America, Mexico, the Caribbean, South Africa, and Australia.

**Shipper savings**

Eldridge noted that by using Freeport to reach the southern destinations, a New England shipper should save money over either draying to New York, or barging the box to New York. Liner services out of New York will not pick up the expense of the truck or the barge; by loading the box in Boston, the shipper obtains a Boston bill of lading with MSC taking possession. \{ANR&P discussion 19.May.2003\}

**BOSTON, BEACON PARK, AND THE FUTURE**

In the past year, Massport has been labelling Boston the port for New England [see 26 February issue]. The near-dock rail afforded by CSXT’s intermodal terminal at Beacon Park helps the port market itself. “It clearly is a strategic asset for the Port of Boston, particularly with the growth of direct call services. It makes marketing for the intermodal business much stronger for us. We don’t like to use ‘niche port’ anymore; we like to call ourselves ‘New England’s port,’ and as a regional port we handle all the transportation needs for this region. As we get more service in here, it makes the intermodal service more important. And it’s much more marketable, much more cost effective, given the extension of I-90 [into South Boston]. [It] makes that dray to Conley to Beacon Park much more reasonable; trucks are no longer wandering through the Big Dig.” \{ANR&P discussion 16.May.03\}

**Growth of container biz**

Boston’s traffic is booming. Spokesperson Georgeane Tacelli said the latest container figures, for the first four months of 2003, show boxes up 24% year-over-year, import and export totalled. The congestion at rival ports has turned new attention to Boston.

Moreover, said Tacelli, port productivity levels are up too: stevedores are averaging “in the high 20s” for containers moved per hour. \{ANR&P discussion 13.May.2003\}

**How much business does Beacon Park do now for the port?**

Hard to tell how much, but probably very little, said Leone. “Having said that, in all of our marketing presentations, to add service for the port, we need the option of near-dock rail. There’s only so much local freight for New England, and we are talking to CSXT about that.” \{ANR&P discussion 20 May 2003\}

**NEW HAMPSHIRE**

**MILFORD-BENNINGTON**

17 May, Wilton. **THE FIRST PUBLIC OPERATION OF THE WILTON SCENIC** occurred this day [see 30 August 2002], when the train ran concurrently with the Film & Arts Festival. It did five trips from Wilton to South Lyndeborough and return.

The formal opening will occur sometime in June, when the train will begin a regular series of excursions. How far toward Bennington the excursion will operate remains open to question, but the railroad aims to run to Greenfield. \{Matt Cosgrove, conductor, in NERAIL 17.May.03\}
TWIN STATE RAILROAD

13 May, Concord. **TSRD FINALLY STIRRED ITSELF ABOUT THE RATE REQUEST** to serve the Gilman mill in Vermont [see 6 May issue]. Kit Morgan, NHDOT rail coordinator, reported that its attorney, David Anderson, recently asked for a copy of the letter requesting a rate.

**NH railroad can reach Gilman**

New Hampshire purchased the corridor as far as Lunenberg, Vermont [see 19 November 2002 issue]. Morgan said New Hampshire ownership extended to the mill in Gilman. [I certainly missed that point. **Editor**: “We did that intentionally since it was not clear what was happening with the Vermont segment.” The section to St.Johnsbury (17.14 miles) is longer than to Whitefield (8.14 miles) and connection with NHCR. Plus, “we saw no immediate prospect of Vermont buying and upgrading that section to get an operating railroad to the mill.”

Precedents exist. Vermont itself bought the Hoosick section in New York to connect GRS to North Bennington. New Hampshire bought the Maine Central trackage in Beecher Falls, Vermont when it bought the section north of North Stratford. {ANR&P discussion]

PORTSMOUTH

**PORT TONNAGE CAME TO 4.25 MILLION TONS IN 2002** moved by 66 ships. The highest monthly total, 514,000 tons, moved in November; the lowest, 251,000 tons, in June. According to figures from the Pease Development Authority, it broke down in this way:

- **Salt**
  Fifteen ships brought in 503,000 tons to three piers: Sprague River Road, Granite State Minerals, and the Market Street Terminal.

- **Coal**
  A total of 19 ships [including the *Gypsum Centennial*, see WHRC] brought 613,000 tonnes to Schiller Station.

- **Oil**
  Some 63 ships discharged 1.282 million tons of oil at Schiller Station, the Irving tank farm, and Sprague (either River Road or Atlantic terminal).

- **Gasoline**
  A total of 27 ships unloaded gasoline at either of the two Sprague terminals.

- **Kerosene**
  Six ships discharged kerosene, totalling 1,860 tons.

- **Tallow**
  Six ships loaded 21,000 tons of tallow at Sprague River Road.

- **Cable**
  Five ships loaded 36,000 tons of cable at Simplex.

- **Gypsum**
  Some 12 ships discharged 459,000 tons of gypsum at Sprague River Road, while seven ships discharged 235,000 tons of gypsum at the National Gypsum terminal.

- **General cargo**
  One call picked up 2,500 tons of general cargo at the Market Street Terminal.

- **Propane**
  Ten ships called the Sea-3 terminal to unload 254,000 tons of propane.

- **Cement**
  Four ships discharged a total of 34,000 tons of cement at Sprague River Road.

- **Asphalt**
  At Sprague River Road, nine ships unloaded 89,000 tons of asphalt, while at Sprague Atlantic ten ships unloaded 130,000 tons.

- **Diesel**
  Three ships called the Irving terminal with 67,000 tons of diesel. Three ships discharged 94,000 tons at Sprague River Road.

- **Caustic soda**
  Five ships unloaded 18,000 tons at Sprague River Road.

- **Scrap metal**
  Two ships loaded scrap at the Market Street Terminal, one 25,000 tons and one 17,500 tons.
RHODE ISLAND

PROVIDENCE & WORCESTER

13 May, East Providence. **NO CONNECTION YET TO THE EAST JUNCTION SECONDARY.** ‘Lights and gates are in place and active at Dexter Road/King Philip Road in East Providence. The two track crossing serves Tanner Industries and Pondview Recycling on one track while the other is yet to be extended for the wye connection to the East Junction track.’ [e-mail to ANR&P from correspondent Dave Watelet] [See 28 June 2002 issue.]

PW’s 2002 Annual Report mentioned this: ‘When the entire project is complete, the Company’s East Providence Running Track will connect to the East Junction Secondary, allowing for efficient through train movements.’ [text of report]

PW/PROVPORT

14 May, Rhode Island. **A DAY IN THE HANDLING OF THE COAL MOVEMENT** from Provport to Mt.Tom was written up by Evan Dewaele, a ninth grader who rode with a PW crew as ‘job shadowing’ because he wants to become a railroad engineer.

Train PR-3 left Valley Yard in Pawtucket at 0730 with 27 cars, arriving at Cranston Yard at 0830. Leaving 12 there, the train turned down the Harbor Junction branch with three empty coal cars and 12 mixed freight (four for Coastal Recycling, seven for Metals Recycling, and one Univar).

Spotting Coastal’s four on the Coastal siding, the other eight on the line to Allen’s Avenue, the crew took the three empties and seven more picked up on that line to Provport. They lifted 13 loaded coal cars and left the ten empties.

Running to Cranston at 0955, the train left the 13 loaded coal cars at the yard and proceeded to West Davisville with the 12 cars from the original 27 left at the Cranston Yard earlier. At Davisville, the crew left the 12 cars for Seaview, and took back at 1105 to Cranston seven empties.

Leaving the seven empties at Cranston, the train ran light on the Harbor Junction to Coastal, lifting the eight left earlier. Back into Provport, the crew left one at Univar, lifting two, and spotted seven at Metals Recycling and lifted three.

The train then moved to the pier. The crew split the engines; one locomotive took the five cars from Univar and Metals, and pushed down to the ten coal cars. (Since spotting the ten empties at around 0900, Waterson Stevedoring had filled them.) The train headed back to Cranston Yard with the other two locomotives at the end. At Coastal Recycling it lifted two loaded and three empty cars, then arrived at Cranston Yard at 1345.

In the yard, the train did some switching and departed north at 1430 with 27 loads (23 coal cars) and 12 empties. At the Northup Yard, the train picked up 11 loaded coal cars from the 52 already, giving a total of 50 cars.

At Valley Yard at 1530, the train arrived with 34 loaded coal cars and 16 mixed freight. The nightly train between Providence and Worcester, PRWO, will move the 50 cars to Worcester, and then add cars already in Worcester to total 65 coal cars for delivery to GRS at Gardner. [e-mail to ANR&P from Dewaele 15 May.03]

VERMONT

VERMONT RAIL SYSTEM

13 May, Rutland. **THE RUTLAND YARD RELOCATION PROJECT HAS TWO SEPARATE EFFORTS**, explained Matthew Sternberg, executive director of the Rutland Redevelopment Authority [see 26 February issue].

**Project design and engineering**

On 20 May, federal and state resource agencies will gather to look at issues of environmental impact. Consultant HDR is assembling all available information to present at the meeting. Sternberg hopes to come out of the meeting ready for final determination on the preferred alternative: the building of a new yard south of the current one.

HDR is also doing preliminary engineering for the bridges and grade sections.

**Funding and the corridor concept**

Stakeholders continue to work with the staff of US Senator James Jeffords on avenues for funding the project. While “it’s too early to know
how that will turn out,” said Sternberg, in “shopping the corridor concept, no one thinks it a bad idea or the wrong thing to try to do.” The concept would link the Middlebury spur for OMYA, track upgrades between Middlebury and Rutland, and the new Rutland yard. He hopes that the new transportation authorization bill, called TEA-3 or (by the administration) SAFETEA, will contain language permitting funding of corridors.

**Need for the new yard**

According to Sternberg, “VTR and other users see a point of serious capacity problems in the yard a couple of years out,” according to the “clear trend line” showing traffic growth. {ANR&P discussion}

**And what of the Middlebury spur?**

Lee Khan of OMYA said work is moving ahead, but had nothing to report. {e-mail to ANR&P}

---

**QUEBEC/MARITIMES**

### NEW BRUNSWICK SOUTHERN

20 May, St.Stephen. _THE TRANSLOAD WILL OPEN 1 JULY HERE_, after a long gestation period [see 12 April 2002 issue]. Don Saunders of the St.Stephen Development Board said his agency will own the facility, and the private company St.Croix Transfer, which has warehousing adjacent, will operate it.

Any party may use the facility, paying a fee to St.Croix, which will share the fee with the Development Board.

### Bayside Stevedoring?

Peter Frye of Bayside Terminals provided much of the impetus for the facility [see 27 February 2001 issue]. Saunders said Frye has not made permanent arrangements to use the transload dock. “That needs be negotiated, but he could cut 200 kilometers off his dray” which he currently does to Saint John. {ANR&P discussion 20 May 2003}

### WINDSOR & HANSPORT

13 May, Hantsport. _THE EXPANSION OF THE FUNDY GYPSUM FACILITY_ remains “on track and on schedule,” said Kirk Hillman, plant manager [see 28 October 2002 issue]. The extension of the shed by 300 feet, and installation of new ship loading machinery continues. Because the northern of two ship loaders is removed, the facility is running at a reduced capacity now, but Fundy plans to initiate the expanded facility on 15 October.

**What’s the Gypsum Centennial doing now?**

Hantsport expansion will permit loading of the larger gypsum transport. Bob Williams, spokesperson for parent company USG, said the ship is carrying “outside product such as coal” during the gypsum off-season. For example, it brought coal to Schiller station in Portsmouth Harbor on 15 February 2002, and 27 December 2002. [See Portsmouth.]

During the construction season, the ship moves gypsum from Little Narrows, and other product on the backhaul. Hillman said the ship changed from one bulk cargo to another easily. “There’s no contamination, it’s almost self-cleaning.” {ANR&P discussions}

15 May, Windsor. _THE RAILROAD DOES NOT EXPECT ADDITIONAL TONNAGE IMMEDIATELY_ after Fundy finishes the gypsum expansion, said Jim Taylor, WHRC general manager. Other customers are also holding steady.

### Rail maintenance program

Nevertheless, crews are replacing rail in the curves between Miller’s Creek and Hantsport, the section which bears the heavy gypsum trains. WHRC bought about 55,000 feet of longer sticks of rail from CN, anywhere from 200 to 800 feet long. Taylor explained that traditional continuous-welded rail (CWR) begins with 1480-foot sections, so the railroad is not creating CWR, only laying the long sections.

The program began in 2002, and will continue this year and 2004, each year laying about 17,000 to 20,000 feet. Some of the lengths removed are destined for scrap, the worthwhile lengths saved for relay elsewhere on the railroad.

_The Evangeline will run again_
WHRC’s excursion train, the *Evangeline Express*, will operate again this year. {ANR&P discussion 15.May.2003}

**HALIFAX**

8 May. **CERES NEEDS MORE PACKERS TO ELIMINATE CONGESTION.** Truckers have been complaining for months about slow turnaround times at both of Halifax’s container terminals. The situation has improved somewhat at Halterm, the south-end terminal, but has deteriorated at Fairview Cove since Atlantic Container Line moved its business there from Halterm in early April [see 6 May issue].

Brian Conrad of Conrad’s Transport Ltd. in Dartmouth measured the production levels of his trucks hauling to and from Ceres at 25 to 50% for the past month, because of service delays at the terminal. One-hundred percent performance for his trucks would mean taking in two containers and taking out two before noon and again in the afternoon. “We have had only two days (better than) 75% since April 15.”

**The causes of the problem**

Conrad ascribed the congestion to a “combination of many things”: limited dependable equipment to handle the trucks, the influx of ACL containers, a staffing shortage, reduced manoeuvrability at the container-crammed terminal, and CN’s failure to supply enough rail capacity.

Calvin Whidden, Ceres vice-president and general manager of the Ceres’ Halifax terminal, acknowledged on 8 May he did not have enough what New Englanders call ‘packers’ to do the positioning quickly enough. The bigger demand for packers is driven by two factors:

- An increase in container throughput from the ACL additional business; and

- The requirement to cycle railcars faster due to CN’s car rationalization program. [About 65% of all containers move by rail. See 8 April issue on Halterm.]

Whidden said he would have acquired enough loaders within a week.

**Temporary amelioration**

On 7 May, independent truckers blocked the gate at Ceres, frustrated over slow turnaround times. Truckers, lined up for over two hours to get in, blocked the gate for less than an hour. Whidden said he had to agree with the truckers that day’s performance at the terminal was unacceptable. “We had some equipment problems this morning and we had a ship alongside, but they were correct, we did not turn them around fast enough today.”

Whidden said on 7 May he talked with the upset truckers and came to a financial arrangement that offers them compensation “until I get equipment in place to be able to work them in a regular eight-hour day.” He would not reveal details of the agreement but The Halifax Herald learned that Ceres agreed to pay the drivers $10 for every full 15 minutes beyond two hours of waiting time, excluding before 8 a.m. and dinner and supper hours. Ceres has also extended its hours until 10PM daily. {ANR&P discussion 8.May.2003; Tom Peters in Halifax Herald 8.May.03}

**SAINT JOHN**

7 April. **SAINT JOHN WON A SECOND CONTAINER CALL:** MelBridge Container Line is added to Tropical. The first ship, MB Canada, called this day in the rotation Rotterdam-El Bilbao-Saint John-Havana-Rotterdam. Succeeding ships have called about every ten days.

**A new lane for the port**

Captain Alwyn Soppitt, president of the Port Authority, noted: “MelBridge is a great fit for us. It will provide a new direct import container service from Northern Europe and Spain and a direct export service to Cuba. These are two new container corridors for us and will very nicely complement our existing container services at the port.”

Paul Doiron, vice-president Atlantic for Logistec Stevedoring and general manager of Brunswick Terminals, is also pleased with the new service. “With the Port Authority, we have worked very hard to bring the Line to Saint John and we are very pleased with their decision. This will bring a much-needed increase in container business to our terminal and increased cargo for the port.”

**Traffic - use of rail**

According to Kevin Creighton of Furncan Marine, sub agents for Robert Reford who are the agents for MelBridge, ‘inbound and outbound cargoes total approximately 175 - 200 boxes so far at this early stage. We have had three vessels so far and the next one, MB Caribe, is expected in Saint John on May 14th. We anticipate the number of boxes to increase as word of the line get out to different shippers/receivers.
'All the boxes moving to and from Toronto and Montreal are moved by rail. We have had a few boxes coming off the vessel; for customers in New Brunswick and of course they move by truck. 'Contents of the containers vary from frozen vegetables to personnel effects, computers, and machinery.' {e-mail to ANR&P 12.May.2003}

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.

<table>
<thead>
<tr>
<th>RR</th>
<th>location</th>
<th>reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bluebird</td>
<td>GRS</td>
<td>Calais</td>
</tr>
<tr>
<td>Circle Life</td>
<td>CSXT/CSO</td>
<td>New Haven</td>
</tr>
<tr>
<td>Dirigo</td>
<td>TSRD</td>
<td>Gilman VT</td>
</tr>
<tr>
<td>Dragon</td>
<td>SRP</td>
<td>Thomaston</td>
</tr>
<tr>
<td>Fundy</td>
<td>WHRC</td>
<td>Hantsport</td>
</tr>
<tr>
<td>Grimmell</td>
<td>GRS</td>
<td>Topsham</td>
</tr>
<tr>
<td>Houghton</td>
<td>CSXT</td>
<td>Allston</td>
</tr>
<tr>
<td>Murphy Rd</td>
<td>CSO</td>
<td>Hartford</td>
</tr>
<tr>
<td>Mt.Tom</td>
<td>PW</td>
<td>Provport</td>
</tr>
<tr>
<td>OMYA</td>
<td>VRS</td>
<td>Proctor</td>
</tr>
<tr>
<td>St.Croix</td>
<td>NBSR</td>
<td>St.Stephen</td>
</tr>
</tbody>
</table>

PEOPLE

Mark Bromirski, handling sales and marketing for Connecticut Southern Railroad, is temporarily wearing a second hat as operations manager. Joe Duffy, train master, has left; RailAmerica would like to hire a general manager for CSO; until now, the NECR general manager also handled CSO.

Didier Vanalderwerelt (Vanal) became vice-president, Trade & Operations, for the Saint John Port Authority. He has held a number of senior positions in the marine transportation sector including vice-president & general manager for K-Line Canada Ltd, president & general manager of Nortec Marine Agencies.

EDITORIAL

Inexcusable behavior

Some in the railroad community believe that Guilford acts rationally with respect to the use of its assets. Perhaps true, but Guilford also has the responsibility to act lawfully. In denying Grimmell even the courtesy of a written rate quote to move ASR, as it was required to do by federal law [see Maine], Guilford put itself above the law.

Guilford officials also acted—to be direct—like jerks after that. MDOT, as the STB opinion points out, tried to resolve the situation
by obtaining Guilford’s obligation to serve Grimmell. But when the possibility emerged that the SLR could serve Grimmell coming down from Lewiston, Guilford reneged on the proposed transfer.

In the Grimmell case, and in other situations, Guilford has exhibited a dog-in-the-manger attitude, and continues to do so with respect to letting the *Downeaster* run at 79 miles per hour. Now, though, the STB has found that Guilford acted not only indecently, but contrary to law. Perhaps a large award of punitive damages would turn the railroad into a more decent corporate citizen.