REGIONAL ISSUES

NS: Not demarketing its intermodal terminals.


CONNECTICUT

NEC/CSO: More on Amtrak fee. CSXT blocking provision.

FTR: Freight awards held up.

MAINE

BML: Will retain access to engine house in Belfast.

Lewiston Lower: GRS wants to withdraw abandonment, MDOT opposes GRS.

MC: Rockland branch contracts.

FTR: Call for funding rail rather than East-West road.

MASSACHUSETTS

FTR: New contract to maintain MBTA commuter rail equipment.

NEW HAMPSHIRE

MB: STB okays GRS trackage rights.

GRS: Willing to sell Woodsville bridge, talk on Portsmouth branch.

West Lebanon: Probably down to four interested parties.

RHODE ISLAND

[No report]

VERMONT

VAOT: Siding fund still has no takers. B&A decides against three projects.

Amtrak: Ethan Allen Connection low ridership. ABRB project moving ahead.

Burlington-Essex: MPO takes no immediate action. IBM doesn't like service.

GRS: Talks on Wells River.

NECR: OK for White River Junction salt shed.

VRS: Update on study of moving Burlington and Rutland rail yards.

FTR: Swanton station building moves. Simpson paper mill still has buyers.

MARITIMES/QUÉBEC

NSDOT: Will prepare policy on route through New England and on short lines.

DVR: Reduced traffic expected.

WHRC: Update on Fundy Gypsum, grain traffic, possible new customer.

FTR: VIA ridership lower.

ATLANTIC NORTHEAST PORTS

Belledune: Advisory committee formed.

Sydney: Laurentian Energy buys Sydport.


Hantsport: Dredging needed?

Saint John: Logistec provides options to customers.

Portsmouth: Hearing on master plan.

FROM THE PUBLISHER

Errata

Arithmetic error on page 4 of 10 September issue. If capital costs 12%, the railroad would need to get $1.68 million back from an investment of $14 million. Please correct your issue!

Fifth year completed!

In September 1994 I began the twice-monthly fax service of Maine RailWatch. This month then marks the completion of five years, with the change of name to Atlantic RailWatch as coverage expanded to the current Atlantic Northeast. Next year, same coverage with a new title Atlantic Northeast Rails and Ports to better reflect the scope of the newsletter. Onward to 2004!

Chop Hardenbergh
REGIONAL ISSUES

NORFOLK SOUTHERN
23 September, Philadelphia. NORFOLK SOUTHERN IS NOT “DEMARKETING” ITS INTERMODAL SERVICE to Ayer MA and Waterville ME, said spokesman Rudy Husband. However, “we’re not offering any consistent service, so the traffic decrease is service-related....New England will play an important role down the road.” Another source pointed out that the problem lies in the severe congestion on the D&H lines in New York and Pennsylvania. {ARW discussions 23.Sept.99}

CP’s comment
‘Yards at Buffalo, Binghamton, Selkirk and Saratoga remain at or near capacity. This congestion in the North Eastern network is still impacting service delivery capabilities with both the NS and CSX, and traffic moving on the CPR northeast network. A previous report indicated that CPR anticipated that most of the major service delays would be eliminated by the end of September.

Unfortunately not all of the service improvements required have been achieved to allow a return to normal train operations.

‘As a result, continued delays of up to 2 - 4 days on many shipments, for at least the next 2 - 3 months are possible. Some shipments may incur delays greater or less than this forecast. CPR continues to work with the NS and CSX to ensure that sufficient locomotives and crews are available in the northeast US to assist this network to become more fluid, however CPR’s capabilities to improve are very dependent and linked to the recovery of both the NS and CSX. At this time service levels are being impacted by the NS, making it very difficult to move traffic in a timely manner to from the NS and in the north east US area.’ {CP press release 9.99 via Eastern Rail News 18.Sept.99}

Traffic on GRS west end
According to rail observers, traffic on GRS’s trains 268/269 which carry the intermodal containers and trailers to and from the interchange with D&H in Mechanicville NY (usually mixed with normal freight) have carried 20-40 intermodal loads. For example, on 19 September the westbound 269 had (in order from the engine) 5 containers, 6 trailers, 3 containers, 16 trailers, 6 containers (3 empty), 4 trailers, 5 empty cement cars and finally 34 empty SOO grain cars. The eastbound 268 had, in order, 5 containers, 10 trailers, 5 containers, about 20 cement loads and about 20 mixed freight. According to this observer, GRS does not use well cars very often, mostly articulated cars and 89-foot flats. {Robert Dennis in NERAIL e-mail list 19.Sept.99}

FOR THE RECORD: REGION
THE IDEA OF RUNNING AMTRAK THROUGH WORCESTER directly to Maine [see 27 August issue] received a positive response from Kevin Sullivan, Massachusetts secretary of transportation. John Melrose, his Maine counterpart, said MDOT staff and he would analyze the EOTC response, which talked about a joint effort, and the next step in the process.

ATLANTIC CANADA TRANSPORTATION MINISTERS MET WITH MELROSE on 20 September in Fredericton. According to the latter, those present (Prince Edward Island did not attend) discussed a wide variety of topics. Melrose hopes to have another meeting later this autumn to talk further about areas of cooperation. {ARW discussion 23.Sept.99}

The ministers themselves were holding their fifth annual meeting, hosted by New Brunswick Transportation Minister Margaret-Ann Blaney. The meetings are traditionally held prior to the Council of Ministers conference during the Transportation Association of Canada (TAC) annual conference and exhibition. The TAC conference will be held in Saint John 26-29 September. The Council of Ministers is made up of transportation ministers from each province and territory, and the federal government.

BOSTON-MAINE AIRWAYS (part of the Guilford transportation empire) is doing business as Pan Am, thus making clear the past connection. GTI’s predecessor Boston & Maine railroad once set up an airline between Boston and Maine, and hired Pan Am to operate it for about a year, during the 1930s. Boston-Maine Airways has received permission from the Canadian Transportation Authority to operate non-scheduled service into Canada. {CTA decision No.547-a-1999 17.Sept.99}

HERE’S SOME VERY DEPRESSING NEWS from George Erickson, vice-president for transportation services at Alaska Railroad. ‘I find it interesting that UPS and Federal Express weren’t even on the radar screen when my career started almost 40 years ago [that is, about 1960]. Today those two companies collectively represent $40 billion in sales. And yet the railroad industry, with all our hoopla about getting operating ratios down, has only about $35 billion in sales. That is just about where we were in the early 1980s.’ (Emphasis added)

Erickson continues: ‘How do UPS and FedEx do it? They keep their products and process simple: just consider their pricing structure compared to ours....They are ALWAYS on time and their infrastructure is much more complex than ours. They care and deliver what their customers want. AND they care and support their employees. They are customer service-driven first, not operations and cost-driven. There is really no reason we cannot do the same.’ {letter to Rail Business 13.Sept.99}

To add injury to insult
In the same issue the STB calculations of revenue adequacy were reported. All but the Illinois Central among class Is failed to earn as much as the industry cost of capital. This raises the question, ‘Why are people investing in railroads?’

PINING AFTER THE STB ANNUAL REPORT 1998? The staff plans to issue it this autumn. More news in a month. {ARW discussion with STB spokesperson Dennis Watson 22.Sept.99}

CONNECTICUT RAILROADS
NECR/CSO: MORE ON AMTRAK FEE
This presents some history on the relatively high fee Amtrak charges for freight railroads to use its line. As discussed in the 27 August issue, the fee is driving CSO and PW to look for ways around the New Haven Springfield line.

Some 1980s history
The 1984 legislation permitting Amtrak to charge fully-allocated costs [see 99#16] occurred at the same time Congress was deciding whether and how to sell Conrail. In the 1970s, the federal government had put together Conrail (technically the Consolidated Railroad Corporation) from the bankrupt Penn Central and New Haven, and owned the railroad. By the mid-1980s, Conrail had recovered and the federal government wanted to sell it. Norfolk Southern (NS), Guilford Transportation Industries, and other railroads sought to buy it.

NS was ultimately selected by the USDOT as the potential buyer, but had antitrust problems in certain markets. NS and GTI agreed that GTI would receive access to those problem areas, including Indianapolis, Detroit, Chicago, and St. Louis to provide some competition to NS.

During this process, when the question arose about permitting Amtrak to charge fully-allocated costs, NS supported the bill. Why? Conrail would need to pay about $30 million a year extra to Amtrak. The extra cash drain would bolster the argument that Conrail could not exist on its own and push the approval of the sale to NS.

The sale to NS passed USDOT and US Department of Justice scrutiny, as well as the US Senate in February, but the House chose instead to put Conrail out to a public stock sale.

So the fee went from avoidable to fully allocated costs both for political reasons and because at the time Congress preferred to divert money from Conrail to Amtrak since Conrail was to be sold and at the time its perceived buyer, NS, supported the fee increase. {ARW discussion with a source close to the situation in the 1980s}

NECR/CSO: BLOCKING PROVISION
In 1996, RailTex created the Connecticut Southern Railroad (CSO) to acquire the so-called Connecticut cluster of Conrail lines. As part of the purchase, CSO agreed to a ‘blocking provision’, defined by the STB as ‘features in any contracts for the sale or lease of rail lines by Class I carriers to shortline carriers. They are imposed by the sellers to ensure that the traffic originated by shortline carriers on these line segments continues to flow over the lines of the seller to the maximum extent possible.’

In a petition for clarification of the July 1998 decision the STB rendered in the Conrail splitup, NECR asked the Board to resolve the issue of the blocking provision. In the July decision, the STB said:

Despite the fact that its diversion evidence is flawed, NECR has shown that it will be financially harmed by this transaction. Moreover, it is clear that NECR provides important services both for its shippers and for Amtrak. Accordingly, to ensure NECR’s continued ability to provide these services, we will require applicants to grant NECR trackage rights as sought between Palmer MA and Springfield MA. These trackage rights will facilitate through movements with NECR’s affiliate, Connecticut Southern Railroad.

NECR told the STB that the blocking provision required CSO to pay certain penalties to Conrail for each loaded car CSO interchanges with a carrier other than Conrail. The petition asked the STB to rule that the blocking provision should not apply to any traffic interchanged between CSO and NECR over the CSXT track.

CSXT agreed it would not apply the blocking provision if the traffic travelled only between NECR and CSO via the CSXT trackage rights, and not beyond. CSXT pointed out that, if the STB granted NECR’s request, GRS and PW could avoid the blocking provision altogether by passing traffic to NECR and thence to CSO.

The STB denied NECR’s application. It noted that NECR was aware of some traffic originating in NECR territory which could terminate on CSO trackage, and estimated NECR ‘would be able to generate about $2 million annually from this traffic’ or more than the damage predicted that NECR suffered from the Conrail transaction.

The Board ended with this: ‘We will, however, continue to assess this situation carefully during the course of our oversight proceeding, and we will be prepared to alter the original condition if it is not working as intended to preserve the important services offered by NECR to its shippers and to Amtrak.’ {STB Finance Docket No.33388(Sub-No.75), Decision No.100 6.Nov.98}

NECR current attitude
In June [see 23 June issue], NECR President Mike Brigham indicated it had not found business running between CSO and NECR, which could take advantage of the trackage rights granted by the STB.

NECR has not tested the question of whether the blocking fee would apply to a new interchange, he said, nor even whether it would apply to a routing such as New Haven-New London (via PW on the Northeast Corridor)-Palmer-Montreal. “We’ve had no business via PW, although CN might be interested.”

NECR/CSO interest in reviving the Willimantic Secondary as a connection has moved “up a notch from the back burner,” said Brigham, though he declined to provide further details. {ARW discussion 21.Sept.99}

ConnDOT position
Ray Godcher, the department’s rail planner, reiterated that ConnDOT has asked for a financial proposal to revive the Willimantic Branch. The commissioner wants to see a railroad’s willingness to invest its own funds and not a reliance on the state for complete funding. {ARW discussion 22.Sept.99}

FOR THE RECORD:
CONNECTICUT
CONNDOT AWARDS OF FREIGHT FUNDS are still held up [see 13 August], due to a political question raised on behalf of
one railroad. Ray Godcher, rail planner, said the commission is reviewing the applications to ensure that the funds are awarded for the highest and best freight use. He hopes to announce the awards in two to three weeks. (ARW discussion 22 Sept. 99)

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**MAINE RAILROADS**

**BELFAST & MOOSEHEAD LAKE**

21 September, Belfast. **NO SHRINKAGE OF THE RAIL NETWORK** will follow a deal between the City of Belfast and the railroad concerning the rail yard [see 23 June]. City Manager Terry St. Peter, after negotiations today, listed these details (but warned the deal is not yet signed):

- The existing lease, covering the entire yard, will terminate on 1 October, and the city will assume occupancy of the entire yard. The terms of the existing lease contain a default provision permitting BML to continue access to the turntable.

- The city will, under a new lease, let the turntable, the engine house, and other property including a newly-relocated track to the railroad. The new lease will last five years, with an option by the railroad to renew the lease as long as it continues to use the property for railroad purposes.

- The railroad has until 15 June 2000 to take up the track in the yard and lay the new track to the turntable. The railroad may also take up the track in the city-owned right-of-way running through Heritage Park toward Penobscot Bay, track not used for some time.

Per St. Peter, the City has not yet determined the use of the rail yard, except that it will contain a public walkway along the waterfront. If the railroad wanted to resume running rail-and-sail packages, the city would like to discuss the possibility. (ARW discussion)

**LEWISTON LOWER ROAD**

31 August, DC. **GUILFORD ASKED TO WITHDRAW ITS PROPOSED ABANDONMENT** of the Lewiston Industrial Track, which it had sought in June 1998.

**Guilford’s motion**

In June 1998, the GRS affiliate Maine Central Railroad (MEC), the owner of part of the Lewiston Lower Road, filed a Notice of Exemption to abandon an 18.97 section of the line between Brunswick and Lewiston. On 29 July 1998, the STB stayed the effective date of abandonment until MEC completed the process of evaluating historic structures, as required by the National Preservation Act, 16 USC 470(f).

MEC did not complete the historic evaluation, and on 2 September 1999 filed a request with the STB allowing it to withdraw the Notice of Exemption. According to the petition:

Since this exemption has remained open for over one year, MEC has reconsidered its decision to abandon the line due to several factors, including but not limited to the amount of time that this exemption has remained open, the significant amount of work that is still required to complete the section 106 process, and the recent work begun by the State of Maine to improve the condition of that portion of its line under its ownership. (text of petition)

**MDOT opposing pleading**

Under STB rules, interested persons may file opposing pleadings, which MDOT did on 20 September. Its pleading described the standard under which the STB should permit withdrawal of a Notice of Exemption, as decided by STB predecessor the Interstate Commerce Commission in 1988. ‘It is within the Board’s discretion whether to allow withdrawal of an abandonment filing, and it will do so only if withdrawal is consistent with the public interest. Conrail Abandonment of a Portion of the West 30th Street Secondary Track in New York NY, Docket No. AB-167(Sub-No. 493N) (ICC served 11 February 1988).’

**The history**

The MDOT pleading of 15 pages describes in detail its view of the process leading up to the MEC petition to withdraw. ARW can but provide salient details here:

- The GRS sale of the eastern nine miles of the Lower Road in 1991 permitted GRS a freight easement under the proviso that GRS was responsible for all maintenance of the line. ‘The easement would terminate upon the filing of a “final” abandonment order of this agency with the appropriate registry of deeds in Maine.’

- ‘Guilford has provided no freight service and conducted no rail maintenance on the Lewiston Lower Road since 1987. The line has remained out of service despite the insistent requests, beginning in 1994, for rail service made by’ Grimmel Industries [see 10 September issue] of Topsham ME. The ICC acquiescence in the 1991 sale noted: ‘[B]oth parties agree that MEC retains the common carrier obligation and that it could not cease to offer service on the line without ICC permission.’

- GRS agreed to accept Grimmel’s scrap metal only via transload, and only if Grimmel would construct a $150,000 transload facility in Portland, forcing Grimmel to used a transload facility on the SLR in Auburn.

- In 1997, Grimmel quoted Grimmel a $600 rail rate [presumably per carload] to move the scrap from Topsham to Portland. Grimmel accepted the rate, but GRS asked Grimmel ‘to pay for $250,000 in track repairs on the Lewiston Lower Road and for the expense of an operating crew to serve the Topsham facility. Guilford also again stated it could not provide cars.’

- In June 1997, Grimmel approached MDOT for assistance, and the department agreed to pursue solutions to get rail service back on the Lewiston Lower Road. In early 1998, Allan Bartlett
of MDOT and Colin Pease, then executive vice-president of GRS, reached an understanding. Guilford would abandon the entire Lewiston Lower Road [the western portion it still held plus the freight easement over the eastern portion], after which the parties would negotiate about MDOT’s purchase of the western portion.

Meanwhile, MDOT would rehab the eastern portion and ‘would arrange for service to be provided by a short-line railroad, most likely Maine Coast. MDOT’s ownership of the entire Lewiston Lower Road would preserve the transportation corridor and accommodate other potential rail development activities, such as construction of a connection between the Lewiston Lower Road and SLR at Auburn that would significantly improve transportation options and service for traffic on the state-owned lines radiating out of Brunswick.’

**Events after the filing for abandonment**

The MDOT pleading painted a picture of agreement through early 1999: ‘Once Guilford’s abandonment exemption became effective, MDOT proceeded in good faith and at considerable expense to implement the remainder of the parties’ arrangement.’ Events moved ahead on three fronts:

- Negotiations moved ahead on MDOT’s purchase of the western portion; Guilford provided valuation maps of the portion in preparation for meetings. However, GRS vice-president for real estate, Kelly Dunn, abruptly cancelled a meeting with Bartlett in early 1999 [see 12 March issue].

- MDOT moved ahead with the rehab, beginning in August. To date, the department has expended $150,000 with the balance of $100,000 to be completed by 1 October [see 23 July issue]. However, GRS’ filing of the motion to withdraw the abandonment led MDOT to halt further work.

- Note: MDOT does not mention this point in its pleading: Grimmel filed an action in federal district court to get GRS to pay for failing to provide service, and to establish ownership of the spur leading from the Lewiston Lower Road to the Grimmel facility. The court dismissed the action, and Grimmel appealed in August [see 26 February and 10 September issues].

**MDOT’s argument**

The department stated that the arrangement between Guilford and MDOT would allow restoration of service, meet the needs of Grimmel, and enhance the state’s rail infrastructure. ‘Indeed, that arrangement addressed in a consensual and cost-effective manner what seemed plainly an on-going violation of Guilford’s common carrier obligation on the Lewiston Lower Road. The good faith with which MDOT entered that process has proven unwarranted. Content once again to place its own interests above its legal obligation to others, Guilford now seeks to undo the parties’ arrangement, and to enlist the assistance of the STB in the effort.

‘Upon withdrawing its abandonment, Guilford intends to do nothing...It claims to want to keep the Lewiston Lower Road in the national rail system but says nothing about providing service on the line, even though such service has been the sole focus of the parties for at least two years....Guilford apparently believes it can avoid its maintenance obligation by filing the abandonment, inducing MDOT to assume the maintenance responsibility and then – after the bulk of the rehabilitation work at the State’s expense has been completed – withdrawing the abandonment and seeking to return to the upgraded line....’

MDOT went on to dismiss GRS’s stated reasons for attempting the withdrawal. ‘The real motivations for Guilford’s attempted withdrawal are likely much less innocuous: to punish Grimmel for the lawsuit it brought against Guilford on the spur track issue; to take a chance that the ‘something for nothing’ maintenance ploy discussed above might work; or – perhaps most likely – to scuttle the proposed Lewiston-Auburn connection to SLR that could be constructed once MDOT owned the entire Lewiston Lower Road [see 26 February issue].... ‘Ultimately, none of Guilford’s motivations – stated or real – trump the strong public interest in seeing to completion the parties’ arrangement to resume service to Grimmel and otherwise improve the Lewiston Lower Road. The Board should deny Guilford’s motion to withdraw and allow that arrangement to proceed.’

**What MDOT proposes**

If the STB denies the MEC motion to withdraw, MDOT can record the ‘final’ STB abandonment order with the appropriate registry of deeds, thus terminating Guilford’s freight easement. ‘The only reason that MDOT has not taken that action to date is that the Section 106 condition imposed on the abandonment arguably makes the matter not ‘final’....MDOT would work closely with the Maine Historic Preservation Office to achieve’ fulfillment of the Section 106 condition. ‘As Mr.Bartlett concludes [in his verified statement accompanying the MDOT pleading], ‘[d]enying Guilford’s request means service to Grimmel can begin shortly; granting that request means service to Grimmel will be postponed indefinitely.’ {text of MDOT pleading}

**Guilford’s viewpoint**

David Fink, executive vice-president, said on 24 September that the motion to withdraw the abandonment stemmed in part from the state interest in reviving the line. When Commissioner John Melrose told Fink and President Tom Steiniger in February about
the interest [see 26 February issue], they wanted to hear more. “We’re the largest railroad in Maine and in New England,” Fink explained now, “and we would like to be involved in rail planning.”

Melrose told the GRS officials that he would provide information about the state interest, but despite a second request later, has not done so. The lack of information in part drove GRS to file the Freedom of Information request to MDOT to look at documents related to the state’s plan [see 10 September issue]. GRS has seen the information, except for 13 documents the state does not want to release. “What have they got that they don’t want us to see?” asked Fink.

A second reason to withdraw the abandonment comes from the fact that it has become moot. Normally, the STB requires that an abandonment be consummated 12 months after the STB gives its blessing. GRS did not consummate, in part because the state stayed the abandonment pending a review of the historical structures. Fink pointed out that his company had provided the State Historical Preservation Commission with some information, but that the Commission had asked for more.

Fink reasoned that the one part of state government, the Historic Commission, should have told another part, MDOT, that the historical review was not complete, but that time was running on the abandonment.

Next steps
Grinnell Industries itself is considering whether to intervene in the matter, said its counsel, James Kilbreath. Nancy Beiter, an attorney advisor with the STB, said pleadings are now closed. Staff will prepare a draft decision, which is passed to the law clerks of the three board members. The law clerks consult with her or his member, members massage the draft opinion, and then decide. The board could also request more information from the parties. This process could take some time. [Maine is still awaiting an STB decision on the weight of rail for its Amtrak service, even though it filed for an expedited decision at the end of July.] {ARW discussion 23 Sept.99}

MAINE COAST/ROCKLAND BRANCH
22 September. MDOT IS CONCLUDING A CONTRACT WITH VHB to engineer and manage the rebuilding of the Rockland Branch, according to Russ Spinney, the department’s head of Multimodal Project Development. MDOT and the consultant, selected earlier [see 23 July issue], are working on a refined scope of service, with the aim of finishing the contract by October.

The Long Bridge
Chesterfield Associates won this contract [see 23 July issue] - after an appeal by Maine Track Maintenance - and timbers will arrive on 24 September. Work will get underway shortly thereafter, reported Spinney. {ARW discussion} Chesterfield, headed by Dave Allan, likes unusual projects. It rebuilt Sangerville’s covered bridge in 1990. {Michael Brosnan in Down East 11.90}

FOR THE RECORD:
MAINE

ANOTHER VOICE AGAINST THE EAST-WEST HIGHWAY: Peter Mills, a Republican state senator from Skowhegan, writes of the $1.3 billion proposed expense: ‘[M]any of us concerned about development in northern and central Maine have a long list of alternate suggestions for how to spend the money. We need a revived rail system, intermodal transfer facilities, better connections to our seaports, broadband internet access, and equitable school funding.’ {Maine Sunday Telegram 12. Sept. 99}

MASSACHUSETTS RRs
FOR THE RECORD
Bay State Transit Services LLC has signed a five-year, $175 million contract with the Massachusetts Bay Transportation Authority (MBTA) to provide rail equipment maintenance for MBTA’s commuter rail line in Boston. After an extensive competitive bidding process, MBTA awarded the project to Bay State Transit in May. Bay State Transit is a joint venture of Boise Locomotive Co. and Herzog Transit Services Inc. Boise Locomotive, a wholly owned subsidiary of Motive Power Industries, owns 75% of the joint venture company. {E-MAIL from Infobeat 16 Sept. 99}

NH RAILROADS
MILFORD-BENNINGTON
13 September, DC. THE STB PUBLISHED A NOTICE OF EXEMPTION, thereby letting the trackage rights agreement take effect. The notice, as filed by GRS and MBTX, stated their agreement had a term of two years from 20 August 1999. The STB noted that ‘trackage rights approved under the class exemption normally remain effective indefinitely regardless of any durational contract provisions. Before B&M/ST can discontinue its operations over the rail lines, it must obtain appropriate authority under 49 USC 10903 from the Board.’ {STB Finance Docket No. 33794}

GRS - ABANDONED PARCELS
23 September. NH DOT IS TALKING WITH THE RAILROAD ABOUT THE BRIDGE between Wells River and Woodsville, said Kit Morgan, rail administrator. This resulted from the desire of the Town of Haverhill (which contains Woodsville) to build a scenic visitor center on the Connecticut River, on an outparcel of land owned by GRS. GRS is willing to sell the outparcel as a package with the bridge, which formerly carried rail traffic from Wells River.

Haverhill likes the idea because pedestrians and snowmobiles could use the bridge and eventually it might again carry trains. The town would like to see the Flying Yankee on it, once the Wells River branch is restored.

And about the Portsmouth branch
NHDOT is also pursuing the abandoned section of the Portsmouth branch running out of Manchester. {ARW discussion}

WEST LEBANON

23 September, Concord. **NHDOT WILL GIVE ALL INTERESTED PARTIES AN RFP** the day they come for a site visit, 28 September, or the day after, according to Morgan. “Probably” the department will short-list the candidates based on the proposals, and interview them if two or more strong proposals arrive.

**Interested parties**

NECR decided not to apply in the end, said President Mike Brigham, declining to specify the reason. And NEGS chief Pete Dearness expressed only lukewarm interest. [That would leave GMRC, HRRC, CCRR, and NHC assuming the Mascomo Valley does not make the cut.]

**Trackage rights**

The department has not yet received the expected draft of the trackage rights agreement [see 10 September] from GRS, said Morgan. Once the operator is selected and notifies NHDOT of its startup date, Morgan will move to conclude the trackage agreement. {ARW discussions 21, 22, 23 Sept. 99}

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**VERMONT RAILROADS**

**VAOT - SIDING FUND**

22 September, Montpelier. **WHO WANTS MONEY?** Sue Compton, the agency’s rail administrator, described the present status of the fund which gives 50%-50% grants to railroads for industrial sidings.

**1999 program**

Two are complete [see 23 July issue]; the remainder have been given an extension of time. But the B&A has withdrawn three projects [see 18 December issue]. Dick Rushmore, B&A marketing head, said that the economic opportunities for which the siding projects were designed had not taken shape, so the railroad had not used the funds. “Until those pieces of business firm up, we can’t see spending the taxpayers’ money or our money.”

**2000 program**

The agency has still received no formal applications, said Compton. {ARW discussions}

**AMTRAK - VERMONT**

22 September. **THE ‘ETHAN ALLEN CONNECTION’ IS GIVING EXPERIENCE** to VTR and VAOT in running a regular passenger service [see 27 August], said Sue Compton, but not getting a lot of ridership. From inception in mid-August [see ???] to the current hiatus, it averaged 15 riders a day total both directions. After the initial newness, ridership did not suffer a major drop.

However, during the hiatus due to track work, when VAOT is running replacement bus service, no one has taken it. The train will resume in a matter of weeks, to complete the 12-week demonstration project.

The agency is also learning about marketing the service to understand, as Compton said, “What works.” {ARW discussion}

22 September. **THE ABRB CONNECTION IS MOVING FORWARD**, though not as fast as advocates would like. Susan Compton said at the meeting with Guilford about running over its track from Mechanicville NY to Hoosick Junction NY [see 10 September], the parties discovered that GRS did not agree that its track was ready for Amtrak service, and suggested that some $8 million in upgrades were needed, though it had not decided exactly what was needed. “Pat [Garahan] needs to work this out,” said Compton.

As for a startup date, that suggested by Garahan of April 2000 looked early; Compton had heard 4 July mentioned as a possible date. {ARW discussion}

**BURLINGTON-ESSEX COMMUTER**

22 September, Burlington. **THE CHITTENDEN COUNTY METROPOLITAN PLANNING ORGANIZATION** took no action at its board meeting **cum public hearing** on a long-range transportation plan. According to Peter Keating, a staff member of the MPO, many of the 100 audience members expressed support for rail [see 27 August issue].

To proceed with the project, the board will need to add it to its rolling Three-Year Transportation Improvement Program (TIP) which is approved every summer and then amended throughout the year. However, no one mentioned taking that step.

**Service to IBM**

The study by RL Banks, presented at the hearing, left undecided the eastern terminus of the service. Some want it to turn north at Essex Junction and run two miles on the NECR main line to a proposed park and ride lot. Others want it to turn south (railroad east) and run one mile to the IBM campus. Many think that without the ridership supplied by IBM workers, the service will not be nearly as successful. {ARW discussion}

However, IBM management at its Essex plant didn’t much like the idea of a commuter station there. They objected first because of security, since everyone at the plant location is required to carry identity badge, yet people could disembark from the train without one. Second, the management also objected to what it viewed as a waste of funds on the service. {WSJ 15 Sept. 99}

**GRS - WELLS RIVER**

22 September, White River Junction. **VAOT AND THE RAILROAD ARE WORKING OUT TRACKAGE RIGHTS** in order to consummate the sale of the Wells River branch to the state. According to Compton, the initial draft of the sales agreement would have given GRS exclusive control over the White River Junction yard use and its dispatching [see 10
September issue].

VAOT has suggested that it acquire the yard, and give GRS adequate access. “We’re looking for an equitable way to ensure Guilford has the access it needs,” said Compton. Toward that end, the agency has hired a Washington attorney familiar with railroad matters, Kevin Sheys of Oppenheimer, Wolff, Donnelly & Bayh [the same counsel hired by MDOT to handle the Lewiston Lower Road issue]. Sheys is now drafting language toward that end. {ARW discussion}

NECR/WHITE RIVER JUNCTION

20 September. THE TOWN OF HARTFORD PLANNING BOARD APPROVED THE SALT SHED for Cargill [see 10 September issue] with one condition: Barrett Trucking get a local permit to exceed the weight limit on the local roads. The salt shed, as yet not used, will begin operation as soon as Cargill gets its final permit, said Town Planner Lori Hirschfield. {ARW discussion}

A note on pre-emption

Cargill was arguing that it did not need local approval to build the shed; since it was located on railroad land and part of a railroad operation, federal law pre-empted state law. The issue of the extent of pre-emption has reached the Surface Transportation Board (STB) in the form of a petition by the Borough of Riverdale NJ seeking a determination of how much pre-emption applies to facilities constructed by the New York, Susquehanna, and Western Railway there. In a preliminary opinion, the Board, following its reading of courts’ interpretation of the Interstate Commerce Commission Termination Act, drew very narrow limits on the extent states and localities can control what happens on railroad land. See STB Finance Docket No.33466 9 September 1999. Apparently more will emerge as the case, and others, proceed. {ARW analysis}

VERMONT RAILWAY SYSTEM

20 September. THE STUDY OF MOVING THE RUTLAND AND BURLINGTON RAIL YARDS is moving forward. Scott Bascom, VAOT planner in charge of the project, noted that the General Assembly had asked for a report to the Vermont Rail Council, VAOT, and the House and Senate Transportation Committees by 15 January 2000 [see 12 May issue].

Consultant and Advisory Board

VAOT has selected Vanasse Hangen Brustlin (VHB) to handle the study, with Lynn Algren as the project manager in the Boston office. The agency also created an advisory board of ten persons, including representatives from Essex Junction, Burlington, Rutland, the local development and planning agencies, as well as the presidents of NECR and VRS.

Issues involved

Bascom pointed out that while both cities want to use the property occupied by the rail yards, Rutland’s particular concerns stems from its role as a switching point. Trains coming from four different directions tend to tie up the city streets. Burlington, on the other hand, wants more access to its water front but must deal with the many transload operations occurring now in the Burlington yard. Bascom listed salt, oil (at least three dealers), clay slurry, plywood, and ballast.

Moving the yards, however, could cost a huge amount of money, and potential funding sources other than State funds may be hard to find. Bascom wrote in a memo. Also, the NIMBY (not in my back yard) factor can be a big issue with this type of facility.

Scope of work

VHB will develop a list of up to ten proposed sites for each facility and then develop criteria to evaluate them. Sites rating further work will get costing (but not cost estimates for environmental remediation). VHB will also list funding sources and a sequence of steps to follow.

VAOT expects a draft report by 17 November, with a presentation to the Rail Council and Advisory Committee on 13 December. The final report should arrive by 7 January.

VHB engineers already visited the two yards, with VRS staff. The Advisory Committee held its first meeting 24 August.

Position of the railroads

David Wulfson, VRS president, said “we’re happy to move as long as the new location does not interfere with our railroad operations.” That would include moving the transload operations.

Mike Brigham, NECR president, said NECR owned track up to the point where the track turns south to run parallel to the Lake Champlain shore. Moving the yard “doesn’t matter to us”; NECR will support it if it benefits Burlington and VTR. He offered VTR the use “of part of our [St. Albans Yard]” but VTR believed it lay too far away.

How about Essex Junction? “No room there,” said Smith, and the residents have indicated they don’t want such a facility in their town. {ARW discussion 21 September 1999}

FOR THE RECORD:

VERMONT

THE SWANTON STATION BUILDING MOVED on 14 September via two NECR flatcars to a new home in the town, a move sponsored by the Swanton Historical Society. (WACX-TV 14 Sept. 99 as reported by NERAIL list member R. Hosking)

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THE SIMPSON MILL CLOSING DATE OF 1 OCTOBER DRAWS NEAR. But, says Charlie Carter of the Northeast Vermont Development Association, several parties are still interested in purchasing it [see 27 August issue]. {ARW discussion 23 Sept. 99}

MARITIMES/QUÉBEC RRs

NOVA SCOTIA DOT

13 September. THE NEW GOVERNMENT’S PLATFORM LOOKS POSITIVE for freight rail [as opposed to passenger rail, see 27 August issue]. Page 42 of the Progressive Conservative
platform covers transportation: ‘During its first mandate, a PC Government will...work with railway companies to upgrade rail links to North American markets through New England, and extend private short lines in Nova Scotia.’ {text of platform}

Policy and Planning effort
The Department of Transportation and Public Works Policy and Planning Division has the task of translating the single sentence into actual policy, said the division director, Don Stonehouse, a task he is beginning now with Steve Newson, his policy advisor for rail.

General government response on finances
Both the DOT officials, and officials from the Department of Finance, explained during discussions at Halifax Port Days that the Government has little to spend on infrastructure, particularly rail infrastructure versus highway funding. Government budgets during the 1980s put the province deeply into debt to the tune of near $10 billion, and governments in the 1990s have pared back in order to reach balanced budgets. The wealthy appearance of Halifax reflects a more well-to-do private sector, but the public sector remains poor.

For this reason, despite the obvious financial, environmental, and quality of life advantages to using rail to reach, for example, Upper Muscodoboit or Melford [see 26 May issue], the officials did not seem optimistic about provincial assistance for the railroads. {ARW discussions 12&13.Sept.99}

13 September, New Waterford NS. DEVCO’S BOARD VOTED TO CLOSE THE PHALEN COLLERY, a major source of the coal which DVR moves to Sydney for interchange to CBCN. The end was caused by the second roof fall of 1999, on 7 September at the 8 East wall, deep below the ocean. That occurred only three weeks after the mine re-opened, following a March roof fall and the expenditure of millions to repair it.

Effect on Nova Scotia Power
The four coal-fired plants need about three million tons of coal a year. The remaining DEVCO (Cape Breton Development Corporation) colliery, Prince in Point Aconi, can produce only one million tons. That plant supplies the NSP plant in Point Aconi, with overflow going by truck to DEVCO’s coal washing facility, where it is mixed with imported coal for the Lingan plant [see 12 March issue].

Tom Fleming, director of marketing for DEVCO, said the company’s International Pier in Sydney is now used to bring in the imported coal, using a self-unloading ship. The railway hauls the coal, stockpiled at the pier, to the mixing location, and from the mixing location to the Lingan plant.

The sale of the mines
DEVCO had planned to close Phalen at the end of 2000, and is already seeking buyers for the Prince mine. DEVCO said coal close to the surface in Phalen could possibly be mined by a new buyer.

Effect on railway
Following the logic laid out earlier [see 12 March issue], without Phalen DEVCO or a successor will use the railway only to haul coal from the International Pier, and from the mixing facility to NSP’s Lingan plant. “The railway will need to be resized” for this decreased role, explained Fleming, but it will remain working.

Two bulk moves could provide more traffic in the future: gas from an offshore field [see 12 May: Sydney], and a direct reduction steel facility [see 12 May: CBCN]. {Tera Camus in Halifax Chronicle-Herald 14.Sept.99; ARW discussion with Fleming 21.Sept.99}

14 September, Windsor. THE RAILROAD HAS GOOD POSSIBILITIES FOR GROWTH, according to Peter Laing, the manager for sales and marketing who recently stepped into the position. Laing also handles, for the B&A, marketing on NBSR.

Main customer: Fundy Gypsum
The company operates two quarries and two separation facilities, according to an official of Fundy. Gypsum rock mostly for wall board mined at the Miller’s Creek quarry [the end of a 4.6 mile spur formerly part of the CP line leading to Truro] is treated there, and then hauled directly to the company’s wharf in Hantsport. Fundy Gypsum maintains a huge shed to keep the crushed rock covered at the wharf until the arrival of a ship. [Smaller ships formerly ran up to the Wentworth quarry. Siting up of the Minas Basin arm in Hantsport will force a move of the wharf or dredging - see Ports.]

Rock mined at the second quarry, in Wentworth, moves by truck to the company headquarters where treatment with water separates out anhydrate, a product used as a fertilizer or to treat saline soil. WHRC moves that out as well to ships.

For Fundy, WHRC operates three trains with its own open hoppers, of 22 cars, 25 cars, and 22 cars. During working hours, Fundy is loading one train, one is running between Hantsport and the loading sites, and Fundy is unloading the third train at Hantsport.

Neil Marquis, the service director, noted that following IRR purchase of the railroad in 1994, the company workers were able to increase productivity 25% over the Canadian Pacific effort. The railroad can now run three trains in eight hours, by becoming a van-less operation.

Grain customers
WHRC also runs a train once a day to the interchange with CN to serve grain customers: in Port Williams, Shur-Gain and the MicMac augur which serves Smith Brokerage and Scotia Farms; in New Minas, Coop Atlantic.

Depending on rates, the grain receivers will use the Halifax Grain Elevator and trucks, or CN and WHRC [see 30 July 1998 issue]. Two earlier CN rate increases cut the grain cars. But when CN dropped corn rates, WHRC corn cars went from 3 to 35 carloads. The railroad has pointed this out to CN in order to suggest rate cuts for other grains.

Possible new customer
Laing spoke of the possibility of hauling zeolite [‘one of a number of minerals consisting mainly of hydrous silicates of calcium, sodium, and aluminum’ - The Concise Oxford
Swallow said. “We're comfortable with the” traffic SPM has now, and the new ship will handle the eventual increase in cargo.

Asked how many containers the Shamrock will handle, Swallow said, “It’s a surprise. People will know when she is launched.” {Tom Peters in Halifax Herald 3.Sept.99}

12 September. THE PORT TASK FORCE SHOULD ANNOUNCE A RESULT in a matter of weeks, according to its leader, Fred McGillivray, who also serves as chair of the Halifax-Dartmouth Port Development Commission. {ARW interview}

Need for expansion
Earlier, David Bellefontaine, president of the Halifax Port Authority, said: “In the container business, you have got to start planning extra capacity when you are anywhere between 70 and 75% or you won’t be able to market your port in the future. My position is, and always has been: we are going to need new capacity in the near future.”

Don Elder, chair of the Metropolitan Halifax Chamber of Commerce port task force, has figures suggesting annual container growth of 10 to 15%. Since North American east coast ports now handle about 3 million containers a year, if the growth continues they will have another three to five million containers [see 8 January issue]. “Halifax is in a position to get some of that business.” {Tom Peters in Halifax Herald 8.Sept.99}

13 September. PORT DAYS HOSTED TWO CALLS FOR IMPROVEMENT.

Saudia Arabia: Cairns
Captain Ian Cairns of Baltimore, vice-president of the National Shipping Company of Saudia Arabia, told a Halifax Port Days panel Monday morning of “some restrictive practices in Halifax with the unions and I think they need to come in line with the US, certainly the overtime situation...

"Ships work seven days a week and in the U.S. there is a move toward shift pay. There is not the big differential on weekends and at nighttime that we have got here in Halifax." The stevedores’ contract calls for double, triple and even higher rates of pay, depending on the time of day, the time of the week and whether it’s a holiday. The cost of docking a vessel between midnight and 7 a.m. through the week can be high enough to cause captains to wait until 8 a.m. After midnight, stevedores are paid time-and-a-half for a minimum of three hours. So, if a line wanted a vessel tied up at 5 a.m., it would have to pay each person in a seven-member crew for the equivalent of 7.5 hours.

The Atlantic Pilotage Authority has been trying to deal with a harbour pilot shortage, which has caused docking delays. Captain Cairns, whose line has had its problems with the pilot shortage, said ships could arrive earlier "but we are not going to pay to tie up at 6 o’clock when we got to pay back until midnight. This doesn't happen in other ports."

Rob Fisher, executive director of the Halifax Employers Association, which represents the port’s major employers, said the association will soon begin negotiating new contracts. {ARW coverage}
**Canadian National: Tellier**

Deep water and a location 70 kilometres from major shipping lanes are not enough to make the Port of Halifax a major container terminal, Tellier told the audience Monday night.

**Look to the Midwest market**

Tellier said CN's acquisition of the Illinois Central Railway has given Halifax a direct link to the American Midwest and an opportunity for more involvement in the north-south flow of cargo that has been growing at more than 10% annually.

"But right now, the Midwest market accounts for only 15% of the total container traffic through the Port of Halifax. We can do more. There's a huge opportunity to increase Halifax's percentage of the amount of European traffic heading to the Midwest," he told the audience. So great are the opportunities represented by CN's link between Halifax and Memphis - a city that aggressively aims to become "America's Distribution Center" - that he had invited two key Memphis officials to Port Days to explore the "potential for a natural alliance" between the two cities' distribution functions, Tellier said.

"For the Port of Halifax, the obvious conclusion is this: New York and the tri-state region [that area for which Halifaxsought a rail link to win the Sea-Land/Maersk facility] are not the only destinations for products landing here. The heart of the continent is maybe even a bigger opportunity."

**A comparison with Savannah**

Tellier pointed out that a container which leaves Rotterdam on a Monday will arrive in Halifax on Saturday, and reach Memphis (via an 89-hour CN-IC rail trip) on Wednesday morning. If the container arrived in Charleston, it wouldn’t reach Memphis until the following Sunday, even though Charleston lies 1200 miles closer to Memphis than does Halifax.

**What Halifax must do**

Tellier noted that success "would not likely come from one big contract....Improving Halifax won’t take six months. Think in terms of six years."

- The port authority, he said, has to make cost reduction an "obsession."

- "All steamship lines - and every facility in the port - should receive fair and equitable treatment."

- The harbor should have a new, state-of-the-art, multi-user terminal capable of lifting 300 containers per hour.

- The federal government, having given the ports independence, should give them access to long-term, low-cost financing, just as the United States permits port authorities to issue tax-exempt bonds.

- The province should give port infrastructure the prominence it deserves, in the National Infrastructure Renewal Program due to be announced this autumn.

- Labour rates must change. Halifax is the first port of call for many westbound ships and last port for eastbound vessels, so "if these ships are going to call often, in and out on weekends, there is no way we can be competitive with other ports on the Eastern Seaboard if we have to pay double and triple (labour) rates."

Finally, CN too must play a role: "The Port of Halifax needs rail infrastructure and service that can make the land distance to the Midwest markets less of a factor. This requires dedicated unit trains, innovative service, and a logistic chain that extends beyond traditional line-haul rail services."

The railroad must also keep its rates down; "in fact, CN’s rates from Halifax to the interior have gone down in the last five years." {Tom Peters in Halifax Herald 14.Sept.99; CN press release; text of speech}

13 September. **LOGISTEC WANTS TO BE A PART OF THE CONTAINER BUSINESS IN HALIFAX**, said Madeline Paquin, president of the company, in a luncheon address to a Port Days audience. "Logistec has not given up to one day be part of the containerterminal business in Halifax, and our desire to associate ourselves to one or the other existing operators is not unknown. We want to be a chosen partner between the Port of Halifax, the container operators and CN to ensure the efficient integration of the seamless service required by our customers and the customers of our customers. Maybe one day, we will have the opportunity to serve this important sector in the Port of Halifax."

Paquin said later she had told the presidents of Halterm and Ceres of the company’s desire. Logistec does handle containers at Ocean Terminals [see 30 April issue] but only in combi-service, for ships which handle other kinds of cargo as well as containers. {ARW coverage}

14 September. **ULTRAMAR IS LEASING ITS TERMINAL AND STORAGE FACILITY** in Eastern Passage. In 1994 it closed its refinery there [it was shipped overseas] but kept the terminal and storage facility, not used since. Louis Forget, Ultramar spokesperson, declined to name the lessee, but did reveal a deal to store 500,000 barrels of fuel oil or diesel there annually. Ships will arrive in early October.

The new deal does not change the existing agreement Ultramar has to buy product from Imperial Oil’s refinery in Dartmouth, which was made when Ultramar closed its refinery. {Bruce Erskine in Halifax Herald 14.Sept.99}

**SHELBURNE**

17 September. **SHELBURNE IS RECEIVING CONTAINERS** at the public wharf. The work has forced the Department of Fisheries and Oceans to close the wharf to the public during the loading and unloading of large ships, much to the relief of those working on and around the vessels. “There were cars driving underneath containers that were being lifted by the ships, forklifts zipping around and cars driving in amongst them,” said Jack MacLean, manager of Continental Seafoods Ltd., a division of Clearwater Fine Foods. Continental is authorized to use the wharf to unload frozen and salted fish from foreign ships and to load other vessels. This week the first Russian ship of the summer season offloaded 1,100 tonnes of frozen cod and haddock, said Mr. MacLean. {Brian Medel in Halifax Herald}
After the announcement of the National Marine Act in 1995, the Shelburne public wharf was purchased, along with another 11, from Transport Canada by Fisheries and Oceans to support the fishing industry. \(ARW\) discussion with Lloyd Henderson of Transport Canada 21.Sept.99

HANTSPOORT

21 September. \textit{Transport Canada is selling the public wharf} at this Nova Scotia harbor, according to Lloyd Henderson, who handles the privatization of the properties in the Harbors and Ports division [see 13 August issue: Bayside and Sydney]. The department, which currently owns the wharf, has a letter of intent with the upland owner, who does not intend to keep the public wharf status. However, thought Henderson, the owner will probably lease the use of the wharf to Fundy Gypsum.

The company, a subsidiary of the US company National Gypsum, parks its tugboat there. The tug is used to handle the company’s gypsum ships which call the private Fundy Gypsum wharf in Hantsport.

Dredging needed?
According to one Windsor resident and another source close to the operation, Hantsport harbor is silting up, requiring either dredging or a move farther downriver to deeper water at some point in the future. Henderson said Canadian national policy calls for full cost recovery, meaning Fundy Gypsum would need to pay the entire dredging cost.

If it chose to move its wharf [see WHRC], Fundy would need to get permits under both the federal legislation (the Navigable Waters Act, administered by the Canadian Coast Guard, part of Fisheries and Oceans) and provincial legislation protecting beaches and foreshores. \(ARW\) discussions 13, 14, and 21.Sept.99

SAINT JOHN

21 September. \textit{Logistec provides many options to customers}, said Andy Dixon, the Saint John division’s head of commercial operations. \textit{ARW} asked him how Logistic handled intra-company competition, since both Saint John and Halifax have forest product sheds.

“We’re a leading stevedoring company in Canada, with forest products terminals on the St.Lawrence as well as Saint John and Halifax...We don’t require a shipper to use one port in one location, but point to the various options as what might be best for the customer.”

Selection of a terminal
A shipper can select a terminal and port beginning at many different points. The port or shipping line may call on the shipper; Logistec or another stevedoring company (even European stevedoring companies) could call on the shipper; the shipper could call a freight forwarder or IMC; or - less frequently - the shipper could begin with the rail line or trucking company.

Logistec, said Dixon, has its own marketing effort, and a vice-
Saint John operations
Logistec currently operates three terminals: Forest Products Terminal Corporation (Forterm, forest products), Brunswick Terminals Incorporated (BTI, international and domestic containers), and Autoterm (auto distribution center). All three get served by rail; Autoterm, unlike the other two terminals, does not move product by ship.

The three share general management, marketing (Dixon heads this), traffic, garage and maintenance, but not operations. Given the distinct nature of cargo at each terminal, the company has decided to keep the operations separate, though some cross training is occurring. {ARW discussion}

PORTSMOUTH
20 September. THE PORT AUTHORITY WILL HOLD A PUBLIC HEARING on the future of the Market Street facility owned by the state prior to the beginning of the consultant’s study [see 27 August issue], said Bob Snover. Elected in August to succeed Stephen Foss, who stepped down as chair but remains on the board, Snover explained the contract with consultant VHB is not yet complete.

He invited all concerned to the meeting, in City Hall at 7PM. “The port does not serve just Portsmouth, or just New Hampshire, but the entire region” and he hopes to get comments from that broad an area. Those who cannot attend are invited to submit written testimony by 15 October. {ARW discussion}