FROM THE PUBLISHER

Favorite stories: Barrett Trucking arguing that federal law pre-empts local regulation of rail yards, and GRS arguing that federal law requires Grimmel to go to the STB. Both use the Interstate Commerce Terminal Act of 1995 as a basis, so I look forward to discussion of exactly how far the STB’s exclusive jurisdiction extends.

- Chop Hardenbergh

Next issue: 24 September.

REGIONAL ISSUES

SLR/GRS: Two-line move to Portland.
Emons: record operating revenues.

CONNECTICUT
PW: Wethersfield secondary progress, rail excursion, and Army railway battalion.
NECR/PW: Part II on reviving the Willimantic Secondary, to get around Amtrak.
Amtrak: Connecticut Public Transportation Commission efforts on Amtrak trackage fees.

MAINE
Lewiston Lower Road: Grimmel appeals ruling.
Amtrak: Work deadline, time of travel, service to Brunswick.

MASSACHUSETTS
MCER: Traffic up, loss of K Lines, new yard.
FTR: FAC report by October?

NEW HAMPSHIRE
Legislature: Three rail bills.
West Lebanon: Six expressions of interest.
CCRR: Possible new customer.
FTR: NHDOT to buy more from GRS, GRS not using trackage rights over MBRX.

RHODE ISLAND
FRIP: Amtrak to deliver long-lead items to Davisville.
Seaview: New customer, business doing well.

VERMONT
Amtrak: Need agreement with GRS and VAOT.
Wells River: Talks on sale to resume.
NECR: Cargill salt shed in White Rive Junction.
WACR: VTR to take over operation.

MARITIMES/QUÉBEC
CFQ: Transload and other traffic going well.
QCR: work still going on.

ATLANTIC NORTHEAST PORTS

Halifax: Scotia Terminals seeking intermodal service.
Gloucester: study on ferry to Nova Scotia.
QPD: RIEDC votes down QPP, but still interested in port.

SLQ: First doublestack, CN combined train.

SLR/GRS - MAINE/NEW HAMPSHIRE

7 September, Portland. A TWO-LINE MOVE IS BRINGING PULP OUT OF BERLIN for export, according to P.D.Merrill of Merrill’s Marine Terminal. “It’s a new world out there” since American Tissue [see 13 August issue: New Hampshire] purchased the Crown Vantage mills in Berlin and Gorham NH, and the new owners are marketing their pulp to good advantage. “We are handling our share of it.”

Transloading at first
In the beginning of the move in August, SLR brought carloads of pulp to East Deering to the former Nissen Bakery site, whence Merrill would transload it into trucks for delivery to its South Portland warehouse. Then GRS
and SLR provided a “satisfactory” two line rate, said Merrill, and by the beginning of September GRS was picking up the boxcars in Danville Junction and delivering them to the South Portland warehouse.

There Merrill has equipment to “unitize” the pulp, meaning to combine the bales in units of eight for export. This week a Star ship will pick up about 2,000 tons of the pulp, which is trucked from the South Portland warehouse to the Portland terminal for export to Asia.

Future work
Merrill anticipated that his terminal will handle a “fair amount of volume” in the next few weeks. “It shows that the Port of Portland can handle rail deliveries from the SLR, when the cargo needs to go through the port.”

{ARW discussion 3.Sept.99; thanks to the Atlantic States Limited for spotting this move in its 9.99 issue}

EMONS ANNUAL RESULTS

9 September, York PA. EMONS ANNOUNCED RECORD OPERATING REVENUES for the fiscal year ending 30 June 1998 of $22.7 million, up 30%. For the fourth quarter, operating revenues increased 26% to $6.2 million, and income before taxes was up 35% to $853,000 from $632,000.

Robert Grossman, chair and CEO said: "The results for the year, and fourth quarter, were strong because freight revenues, excluding intermodal, were up 31% for the year and 24% for the fourth quarter. Carloads increased 48% to 62,375 from 42,050 for the year [reflecting in part new acquisitions by the company], and increased 54% to 18,500 from 12,000 for the fourth quarter. Average revenues per carload decreased 12% for the year and 20% for the fourth fiscal quarter, primarily because the average revenue per carload on our recently acquired rail line in Quebec is lower than the average revenue per carload on our other railroads. Excluding acquired operations in fiscal 1998 and fiscal 1999, freight revenues increased 11% and carloads increased 7.5% for the year."

While beneficial in the long term, in the short term “the acquisition of Conrail by Norfolk Southern Railroad and CSX Transportation is not without its problems. The implementation of the split-up of Conrail has caused service disruptions by our connecting Class I rail carriers in Pennsylvania and, therefore, carloadings are below plan to date in our first quarter of fiscal 2000. This will impact at least our first quarter results. When the service by CSX and NS improves to acceptable levels, we expect to resume the growth that we experienced from existing operations over the last several years. We remain optimistic about our long-term future and continue to pursue strategic acquisitions.” {Emons press release}

[For recent results on SLR and SLQ, see Canada.]
CONNECTICUT RAILROADS

PW: WETHERSFIELD SECONDARY
1 September, Middletown. MORE DETAIL ON THE PW USE OF THE REBUILT LINE was supplied by Russell St. John, former president of the Connecticut Central Railroad and consultant to PW on the project [see 27 August issue: NECR/PW Expansion Part I]:

- PW is doing the line in part to provide an alternative to CSO’s use of Amtrak’s Springfield Line, but also to reach new customers such as the Rocky Hill Industrial Park and “a couple of other people” who have expressed interest.

- PW is redoing the ½ mile in Cromwell, replacing the light rail there with 107-pound New Haven rail, which came off another ConnDOT project.

- The secondary is open to high-railing as far south as Rocky Hill, then comes the four-mile gap where the track has been out of service for quite a few years.

- For $1.7 million, the railroad could bring the entire line up to 107-pound rail, minimum. The Wethersfield crossings already have this weight to 100 yards either side, but between the crossings only 80-pound rail.

- The railroad still hopes to get funds from the state to do the project. The legislature could add funds to the small-railroad project pot. The work includes two bridges and three crossings. If money does not come from the state, PW is pursuing some other avenues. {ARW discussion}

18&19 September, Middletown. RAIL EXCURSIONS ARE OFFERED as part of a Tri-Town River Festival. On Saturday, a US Army railway battalion in conjunction with the Middletown Chamber of Commerce and PW will run free (but asking for a food donation) rail shuttles from Middletown north to Cromwell, and across the swing bridge to Portland and back.

On Sunday, a rail excursion will run the two shuttle routes and then move west to the north end of Cedar Hill Yard and back to Middletown. [For the $49 tickets, contact Massachusetts Bay Railroad Enthusiasts.]

St. John said this would offer the first passenger service on some of this track for 60 years.

Repairs to the swing bridge
PW has basically completed the structural repairs, as funded by the state and PW [see 26 February issue], so that both freight and passenger trains may cross it. {ARW discussion 2.Sept.99}

THE ARMY RAILWAY BATTALION
As one of only two railway battalions, the 1205th Transportation Railway Operating Battalion was activated during the Persian Gulf War and was awarded the Army Superior Unit Award. It consists of maintenance of way personnel, railroad operators, train crews, supply and logistics personnel, administrative personnel, intelligence and planning personnel, and mechanical maintenance personnel. Many of the soldiers of the 1205th work for passenger and freight railroads located through out New England, New York, New Jersey, and a detachment in Southport, North Carolina.

The battalion formerly trained on Connecticut Central lines, hence its location in Middletown. It now trains on the Old Colony Line in Newport RI, the Trolley Museum in East Windsor CT, Long Island Railroad simulators in New York, and at Naval Weapons Station Earle in New Jersey.

Historically, the battalion and its predecessors, the 729th and the 591st, served in the Second World War and the Korean War. The 1205th continually seeks dedicated men and women to serve in the Army Reserve. Contact Captain John Rettman at 203-634-7718. {letter from Rettman 19.Mar.99}

On the weekend of October 15-17, the 1205th TROB in conjunction with Connecticut Southern Railroad will teach the Boy Scouts of America Railroading Merit Badge to 400 Boy Scouts from the Sleeping Giant District and surrounding area. The State of Connecticut DOT Operation Lifesaver will be on hand to support the 1205th TROB at both the Boy Scout Railroading Camporee as well as the Tri-Town River Festival.

NECR/PW:
CONNECTICUT EXPANSION PART II
Some believe that Amtrak charges too high a rate (90 cents per car mile) for track access on its line, and that if PW reconnects Hartford to Cromwell, freight could run via PW’s Wethersfield Secondary (Hartford-Middletown) and Middletown Secondary (Middletown-New Haven) between Hartford and New Haven. If NECR/CSO could connect from Willimantic to Hartford and then use the PW trackage, NECR/CSO could avoid the Springfield-New Haven Amtrak corridor. Finally, if PW could reopen its line from Plainfield to Willimantic, PW could avoid Amtrak trackage rights for traffic via Worcester to New Haven for at least some of its traffic.
This Part II looks at the Willimantic Secondary for freight. In later parts ARW will examine the Plainfield to Willimantic section, the blocking provision preventing NECR/CSO from using other Class Is, the PW's Norwich line, and interest in future commuter service.

See also in this issue more detail on PW's rebuild of the Wethersfield secondary, and on the Connecticut Public Transportation Commission's effort to cut the Amtrak fees.

The proposal to revive Manchester-Willimantic for freight
In 1998 NECR/CSO proposed freight use of this line, though various organizations had long expressed interest in reviving this right-of-way, built in 1849 as part of the Hartford, Providence, and Fishkill Railroad, to permit commuter service into Hartford. Abandoned in 1970, the ROW was purchased by ConnDOT in 1976 sans rails, and “leased” (per ConnDEP) or “transferred” (per ConnDOT) by ConnDOT to the Connecticut Department of Environmental Protection in 1987. From Vernon to North Willimantic, the Hop River State Park Trail runs along the ROW. {ConnDOT May 1998 map; Lost Railroads of New England, Ronald Dale Karr 1996 (second edition)}

Ray Godcher of ConnDOT denied that any railroad held any residual rights over the corridor, despite a rumor that PW claimed it held perpetual freight rights on it.

On 3 June 1998, Dale Carlstrom, then president of both CSO and NECR, wrote a letter to ConnDOT proposing to rebuild the line as a means of connecting the two railroads. According to the letter:

In 1997 the CSO handled 15,885 freight cars, all of them interchanged with Conrail (CR) in West Springfield, MA. Today, our extended five-year forecast for growth incorporates an estimated 5% increase in carload traffic annually, or 20,273 carloads annually by the year 2003. The management of New England Central Railroad (NECR), which operates CSO, believes that it would be advantageous for both railroads, our customers, and the State of Connecticut if NECR interchanged carloads directly with CSO.

This connection will provide two RailTex properties with direct interchange capabilities to four Class I railroads (CSXT, NS, CP, and CN) and establish regional rail carrier operating over 400 miles of track and hauling more than 50,700 rail shipments annually, approximately 45% of which originate or terminate in Connecticut.

By implementing the proposed connection, our revised five-year forecast for CSO carload volume would incorporate a 15% increase for the first year and 8% for the four years thereafter, or 24,853 carloads annually. This increase in rail traffic will come from materials that are now transported via truck into the State of Connecticut. Given that rail freight transportation provides a three-to-one advantage over trucks when moving freight, this increase in rail traffic will represent a reduction of 13,740 on Connecticut highways by the year 2003.

In addition, the installation of the ‘Willimantic Line’ will provide our customers, the CSO, and the Connecticut Department of Economic Development greater access to shipping markets throughout Canada and the United States, markets that have not been realized in Connecticut since before the Staggers Act of 1980 deregulating specific commodities within the rail industry. This considerably increases the viability for economic growth through industrial development in the State of Connecticut.

...Provided that NECR's request for [trackage rights between Palmer and Springfield MA] is denied [by the STB during the splitup of Connrail], NECR management is prepared to approach its primary interchange partner, Canadian National Railway (CN), as a source of funding for the Willimantic installation project. NECR can demonstrate that CN would stand to gain substantial traffic growth from handling a portion of CSO’s business. If CN were able to interchange traffic with CSO via NECR, ultimately each carrier would be in a position to increase earnings through long-haul traffic and reduce costs with handling efficiencies.....

With the construction of our proposed connection, the NECR is also prepared to provide operating rights to the Providence and Worcester Railroad (PW) from Willimantic to Hartford CT, connecting the PW over the ‘Wethersfield Secondary’ currently under construction and targeted for completion in 1999 and creating an East to West corridor through central Connecticut between Plainfield and New Haven CT, thus virtually eliminating freight carriers’ dependence on Amtrak lines to move product in Connecticut.....

...The Connecticut Southern Railroad estimates that the reinstallation project would have a total cost of $14,861,480....It will also work as a base for implementing eastern Connecticut commuter rail service between Hartford and Willimantic CT....

Should the Connecticut Department of Transportation determine that this project will indeed further the objectives of the State, would you consider leasing or selling the right of way to the New England Central and Connecticut Southern Railroads? Also, will CDOT be prepared to partially fund this project by activating the Rail Preservation Program to assist railroads with funding for the rehabilitation of the rail infrastructure? The railroad will rebuild the line to FRA Class II standards and provide and maintain adequate highway crossing protection.

The ConnDOT response
On 22 June 1998, ConnDOT responded to Carlstrom with a letter from Harry Harris, head of the Bureau of Public Transportation. He first noted that CDEP had created a recreational corridor in the ROW. ‘Nevertheless, the
instrument by which the right of way was transferred provides for the property to be returned to the control of CDOT if it is needed for transportation purposes.

‘I must concede that by presenting more direct interchange potentialities with Class I carriers, the restoration of the railroad infrastructure between Windham [the town containing Willimantic] and Manchester would greatly benefit the affected RailTex properties. Unfortunately, at this time CDOT cannot provide any significant financial assistance to effect the infrastructure restoration, nor can we exercise the reversionary provisions in our agreement with DEP without a sound financial commitment from the carrier(s) to fully restore the railroad infrastructure.

‘However, we are encouraged that the aforementioned benefits may be realized in a different manner if [the STB grants trackage rights between Palmer and Springfield]. While such a recommendation does not reduce the number of track miles CSOR accrues on Amtrak’s Springfield Line, it does create a direct connection between the RailTex properties.

‘I appreciate your taking the time to develop the proposal to restore the Willimantic Secondary Line and I assure you that we will remain receptive to any restoration proposal that is not dependent upon financial assistance from this agency.’ {text of letters from Northeast Connecticut Council of Governments}

Would CSO/NECR benefit from the Willimantic Secondary? One immediate benefit would accrue to the railroads from using the line: they would not pay trackage rights to Amtrak from West Springfield to Hartford. If we assume that CSO brings 50 cars a day to Hartford (running 300 days a year = the 15,000 annual carloads Carlstrom describes) by an interchange with CSXT at Palmer, the cars travel an additional 16 miles to Palmer, then 50 miles to Willimantic, then 19.6 miles to Manchester, then over CSO the last 8.8 miles on the existing Manchester Secondary.

<table>
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<tr>
<th>Route</th>
<th>Mileage</th>
<th>Rate (cents/mile)</th>
<th>Total (dollars)</th>
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</thead>
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<td>.30</td>
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<tr>
<td>Palmer-Willimantic</td>
<td>50</td>
<td>.20</td>
<td>10.00</td>
</tr>
<tr>
<td>Willimantic-Manchester</td>
<td>19.6</td>
<td>.20</td>
<td>3.92</td>
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<tr>
<td>Manchester Secondary</td>
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<td>1.76</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td></td>
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<td><strong>$20.48 per car.</strong></td>
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</tbody>
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Amtrak would charge 90 cents per mile for the 28 miles from West Springfield to Hartford, or $25.20 per car, so that NECR/CSO would save about $5 per car, or $75,000 per year. This net benefit would not repay the capital costs, estimated at $14 million by Carlstrom, to rebuild the Willimantic Secondary. Railroad cost of capital is estimated by the STB at about 12%, meaning an infusion of $14 million would require the railroad to pay $168,000 per year. {ARW analysis}

Four 1999 meetings
The initial 1999 meeting to discuss the possibility of reopening the line for freight took place in January in Willimantic. According to John Filchak, executive director of the Northeast Connecticut Council of Governments (NECOG) which strongly backs the re-opening, local officials from the 13 communities along the ROW between Hartford and the Rhode Island line met with PW and NECR representatives as well as Rails to Trails people and Filchak himself.

NECOG covers ten towns, as far west as Eastford and Woodstock in the north, and as far south as Canterbury and Plainfield. It does not include Willimantic, in the town of Windham.

A second meeting was convened at the General Assembly by Representative Denise Merrill of Mansfield, NECR officials, and ConnDOT officials as well as Filchak.

On 9 February 1999, the governor’s deputy chief of staff, Sid Holbrook, met NECOG chair Jack Burke, Filchak, ConnDOT Commissioner Sullivan, and senior ConnDOT officials. Holbrook repeated what Harris had written: the state would like to see an actual financial proposal before beginning to plan, and to redistribute the rail funds at ConnDOT’s disposal.

Finally, Filchak and Burke met with PW’s new general counsel, Deborah Sedarres, in March to ascertain PW interest.

Next steps
“We’ve taken it as far as we can,” said Filchak in September. “It’s now up to PW and NECR to take the next step” by providing a financial plan to revive the Willimantic Secondary, and perhaps the Willimantic to Plainfield line.

Next: reopening the line from Willimantic to Plainfield. Future issues will also discuss the blocking provision of CSXT, PW’s Norwich Main, and advocacy of commuter rail in the region.

AMTRAK: FEES TO USE ITS TRACK
While CSO and PW are looking at ways to build around Amtrak because of its high trackage fees [see elsewhere this issue], others are looking at a direct assault on the fee. During 1998 and 1999, the Connecticut Public Transportation Commission [see box] held hearings and discussed the high fee. What
follows largely from the Commission’s Annual Report for 1998.

Fred Riese, chair of the Commission, said the issue of Amtrak fees arose when David Fink, then president of Connecticut railroad tie company Perma Treat and now executive vice-president of Guilford, joined the commission in January 1998. Guilford pays the Amtrak fee to move from West Springfield to Berlin, where its track to Waterbury begins. In June that year, Guilford Rail System’s then-executive vice-president, Colin Pease, attended the Commission’s June 1998 meeting to describe his railroad’s expanding car volumes, new services, and new intermodal facilities GRS was developing. Pease discussed the economic difficulties of providing service into Connecticut on the Springfield Line, saying a number of companies wanted to expand or relocate on GRS tracks, and would do so more readily at a lower price.

This testimony along with other information led the Commission to conclude that the high fees add over $100 per car for the round trip between West Springfield and New Haven. Amtrak receives a total of about $1.2 million each year from the fees. ‘Unlike virtually all other trackage fee contracts, Amtrak based its car mile charge on fully-allocated costs instead of the conventional incremental cost basis used elsewhere in the industry [see 27 August issue]. Under Federal law [see 27 August issue], Amtrak is legally entitled, but not required, to use the fully-allocated cost methodology to set trackage fees....’[W]hereas customary trackage fees in the industry are in the mid-20s in cents per mile, the Connecticut Southern Railroad....pays $.91 per car mile for the use of Amtrak’s Springfield Line, and the Guilford Rail System pays a rate of nearly $.90 cents per car mile. To the best of our knowledge, the trackage fees charged by Amtrak on the Springfield Line are the highest in the nation.’

What to do?
The Commission in 1998 noted that efforts by the railroads to ‘negotiate more reasonable trackage fees have not borne any results to date.’ It recommended that the members of the Connecticut Congressional delegation, with the involvement of Governor Rowland, meet with Amtrak to pursue lower rates.

If that does not succeed, the Commission recommended the repeal of the federal legislation. It noted, ‘Increased freight volumes would help offset the lower car mile rates in providing revenue to Amtrak. In the alternative, the continuance of the present fee structure may lead to a reduction in freight volumes, and will encourage the affected freight railroads to consider other, more circuitous routings into Connecticut.’ {text of Annual Report 1998}

Riese said the Commission in August 1998 had written to the eight members of Connecticut’s Congressional delegation, and received only one response, from Representative Christopher Shays. “Very active in rail issues,” said Riese, “Shays worked hard on the presentation to the STB about joint access for Connecticut.”

The response of ConnDOT
As required by statute [see box], ConnDOT replied in January 1999, noting that the Commission assumed that a reduction in Amtrak fees would reduce the railroads’ rates and thereby increase rail freight traffic. ConnDOT did not agree that the logic necessarily followed, but did support a reduction in fees, if it did not affect the line’s overall profitability. {text of ConnDOT response}

Current efforts
Dennis Coffey, on behalf of CSO and NECR, told the Commission in March 1999 his railroad does about 16,000 carloads a year in Connecticut, and could do more if it could give shippers a better price. Coffey noted that shippers would change transportation lanes for $20 a carload.

In early spring, according to Riese, ConnDOT’s Harry Harris informally approached Amtrak about a cap on the trackage fees, suggesting that carloads above a certain number be charged a reduced fee. Thus, the induced traffic would not affect Amtrak’s existing revenue stream. Amtrak received the suggestion openly but has not made any commitment about the concept.

Riese has encouraged Fink to follow up on Shays’ responsiveness, and seek some legislative action. {ARW discussion 8.Sept.99}

Fink himself said on 9 September his railroad is still “fighting the battle” to reduce Amtrak fees, trying to engage ConnDOT and legislative action. The high fees “make Connecticut an island for railroads” in terms of trying to convince shippers to reach it.

Coffey said his railroads are negotiating on the fee at present; he expects the talks to conclude relatively soon. {ARW discussions 9.Sept.99}
of the General Assembly covering transportation. The Commission submits, in its annual report at the end of the year, (1) a list of public transportation projects which would further state policy; (2) recommendations for improvements to existing projects; and other matters.

Under the legislation, section 13B-11a(e), the ConnDOT commissioner is required to present to the General Assembly his written comments and analysis of priorities by 1 February of the next year.

The Commission has eighteen members, ten appointed by the governor to represent various constituencies, and two each by the House and Senate majority and minority leaders. The commissioners of Transportation and Environmental Protection, the secretary of the Office of Policy and Management, and the co-chairs of the legislative committee covering transportation sit on the Commission ex-officio but without votes.

Current members include Eric Bosch for rail commuters, David Fink (executive vice-president of Guilford Rail), Russell St.John for rail company management, Harry Harris (chief of ConnDOT’s Bureau of Public Transportation) representing ConnDOT Commissioner James Sullivan, and Frederick Riese (senior environmental analyst with the Office of Environmental Review) representing Arthur Rocque, commissioner of the Department of Environmental Protection.

At least once a year, the Commission must hold a public hearing in each of the state’s metropolitan areas.

Other rail recommendations

In addition to recommending lower Amtrak fees, the Commission in its 1998 annual report called for the inclusion of New York City and the Northeast Corridor as far as New Haven in the Shared Assets Area set up by NS and CSXT. It also recommended the restoration of the rail line from Middletown to Cromwell [see 27 August issue], and its tie-in to the proposed football stadium [since cancelled]. {text of Annual Report 1998}

According to Riese, the Commission over 6-7 years looked at a suggestion from the Greater Hartford Transit District to operate commuter rail along the Griffins Line, from Hartford out to Griffins. However, ConnDOT found the price tag high, and the ridership would come from existing bus services.

The Transit District posited a transit and land-use proposal, looking at zoning laws which would permit high-density, rail-dependent uses in a downtown, to battle sprawl. The Town of Bloomfield was enthusiastic, committed to changes if the line went through. {ARW discussion 8.Sept.99}

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**MAINE RAILROADS**

**MDOT - LEWISTON LOWER ROAD**

8 September, Portland. **GRIMMEL INDUSTRIES HAS APPEALED** the decision of the US District Court of July [see 27 August issue]. Grimmel’s attorney, James Kilbreath of Verrill Dana in Portland, expected the appeal, in the US First Circuit Court of Appeals, would be briefed before the end of the year and decided by May 2000.

According to Judge Carter’s decision, Grimmel (legally Pejepscot Industrial Park d/b/a Grimmel Industries) raised both federal issues (whether Guilford has to provide service to Grimmel) and state issues (the ownership of the 3000-foot rail spur from the Lewiston Lower Road). Carter found that his court was precluded from taking jurisdiction of the federal issues by the Interstate Commerce Commission Termination Act of 1995 [see NECR] which vested questions of rail service in the Surface Transportation Board. Without federal jurisdiction, he could not proceed to the state issues, and hence dismissed the entire claim.

On appeal, Grimmel will argue that federal statutes permit federal courts to resolve the issues of service, despite the existence of the STB. [Though not mentioned in Carter’s decision, I would think that the fact that GRS abandoned the line in 1998 at least weakens the case for sole jurisdiction by the STB.]

According to the complaint, Grimmel asked permission in June 1999 from GRS to repair the spur at its own expense, so that it could get rail service. GRS denied permission, and thus Grimmel cannot get rail service though the line itself is restored.

Kilbreath said Grimmel would still like to talk to GRS about rail service, “if it is willing to bring the train” to the scrap dealer’s door. David Fink, GRS executive vice-president, said in turn that “they have the telephone number of our attorney” and can bring that up.

Pending the appeal, GRS has stipulated that it will not tear up the spur, Kilbreath said. {ARW discussions; court opinion in Civil No.99-112-P-C 26.July.99}

**AMTRAK - MAINE**

3 September, Portland. **COMPLETION OF TRACKWORK AND SERVICE STARTUP** is still pegged
at November 2000, said Mike Murray, executive director of the Northern New England Passenger Rail Authority. However, Murray and GRS will sit down at the end of the construction season this year, look at work accomplished and work to do, and jointly agree on a public date for construction completion.

Track work started slowly, because of the need to train new people. Crews which started off doing 200 ties a day have now reached 800-1000 ties a day, said Murray. Crews laying one string of rail (1400 feet) a day should be doing 2-4 strings.

**How long will the trip take?**

ARW noted that during the 1950s B&M timetables show trains travelling between Boston and Portland making the trip in under two hours, while stopping as frequently as Amtrak plans to, though Amtrak pegs the trip at 2 hours 20 minutes.

Murray listed several points causing the difference, foremost the heightened safety awareness: Amtrak will travel through built-up areas at a slower speed than B&M trains. Moreover, Amtrak will take the Wildcat in Massachusetts, making the trip slightly longer.

In the end though, Murray stressed that only actual experience will determine the schedule. The trains may not need to halt for the five minutes built into each stop, for example. {ARW discussion}

**Extension of service to Brunswick**

In a later interview, Murray said that a survey of the track condition between Portland and Brunswick will begin in October. Startup of Amtrak service over that stretch is “not a question of if, but when.” He estimated it could arrive within a year of Amtrak’s reaching Portland, meaning as early as December 2001. {Andrew Winstanley in Bath-Brunswick Times-Record 9.9.99}

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**MASSACHUSETTS RRs**

**MASSACHUSETTS CENTRAL**

2 September, Palmer. **THE RAILROAD IS EXPERIENCING REVENUE GROWTH** despite a setback in intermodal, according to Bob Williams, who became vice-president for sales and marketing in June. Steve Fontaine, former director of customer service and marketing, continues to handle customer service and the operation of the sister company Barre Reload and Storage.

Williams was instrumental in bringing container traffic to central Massachusetts: while working at PW in 1985, he and other railroad officials travelled to New York and San Francisco, working hard to convince steamship companies to bring their boxes to Worcester.

“Conrail already had TOFC [trailer on flatcar] business going well” at its West Springfield Yard. “Working with Conrail, MCER brought the first single-stack container to Palmer, and PW had the first mixed double-stack containers in Worcester.” Williams noted that Conrail’s desire to use tri-level auto carriers with a canopy top, which needed 19’6”, the same height as needed for the mixed containers (one 8’6” and one 9’6”)0, helped the effort.

**The intermodal loss and recovery**

In June, according to Williams, K Line, the steamship company which was using Conrail and MCER’s intermodal facility in Palmer, moved its transfer operation to Intransit Terminal’s COFC operation in Worcester.

Williams is working diligently to bring another shipper to the intermodal facility: “We are talking to three or four steamship lines right now.”

On the bright side, CN TOFC business, which arrives via NECR, is growing, in part because CN and IC can now provide connections to the Midwest and South, “in direct competition with the old Conrail.”

Drayage is provided by independent trucking companies from the Palmer facility at this point. “As we grow,” said Williams, “we will get our own drayage company and offer a complete service package” to shippers.

**Revenue growth**

Despite the loss of K Line’s, MCER has had “nice revenue growth recently,” Williams pointed out, from the CN intermodal business, its bulk customers, and its reload facility.

The railroad is completing the creation of a new rail yard in Gibbs Crossing (Town of Ware) with 100 car spots for bulk transloading, a location already used by A&R Packaging and Distribution, Nova, Solvey, and others [see 30 April issue]. “We’ll have our own truck scale and rail scale.” Williams already has customers ready to use or expand their use of the facility; the roadwork is done, and he anticipates completion of trackwork in two weeks. {ARW discussion}

**FOR THE RECORD:**

REMEMBER THE FAC REPORT? In May of 1998, the Massachusetts Freight Advisory Council, with the help of consultant Louis Berger, was finishing up a report on freight movement in the state [see 22 March]. Bureaucratic snarls bogged it down, but Bob Williams, the chair of FAC, said he has a ‘final’ draft and hopes to release it publicly by 21 or 22
NH RAILROADS

NHDOT - LEGISLATURE

9 September. **THE DEPARTMENT IS SUPPORTING ONE OF THREE RAILROAD BILLS** before the Legislature this autumn.

Liability. The House Judiciary Committee held the second hearing on the bill limiting the liability of railroads carrying passengers, as part of the study mandated in March [see 7 April issue]. It heard testimony on 9 September from NHDOT’s Jim Marshall, GRS’ David Fink, CSRX’ Russ Seybold, the trial lawyers, and others. {ARW discussion with Fink 9.Sept.99}

Two-person crews. According to Kit Morgan, NHDOT opposes this, reasoning that the Legislature should not involve itself.

Rehab of the Northern Line. The department supports rebuilding of rail lines where feasible, but does not want the Northern singled out. {ARW discussion 8.Sept.99}

NHDOT - WEST LEBANON

7 September. **THE DEPARTMENT RECEIVED SIX EXPRESSIONS OF INTEREST** in operating this line from West Lebanon to White River Junction: Green Mountain Railroad, Housatonic Railroad, Claremont Concord, New Hampshire Central, New England Southern, and Mascoma Valley Railroad [see 27 August issue]. Kit Morgan, NHDOT rail administrator, has invited all respondents to a site visit on 28 September. After that, the department expects to ask for more detailed responses from all six, or perhaps to winnow down the applicants, based on the qualifications expressed in their responses, to two or three.

Morgan plans to form a selection committee, which will either include Bud Ames, or receive his input on the selection. Ames, whose Twin State Sand and Gravel is expected to be the major user of the line, said he found Morgan positive about moving ahead when Ames met with him last week.

Trackage rights and Westboro Yard

The department must reach a trackage agreement with GRS; Morgan expected that Robert Culliford, GRS general counsel, is preparing a draft agreement. NHDOT must also re-use the rail yard; Morgan is looking at first to the interested railroads for concepts on that, and then he plans to discuss the railroad plans with the City of Lebanon. Currently some cleanup of the yard is occurring.

What happened to MBRX?

MBRX, which already runs gravel trains, was not invited to express interest. Leishman surmised that the department may have believed, because MBRX had arranged the trackage rights with GRS, MBRX had too much to do. A source close to the selection process confirmed this. {ARW discussions 7&9.Sept.99}

CLAREMONT CONCORD

24 August, Claremont. **THE RAILROAD IS NEGOTIATING WITH A MAJOR NEW CUSTOMER**, according to Jeff Albright. Amsource, a private-label water bottling company, bought a large building formerly occupied by an Ames department store and a Grant’s grocery store, in part because of its proximity to I-91 and the on-site rail. It trucks in water from Stockbridge Vermont, puts it in plastic bottles, applies labels, and ships the water around the region.

Use of rail

Initially, CCRR might possibly move outbound one- and five-gallon filled water containers. Later, when Amsource opens its own bottle-making plant, CCRR will bring in the plastic pellets. Finally, Albright hopes to convince the company to move the water by rail from Vermont to Claremont. To handle the traffic, CCRR must install a siding requiring, per Albright, “a lot of work.”

Other activity

As the work on the Yankee Clipper winds down, CCRR continues to advertise its mechanical work, on both locomotives and rail cars. For further information, contact Patricia Blackman, new marketing manager, at 603-542-5166. {ARW discussion with Albright 24.Aug.99}

FOR THE RECORD:

NEW HAMPSHIRE

NHDOT WANTS TO BUY MORE ROW from GRS, said Kit Morgan. Recalling that discussions had covered many pieces, he said the department particularly wanted to act on the Portsmouth branch (out of Manchester) and the Hampton branch, the section north of the one-half mile already owned by the state. {ARW discussion}

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MBRX IS BACK TO DELIVERING AMTRAK BALLAST TO GRS, said owner Peter Leishman. Although GRS has a trackage rights agreement with MBRX [see 27 August
issue], agreement needs STB approval. Furthermore, the use of gravel has slowed down - GRS does not at this point need the 20 cars a day earlier anticipated - so that rail observers can count on one hand daily Amtrak open hoppers on the Milford-South Lyndeborough stretch. {ARW discussion 3.Sept.99; NERAIL e-mail list}

**RHODE ISLAND RRs**

**AMTRAK - FRIP**

9 September, West Davisville. **LONG-LEAD ITEMS FOR THE FREIGHT RAIL IMPROVEMENT PROJECT** will soon arrive here for storage, according to the project manager for RIDOT, Peter Janaros. Turnouts and crossovers have reached New Haven, loaded on railcars. Rather than pay storage fees (demurrage) for the railcars, Amtrak has arranged with the Rhode Island Economic Development Corporation to offload the contents in the Davisville Industrial Park, awaiting the start of construction.

Amtrak and Seaview Transportation [see below] will arrange for Seaview to get the cars to the right spot in the West Davisville rail yard for unloading, probably by the end of the month.

As for the FRIP itself, Janaros said the Track 7 and Track 3 projects have reached the final design stage. He is pleased that the long-lead items have started to arrive, so that they will not hold up construction. {ARW discussion}

**SEAVIEW TRANSPORTATION**

8 September, West Davisville. **THE RAILROAD WILL SOON HAVE A NEW CUSTOMER**: All American Meat & Seafood Inc is constructing a new plant at the West Davisville Industrial Park at the south end of the wye from the Seaview yard. Bruce Hamilton, president of Seaview Transportation (the industrial railroad serving the park), related that a contract to construct one side track has already been let, and the plant should open in October.

All American will use rail inbound, said Hamilton, which should increase. As large as the new plant is, the next phase of construction will dwarf it, and require two more tracks.

The receipt of inbound reefers will benefit another Seaview customer, Seafreeze, which has had trouble getting reefers for its outbound traffic. Last year Seafreeze did about 100 carloads, but has done many fewer this year because of the lack of equipment.

**Other customers**

Hamilton expects some inbound steel business from a new occupant of the park, SENESCO, an acronym of Southeast New England Shipbuilding Company. SENESCO, which has occupied some buildings formerly used by Electric Boat, will build barges. Electric Boat itself has stopped using rail; it will not relate a reason, only telling Hamilton that price was not a factor.

BB&S Pressure-Treated Lumber, a major Seaview customer, is doing very well this year, per Hamilton. And he should get some Amtrak business [see above].

**Traffic up again**

Traffic has steadily increased since Hamilton came on the scene in 1988. In 1997, he moved 1510 cars, in 1998 1706, and should exceed that this year. “It’s been a long ten years” but the railroad is finally beginning to do well. Once the FRIP (Freight Rail Improvement Project) is finished, in about three years [see 30 April issue], it will mean the autoport at Davisville will not need to truck cars to Westboro MA but can rail them with auto trilevels. {ARW discussion}

**VERMONT RAILROADS**

**AMTRAK - MANCHESTER SERVICE**

3 September. **AMTRAK AND VAOT NEED TO AGREE** on how to serve the ABRB (Albany-Bennington-Rutland-Burlington) route, said Pat Garahan of Railhead Limited, the consulting group assisting the region in regaining passenger rail service [see 23 June issue]. Since the train will already come to Albany, Vermont need pay only for the cost of running one train a day between Albany and Manchester VT (the near-term stopping point for the service, later to be extended to Burlington). Garahan believes the revenue from the service will pay the incremental costs. VAOT and Amtrak need to agree on how to pay for the service should that not occur, however.

Amtrak will also need to reach agreement with GRS about use of the Mechanicville NY-Hoosick Junction NY, but Garahan felt very optimistic about that, since the two sides would use the “identical language” from the Maine-GRS-Amtrak agreement.

Negotiation of both agreements should proceed simultaneously, Garahan recommended. He hoped to facilitate meetings in the near future to move the project ahead.

**Track condition/startup**

As a result of the hi-railing in May, GRS and Amtrak have agreed that the section between Mechanicville and Hoosick Junction does not need work, though that
determination “has yet to be memorialized,” said Garahan. VAOT plans to start restoration work on the section from Hoosick Junction to North Bennington this autumn, and has already worked on the Bennington-Manchester track.

The new service will also benefit from trackwork done for Amtrak service to Albany. Thus, Garahan saw no reason that the New York-Manchester service could not start in spring 2000. \{ARW discussion\}

**GRS - WELLS RIVER**

9 September. **VAOT AND GRS WILL RESUME TALKS NEXT WEEK**, attempting to agree on a sales agreement for the line between White River Junction and Wells River VT. VAOT staff reported to the 11 August Vermont Rail Council that VAOT had made an offer on the line, ‘but Guilford wanted exclusive track/freight rights through the rail yard in White River Junction, and the agency could not accept this.’

Assistant Attorney General John Dunleavy explained that Guilford wanted to sell the line north of the north end of the bridge over the White River, but “at least as we understand their position” to retain the trackage rights and ownership of the yard south of that point, apparently thus barring interchange with either the West Lebanon branch [see New Hampshire] or NECR.

**The track layout**

GRS owns the track and land to a point just south of the Amtrak station. From there to the Nutt Street crossing, GRS owns the track, but it runs over NECR land. At the Nutt Street crossing, GRS’ ‘South Yard’ begins, running down roughly to the point where I-89 crosses the tracks. GRS single track out of the yard then runs onto NECR land. Using current tracks, the only NECR/GRS interchange can occur at the switch at the south end of the South Yard. However, Dunleavy pointed out, the ground lies so level from White River to the south switch that building a new interchange track would prove relatively easy. \{ARW discussion; minutes of Vermont Rail Council meeting\}

**NECR - VERMONT**

3 September, White River Junction. CARGILL HAS AGREED TO GET A BUILDING PERMIT FOR ITS SALT SHED, according to Lori Hirschfield, planning director for the Town of Hartford, in which White River Junction is located. In August, without a building or zoning permit, it hired GDE Corporation of Greensboro Bend Vermont to begin building a 72x220-foot, 30-35-foot tall structure next to the tracks behind South Main Street, in the downtown section.

**Background**

For many years, railcars of salt have emptied their cargo at the site, owned by NECR. George Spilak, transportation administrator for VAOT’s District 4 in White River Junction, said for the last few years Cargill has won the annual bidding, conducted by the state, for the salt contract.

From the site, trucks have delivered road salt to surrounding towns. For 25 years through the winter of 1998-1999, Twin State Sand and Gravel held the trucking contract. At that point, according to Bud Ames of Twin State, Cargill and his company “reached a parting of the ways.” Cargill hired Barrett Trucking of Burlington Vermont, who does most of Cargill’s drayage in Vermont and northern New Hampshire.

Barrett, originally listed as the developer of the site, filed an application for administrative approval and a building permit at the end of May. Both requests were denied due to the height and square footage of the structure. Hirschfield said, “There could be many other issues with it.”

Apparently under the rubric of federal pre-emption as argued in a similar Burlington matter [see below], Cargill began anyway. In response, counsel for Hartford Joseph McLean wrote to Cargill demanding a halt in construction. To a reporter, he noted that the Interstate Commerce Commission Termination Act of 1995 (ICCTA) “purports to pre-empt local and state regulation of railway activities.”

**Hartford stops the shed**

Since construction did not halt, Hartford filed a suit in court. In response, Cargill agreed with the town to halt construction - by then nearly finished, not to use the site, and to get the appropriate paperwork from the town. This agreement was filed with the court.

According to Hirschfield, Cargill will appear before the

**A similar case with VRS**

Barrett Trucking drays salt from a shed in VRS’ Burlington rail yard to area towns. The City of Burlington wanted to control the access to the Burlington shed, but VRS claimed exemption from the zoning ordinance under the ICCTA. On appeal, the Vermont Environmental Court backed up most of the city’s restrictions. Judge Meredith Wright wrote that ‘regulation of congestion on local roads and highways is a legitimate police power regulation, not pre-empted by the ICCTA as long as it can be accomplished without impeding the operation of the
railroad aspects of the facility. [Burlington may enforce] local environmental regulation [and] local zoning dimensional, parking, and aesthetic requirements which do not impede the operation of a railroad as a railroad.'

Some see an opposing decision by the Ninth US Circuit Court of Appeals in July 1999. There, the court ruled that the City of Auburn WA could not regulate, via local zoning, the reopening of the Stampede Pass rail line by Burlington Northern Santa Fe. [Of course, that involved, as Judge Wright would not doubt point out, the operation of a rail line, not a trucking company.]

Class act
Steve Greaves, president of the builder GDE, defended George Barrett. “When a guy like George is willing to spend this kind of money, [the town should] help the man. Everything here is a class act. It’s got to look better to people going by on Amtrak than what was here before.”

{ARW discussion with Hirschfield 7&9.Sept.99; Alex Hanson in Valley News ?99}

WASHINGTON COUNTY RAILROAD
9 September, Montpelier. VAOT AND VTR ARE CLOSE TO AN AGREEMENT under which VTR would operate the Washington County railroad. At this point, pointed out Dunleavy, the line has only two customers: Allen’s Lumber and the Bombardier plant [see 13 August issue]. Bombardier would like a switch three times a week; this frequency plus the low revenue means VTR is looking for a subsidy to operate the line, just as NECR was receiving.

The timing and the operation
NECR’s obligation to serve the customers ended on 8 September. Bombardier has told VTR it won’t need switching until next week, so VAOT and VTR have a few days to complete the agreement. In the worst case, the agency would enter a two-week temporary agreement with VTR. Dunleavy explained.

VTR, which may create a subsidiary to operate the line, has obtained a locomotive and plans to station it on the Washington County. Crews will drive down from Burlington. VTR will interchange Bombardier traffic with NECR at Montpelier Junction. NECR has given VTR trackage rights to Burlington, so that VTR may move other traffic via its own Whitehall lane or use NECR lanes. {ARW discussion}

MARITIMES/QUÉBEC RR s

CFQ SYSTEM - NEW BRUNSWICK

7 September, Campbellton. NBEC’S NEW TRANSLOAD CENTER IS “ON TRACK” to do the projected 600 carloads in 1999, according to André Rivard, vice-president of sales and marketing. The center [see ARW 99#08] opened in January, and serves the three major sawmills in the Restigouche region: Andrien Arsenault in Balmoral, North American Forest Products in St. Quentin, and Deniso Lebel in Kedgewick. Three lumber brokers, who buy the mills' products for resale, are also using the center: McNutt Lumber in Fredericton, Ridgewood Lumber of Fredericton, and Portec Lumber of Québec City. The center offers one-stop shopping to shippers, providing trucking to the center, blocking/bracing, customs paperwork, and bills of lading.

In general, said Rivard, CFQ is “very happy with our growth,” which has been assisted by CN’s acquisition of Illinois Central. {ARW discussion; Interchange (RAC newsletter) spring-summer.99}

QUÉBEC CENTRAL
3 September, East Broughton. WORK CONTINUES ON THE TRACK, according to Michel Champoux, who is shepherding the project for future owner Jean-Marc Guigere. Crews are repairing the Valley subdivision first, and he will soon issue tenders for repair or installation of automatic signals at the grade crossings. While he did not have an estimate for the number, the whole QCR has 135 grade crossings.

Under Québec law, the railroad, the municipality, and sometimes the province split the bill for the crossing work, in different amounts for each crossing due to different histories.

Champoux declined to predict when startup would take place.

Use of the track
Since Canadian Pacific Railway (CP) still owns the track, QCR obtains permission to use it on a movement by movement basis. It does not yet need a certificate of operation from the province, because it is not moving equipment in revenue service. {ARW discussion}

SLQ/SLR
1 September, Richmond. SLR RAN ITS FIRST DOUBLESTACK TRAIN on this day, according to President Matt Jacobsen. In part due to congestion on Norfolk Southern, SLR’s intermodal traffic has risen 20-30%. CN controls the intermodal pricing, the president noted, but presumably has lowered prices to reflect the lower costs running a stack train.
CN running a combined train Montréal-Richmond
In a trial move to cut costs, CN last week combined the intermodal train and the manifest freight out of Montréal to Richmond, the interchange point with SLQ. By thus cutting out one train crew, CN can save $250,000 a year, and provide “more competitive pricing,” said Jacobsen.

When the combined train - blocked in Montréal into carload and intermodal - reaches Richmond, SLQ breaks it into two, and runs the intermodal direct to Auburn, but sends the carload on the regular freight, which stops at the intermediate points.

The trial has not added time to the intermodal move, according to Jacobsen: “we still provide third-morning service into Chicago.”

Carload traffic good
Carload traffic has not risen above the previous year, but 1998 showed record growth and volume on the SLR/SLQ, so the level remains good. {ARW discussion 3.Sept.99}

- During Halifax Port Days 12-13 September, Prevost plans to meet with CN’s new head of intermodal, William Berry, who succeeded Craig Littzen.

If these efforts fail, then Scotia will look asking the Canadian Transportation Authority to require service. {ARW discussion}

GLOUCESTER-NOVA SCOTIA
3 September, Gloucester. GLOUCESTER-NOVA SCOTIA FERRY SERVICE REMAINS POSSIBLE for spring 2000. An advocate assisting the start-up, who wished to remain anonymous, said the City of Gloucester had retained consultant Louis Berger to look at the market for passenger traffic across the Gulf of Maine. “The eight-hour trip tests the limits of fast-ferry technology,” said this source. The consultants are looking at, among other issues, whether people want to sit in an airline-style seat that long, or would prefer a cabin. Berger’s report is due by mid-October.

Neither ship nor operator is yet chosen, said the source. Berger’s work aims at verifying the preliminary data showing the viability of such a passenger service. The source said preliminary market data called for as short a sea passage as possible; Gloucester-Shelburne saves two hours at sea over Boston-Halifax.

Shelburne or another port?
Scotching rumors that Gloucester is considering another terminus, such as Lunenberg, the source ascribed the rumor to Berger’s suggestion to look at the market area as that south of Halifax, and not tied to one specific port. “We are looking at no port other than Shelburne” though that port does not have a lock on the terminus.

Freight service?
Freight service would probably follow successful introduction of passenger service. According to another source, some in Maine have an interest in freight ferry service between Portland and Nova Scotia, but fear that the potential traffic across the Gulf could support only one ferry service. {ARW discussions}

{ARW discussion 3.9.99}

QUONSET POINT/DAVISVILLE
8 September, Providence. THE BOARD OF RIEDC VOTED 6-2 TO REJECT THE QPP DEVELOPMENT PROPOSAL. As with the directors of the Quonset Point Management Board who voted unanimously against the
project on 30 August, the lack of a financial commitment by ocean carriers to the port resulted in the negative RIEDC vote [see 27 August issue]. But several directors of the Rhode Island Economic Development Corporation, in comments during the meeting, wanted to continue to move ahead with building a port. Governor Lincoln Almond, who chairs the board, said he would make a new port a priority this autumn, focusing on the issues of design, private financing, and potential developers. “I think that in a reasonable period of time, working with consultants and working with this board, we can come up with what we believe is a viable port from a standpoint of size and also viable from the standpoint of being privately financed.” He would also like to see Stevedoring Services of America, a minority partner in Quonset Point Partners, become more involved in the project.

Others viewed the port as supplying middle-class jobs. As Keith Stokes, a board member and the executive director of the Newport Chamber of Commerce said, “The state has done an outstanding job at developing high-end, technology-based, education-based job opportunities. But we’re going to have to work very hard, and Quonset is really the only resource we have, to create and sustain those manufacturing/service jobs for the person who doesn’t have a PhD in engineering or an MBA.”

One director who voted for the project, Frank Montanaro, president of the Rhode Island AFL-CIO, said he feared the port would become a political football if pushed into the next election cycle. Also, he suggested the state use public funds to pay at least for the permitting process. “I think we set the bar too high. I don’t think it’s feasible to achieve the goal of building the port with private financing.” Almond responded that he was not “totally adverse” to public financing, perhaps on the permitting process.

One other director voted for the project, Dorothy Reynolds, who formerly worked for Teknor Apex.

Master plan for Narragansett Bay
The board asked RIEDC staff to identify the state agencies necessary to creating a master plan, and will discuss the proposal for such a plan at their October meeting.

Reaction from environmental groups
Caroline Karp of the Sierra Club continued to oppose a port: “Is there a need on the northeast Atlantic coast for another big port? Seth Kaplan, a lawyer with the Conservation Law Foundation, said the master plan must come first. “If you continue to focus on the port and don’t address the larger issue, then you’ll make the same mistake over and over again - putting the cart before the horse.” {William Donovan in Providence Journal 9.Sept.99}
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