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**ATLANTIC NORTHEAST**

**RAILS & PORTS**

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Issue 03#12A 17 December 2003

*Article unchanged from e-bulletin.

**REGIONAL ISSUES**

**High-Speed Rail/Nashua Commuter**: NHDOT needs decision on gas tax before HSR study.*

**MMA**: Burkhardt calls for PPPs. Now profitable.*

**Assistance to smaller railroads**: Effort successful in House, now moves to Senate.*

**CONNECTICUT**

**CSXT**: Circle of Life to start testing of C&D site.

**New Haven**: Lifting of steel tariff should help.

**MAINE**

**GRS**: Louisiana Pacific idles OSB plant.*

**SLR**: Shipper Safe Handling expanding.* RR seeks federal funds to rehab track,* no East-West Highway needed.* Former shipper Hannaford.*

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**GU**: Boston Railway Terminal moving here?

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**MBTA**: Fall River/New Bedford service put off until at least 2009 in draft Capital Plan.

**Boston**: Massport rail-served site out to bid.*

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**Nashua commuter**: See High Speed Rail.

**MBRX/GRS**: GRS employee denies lying under oath.* Mediation did not work.*

**WACR**: Woodsville would like WACR excursion trains to cross the Connecticut River.*

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**VRS**: Court says Act 250 does not apply to Riverside development. Update on moving Rutland rail yard.

**MARITIMES/QUÉBEC**

**CN**: Taking up North Track Halifax to Windsor J.*

**CBNS**: Hope for the Cape Breton line beyond 2004.*

**Halifax**: Port Authority accorded responsibility for grain elevator explosion.* Steamships lines unhappy with CN performance.* Jacobson explains problem.* Smart Port process evaluation.

**RAIL SHIPPERS/RECEIVERS**

A cross-reference to companies mentioned here.

**EDITORIAL**

Support rail assistance but watch out for 315.

More info soon

With this issue full, I will send out an e-bulletin soon about the newly-proposed WWTR in Woburn, and the two proposed waste facilities in Pittsfield, Massachusetts.

All subscribers - including hard-copy subscribers - get the e-bulletin free. If you want it, just notify me.

Merry Solstice!

- Chop Hardenbergh

Next issue 31 December

Common abbreviations:  
BCLR - Bay Colony RR,  
BML - Belfast & Moosehead Lake RR,  
CBNS - Cape Breton and Central Nova Scotia Ry,  
CCCR - Cape Cod Central RR,  
CCR - Claremont Concord RR,  
CFQ - chemins de fer Québec System,  
CN - Canadian National Ry,  
CPR - Canadian Pacific Ry,  
CSO - Connecticut Southern RR,  
CSRX - Conway Scenic Railroad,  
EOTC - Mass. Exec. Office of Transportation & Construction,  
GRS - Guilford Rail System,  
GWI - Genesee & Wyoming Inc,  
FHWA - Federal Highway Admin.,  
FRA - Federal Rail Admin.,  
FRTC - Fore River Transportation Company,  
FTA - Federal Transit Admin.,  
HRRC - Housatonic RR,  
MERR - Maine Eastern RR,  
MBCR - Mass. Bay Commuter RR,  
MBRX - Milford-Bennington RR,  
MBTA - Mass. Bay Transportation Authority,  
MCER - Mass. Central,  
MDOT - Maine Department of Transportation,  
MMA - Montréal, Maine and Atlantic Ry,  
MPO - Metropolitan Planning Organization,  
MTQ - Québec Ministry of Transport,  
NAUG - Naugatuck RR,  
NBSR - New Brunswick Southern Ry,  
NECR - New England Central RR,  
NEGS - New England Southern RR,  
NHCR - New Hampshire Central RR,  
NHDO - NH Department of Transportation,  
NNH - New Hampshire Northcoast RR,  
NNPRA - Northern New England Passenger Rail Authority,  
NSDOT - Nova Scotia Department of Transportation,  
PVR - Pioneer Valley RR,  
PW - Providence & Worcester RR,  
Seaview - Seaview Transportation Company,  
SLQ - St. Lawrence & Atlantic RR (Québec),  
SLR - St. Lawrence & Atlantic RR,  
TIRR - Turner’s Island LLC,  
VAOT - Vermont Agency of Transportation,  
VRR - Vermont Rail System (Green Mt. RR Company),  
GMRC + Vermont Ry VTR + Clarendon & Pittsford RR  
CLP + Washington County RR WACR),  
WHRC - Windsor and Hantsport Ry.
HIGH-SPEED RAIL/ NASHUA COMMUTER

17 December. **NHDOT Wants a Decision on Use of Gas Tax Funds** before spending more money on the High Speed Rail study. On 17 November, NHDOT Commissioner Carol Murray said: “It really is unfortunate to have to say to the other states that are involved in the high speed rail study, sorry but we can’t go forward, but right now we’re just not in a position to be able to... We don’t have the general fund dollars in our budget to provide the match for the high speed rail study, so we’re really on pins and needles until the Supreme Court makes a decision.”

New Hampshire must pay its share of the cost for the next phase of the study: $83,000. Murray said federally-provided planning funds would cover 80%; the state must raise 20%, $16,600, to meet FRA requirements. The FRA is paying half of the total [see 30 September issue].

Do without New Hampshire’s participation? VAOT’s Scott Bascom said a delay wouldn’t be a big setback, but he needs New Hampshire to participate. “It would be a shame if it fell apart this early on. At the end of this phase two, essentially we’ll have enough information for decision makers to decide whether it makes sense or not.” [Steve Zind in Vermont Public Radio 19.Nov.03]

Peter Griffin, president of the New Hampshire Railroad Revitalization Association, found Murray’s stance unbelievable. “I’m sorry, but that’s insulting to everyone’s intelligence. This study represents one of the best potentials for economic opportunity that I’ve ever seen. What sort of signals does this send to the New England community? It tends to perpetuate the reputation that New Hampshire has of being isolationist and really not wanting to work with any other state. There have got to be some discretionary funds somewhere. It should be up to the governor, who has stated he supports the expansion of rail service, to be able to come up with the funds needed to make this match.”

Wendell Packard, Governor Craig Benson’s press secretary, said the governor would address the issue when the region’s governors meet in about two weeks. [Leo King in Destination Freedom 8.Dec.03]

**NH Supreme Court Decision**

Murray said the New Hampshire Constitution may forbid using highway funds for anything but roads, but the state hopes to convince the New Hampshire Supreme Court that improving rail service will benefit the highway system by cutting congestion.

According to a clerk at the Court, the last brief from the plaintiffs on the bid by the New Hampshire Motor Transport Association to shut off gas tax funds for the Nashua commuter service is due on 21 January 2004. Oral argument will follow, and then the waiting for a decision. [I predict June 2004. Editor] [ANR&P discussion with NH Supreme Court clerk 9.Dec.03]

ASSISTANCE TO SMALLER RRs

5 December, DC. **The Effort to Pass a Tax Credit for Infrastructure Improvements** will move from the US House [see 26 November issue] to the US Senate, because the House version H.R.876 is now sponsored by over half the House. Adam Nordstrom, lobbyist for the American Short Line and Regional Railroad Association, points out that New England senators sit in key positions to help the Senate legislation, S.1703, along:

- James Jeffords (I-VT) Ranking Member of the Environment and Public Works (EPW) Committee;
- Lincoln Chafee (R-RI), member of the EPW Committee;
- John Kerry (D-MA), member of the Commerce Committee and the Finance Committee;
- Joe Lieberman (D-CT), member of the EPW Committee;
- Olympia Snowe (R-ME), member of the Commerce Committee and the Finance Committee;
- John Sununu (R-NH), member of the Commerce Committee.

The Finance Committee has jurisdiction over tax issues, EPW has jurisdiction over most surface transportation, and the Commerce Committee freight and passenger rail jurisdiction. The rest of the Senate will look to these three committees for leadership on S. 1703.” [Email to ANR&P]

MONTREAL, MAINE & ATLANTIC

4 December, Augusta. **In Maine, the Best Success Will Be a Public-Private Partnership, Working with (Government) Leaders,”** Ed Burkhardt, head of MMA’s principal owner Rail World, suggested at the annual Maine Transportation
Conference. [See SLR.] He tipped his hat to DOT and other Maine leaders: “There is no place I’ve ever been that’s helped us more than in Maine...[a] pro-business state.”

**In the black!**
Burkhardt announced the MMA “broke into the black” in August, just eight months after taking over the formerly bankrupt BAR, “and (we) have increased profitability since,” though not detailing financials. The good news resulted from trimming payroll and increasing service: “To be successful, we have to make our customers successful.”

As an example, he passed on a story told by an MMA vice-president about a Maine paper mill’s Philadelphia prospective customer who was at the time receiving supply from a Georgia mill. MMA, said Burkhardt, had to quote a better rate to give the Maine mill the edge. In such instances, “customers generate our business.”

**BAR purchase considered before**
Referring to his “past life” as head of the Wisconsin Central, Burkhardt revealed he had looked at acquiring the BAR in 1993, but was rebuffed by then-BAR President Bucky Dumaine. {ANR&P coverage by correspondent Fred Hirsch}

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**CONNECTICUT**

**CSX TRANSPORTATION**
12 December, New Haven. *CSO DELIVERED 116 BATHTUB GONDOLAS TO CIRCLE OF LIFE.* {Bill Sample in NERAIL e-list}

Consultant Mark Bourgeois noted on 27 November, responding to the 26 November issue: ‘[W]e will be operating in shakedown soon....The full permit to operate is after the shakedown....Our first set of 120 railcars are due by early December, and that’s part of the hold up, as until they are here (they are in transit) we will not run shakedown. We have purchased, not leased, 360 units.

‘The building, a tension membrane structure, arrived on [25 November] and erection starts (it only takes 10 days to erect) on [1 December]. The foundation, tipping floor, and tipping plaza are awaiting finishing, and the tipping plaza is being paved on [29 November].’
{e-mail to ANR&P 27.Nov.03}

**NEW HAVEN**
4 December, New Haven. *NEW HAVEN AND OTHER PORTS SHOULD BENEFIT FROM THE LIFTING OF STEEL TARIFFS*, which US President George Bush announced this day. [See 31 October issue.] {CBC webposted 4.Dec.03}

**Impact to come later**
Jim Schine, head of terminal operator Logistec USA, expected the steel traffic to return when “economic conditions improve.” Right now steel importers are facing strong foreign markets and a weak dollar. Nevertheless, he expects the demand for the offshore steel to improve: “Talk to me in the second quarter.”

The Logistec-operated terminal in New London is doing great on lumber and copper, while Bridgeport has its normal traffic. {ANR&P discussion 11.Dec.03}

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**MAINE**

**GUILFORD - MAINE**
8 December, Baileyville. *LOUISIANA PACIFIC WAS SCHEDULED TO IDLE ITS ORIENTED-STRAND BOARD PLANT* here because of inadequate log supplies, just six months after re-opening it [see 9 September issue]. It will re-open in April, depending on adequate supply. The mill in New Limerick will continue operating. {Louisiana Pacific press release 24.Nov.03}

**ST.LAWRENCE & ATLANTIC**
8 October, Berlin-Gorham. *THE RAILROAD IS SEEKING FEDERAL FUNDS* to replace 38 miles of non-control-cooled rail along its 270-mile length. Robert Grossman, executive vice-president, government and industry affairs for SLR’s parent Genesee and Wyoming (GWI), said failures of this rail are increasing; replacement will cost $7 million. SLR is proposing a $5.6 million earmark in the re-authorization of TEA-21, currently in debate in Congress; SLR will pay the remaining $1.4 million.

How could the federal government give money to a private company? Grossman pointed out the clear public benefit of safe operation,
increased air quality, lower congestion, and decreased highway maintenance. Restrictions in the funding mechanism will ensure the money moves traffic off the roads and onto the railroad.

The search for support
Grossman has already held meetings with the offices of the US senators of northern New England. He is meeting with local government officials to reinforce the importance of rail. One such meeting in early October was attended by Ray Burton, District One Executive Councillor, Berlin Mayor Robert Danderson, and State Senator John Gallus. All supported the SLR proposal. Danderson said proper infrastructure in the North Country was an essential part of a healthy economy. Gallus noted that much of New Hampshire does not have rail service, and therefore the presence of the SLR helps put the North Country on an equal footing with the rest of the state. {Thomas Patterson in Berlin Reporter 8.Oct.03}

26 November, Auburn. THE AUBURN PLANNING BOARD WILL CONSIDER SAFE HANDLING’S REQUEST to construct a 59,355SF expansion to the existing warehouse, with a 680-foot rail siding extension at 123 Rodman Road. Hearing will take place on 9 December. {Lewiston Sun 26.Nov.03}
Safe Handling President Ford Reiche promised more details on the new business in a month. {e-mail to ANR&P 2.Dec.03}

4 December, Augusta. GROSSMAN SPOKE IN FAVOR OF AN EARMARK FOR SLR at the annual Maine Transportation Conference, put on by the Maine Better Transportation Association. “Government policy hasn’t been good to rail.” While saying SLR’s request for $5.6 million in the reauthorized TEA-21 bill now being debated in Congress is not unprecedented [see above], he did say it’s uncommon for a rail line to ask for federal funds. Grossman chairs the American Shortline and Regional Rail Association’s TEA-21 Reauthorization and Infrastructure Funding Committee. When asked about the chances the SLR will receive such funding, he replied, “It’s how well you know your Congressmen.” The GWI executive also told DOT planners that in future projects, “rail must be at the table when there’s transportation talk.”

No East-West Highway needed
Grossman highlighted how far the SLR since its creation from CN trackage in 1989. Seventy-five percent of traffic was overhead business when under CN, and now 75% originates or terminates along SLR rails. Also, five of the SLR’s biggest customers today have been developed since CN relinquished the property. He showcased Auburn’s intermodal facility and its growing international appeal, telling of imports from China, Singapore, Japan, and South Korea of seaweed for food and dental products, footwear, apparel, blankets, backpacks, and sleeping bags. Exports to Europe, the Mediterranean, and Far East of paper, recycled fiber, and logs provide balancing traffic.

Next for Auburn, predicted Grossman, is creation of a foreign trade zone, an industrial rail park, and passenger rail. Rebuffing earlier speakers who talked about the need for better east-west road connections, Grossman said, “We are the east-west highway.” [Bringing to mind Ben Coes, former Bangor and Aroostook System employee, who maintained in the late 1990s that the B&A System was the east-west highway. Editor]

Former shipper Hannaford
Christopher Huff, transportation operation manager for 123-store supermarket company Hannaford Brothers, a subsidiary of Delhaize Group headquartered in Belgium, said Hannaford had used intermodal at Auburn (with Hub Group as the intermediary) for two to three years because “the price was right.” Now, he told the conference, the company uses 100% truck to its South Portland and Winthrop distribution facilities. “As lead times got shorter, we had to go back to truck.” {ANR&P coverage by correspondent Fred Hirsch}

SEARSPORT
1 December. SPRAGUE RECENTLY STARTED CONSTRUCTION OF A RUBB BUILDING to serve as a warehouse at Mack Point.

Why not await the state’s building?
MDOT planned to use $1.5 million from the November bond issue [see 14 November issue] and $100,000 in local funding for a 50,000SF warehouse (eventually 90,000SF) [see 18 July issue], matching another $1.5 million in federal funds [see 20 May issue]. But that funding would not be available for a year.

Burt Russell, vice-president of terminals and transportation at Sprague, said on 15 December that during the marketing of the new pier, “it was evident that without a warehouse, getting customers was an uphill battle.” Working with the state, P.D.Merrill, and MMA, Sprague put together the plan to construct a warehouse adjacent to the ‘F track’ [the track which wraps around the point - see map 19 February 1998 issue] with a couple of sidings. Builder Rubb Building Systems of Sanford, Maine, is scheduled to complete it by 1 March. Russell lauded the cooperation of all parties in getting the deal going.

“Typically we fund capital projects after we get the customer,” but here Antonia Ax:son Johnson, head of Sprague’s parent, Axel Johnson Group of Stockholm, Sweden, recognized that while the construction entailed some risks, “without a warehouse we would not do anything.”
Rail contribution
MMA will rebuild the F track, which will run to the state building as well, when that is completed. Eventually, Russell said, the two buildings when expanded could connect. {ANR&P discussion 15.Dec.03}

Burkhardt comment
Burkhardt at the Augusta conference [see SLR] called the Mack Point facility a “great asset” for which “[w]e have to make a partnership” with private and port officials. Shipping lines are not happy with the ports they use, specifically referring to Saint John, Halifax, and “ports down the coast,” citing their burden with labor and management problems. {ANR&P correspondent Fred Hirsch coverage}

MASSACHUSETTS

GRAFTON & UPTON
8 December, DC. THE BOSTON RAILWAY TERMINAL IS CONSIDERING MOVING TO MILFORD, prompting the Massachusetts town to file at the Surface Transportation Board (STB) a Petition for a Declaratory Order, stating that ‘activity proposed to be undertaken by the Boston Railway Terminal Company (BRT) upon land owned by the Grafton and Upton Railroad is not exempt from application of the provisions of the zoning by-laws of Milford nor the Wetlands Protection Act of the Commonwealth of Massachusetts, or any other applicable provisions of federal law.’

BRT distributes and fabricates steel in Boston at this point, and is considering GU and other sites [see box]. It is not a railroad recognized by the STB, according to the Petition.

STB POSITION ON NON-RR FACILITIES
The STB’s David Konschnik, director of proceedings, ruled in June 2003 that a legal distinction exists between a transloading facility operated by a non-carrier licensee and one operated by a rail carrier. In every case before the Board, local regulation was pre-empted ‘only when those facilities have been operated or controlled by a rail carrier.’ The activities of a mere shipper are not pre-empted and are subject to state regulation. {Chop Hardenbergh in Rail Business 3.Nov.03}

Konschnik ruled in a case involving a construction and demolition debris facility located in Newark, New Jersey. The operator, Hi Tech, has appealed to the ‘full’ Board.

Some aghast at Konschnik’s ruling
US Representative Gerry Nadler, D - New York, wrote on 22 August that Konschnik’s decision, if allowed to stand, ‘will have serious consequences for’ for the railroad industry. He asked that Roger Nober, the only board member at this point, reverse Konschnik’s decision. {letter in WWTR filing STB Docket No. FD 34391 3.Dec.03}

GU operation in Milford
The petition stated that the GU right-of-way ‘has not been used for well over 20 years’ and the track is not usable, with two portions crossing public ways removed. The GU ROW terminates at the CSXT Milford Secondary Branch.

BRT proposal
In September, the petition stated, the town was informed that BRT wanted to operate a steel distribution facility on the GU trackage just off CSXT, and would do some fabrication. BRT is losing the use of its current facility in South Boston because of construction of the convention center. The area BRT wants to use is zoned residential.

The Milford petition noted that BRT did not intend to operate using GU and therefore cannot be an ‘integral part of the railroad’s interstate operations.’ The town employed the Konschnik ruling [see box] to argue that BRT does not enjoy the protection of pre-emption. It paid a filing fee of $1400 to seek the STB ruling. {STB Docket No. 34444 9.Dec.03}

MORE ABOUT BOSTON RAILWAY TERMINAL
According to BRT’s president, Alan Marsh, ‘Boston Railway Terminal is a transloading operation based within the former First Street yard in South Boston. We receive structural steel (H-piles, pipe, beams, etc.) from various steel-mills, unload and store the material as required, and deliver to the customer by truck. We have a 1951 Alco S3 switcher, which we use as needed to shift and place cars within our facility. We have received approximately 150 cars in the last twelve months, and we received 14 cars in a single shipment on Friday, November 20th. We have been here since 1993, but we are presently seeking a new location, as CSX has other plans for this property (they have not told us what these plans ARE, just that they have plans). We are considering: the former Ossipee Aggregates facility in Everett, Fore River
FALL RIVER/NEW BEDFORD COMMUTER SERVICE

2 December, Raynham. **THE MBTA EXCLUDED THE PROJECT FROM ITS DRAFT FIVE-YEAR CAPITAL INVESTMENT PROGRAM.** Chapter 14 of the draft describes proposed system expansion, and includes only Greenbush as a commuter rail program. The Fall River/New Bedford project will receive $3.3 million over the next five years covering preliminary design and some construction to support the extension. ‘Work remaining consists of closeout costs only.’

**Future efforts**
The service now falls under ‘anticipated future efforts’ (meaning after 2009) in the draft plan.

**Some rejoicing, some not**
In November, the Southeastern Massachusetts Metropolitan Planning Organization recommended the project in its newly-released 2003 Regional Transportation Plan. ‘These three cities [including Taunton] are the only major metropolitan areas around Boston that are currently not served by commuter rail.’ {Terence Downing in Brockton Enterprise 25.Nov.03}

After seeing the draft report, Raynham selectmen on 2 December “declared victory” in their fight against the Fall River/New Bedford line and voted to disband a legal fund set up to battle the project. {Susan Weinstein in Taunton Gazette 3.Dec.03}

The Sierra Club said both the North-South Rail Link and the New Bedford/Fall River line are needed. According to the Massachusetts office of the Sierra Club, a 2000 report commissioned by the U.S. Postal Service concluded that virtually all commuter trains traveling to Boston from Southeastern Massachusetts, as well as trains from some of the western suburbs and Rhode Island, could be late as much as 27% of the time because of overcrowding at South Station. The report was written in 2000 by CB Richard Ellis Whittier Partners. {Jack Spillane in New Bedford Standard Times 3.Dec.03}

**Next: new taxes**
The T is holding open the draft for comments until 31 December 2003. After that, it will issue its final report. {MBTA website} Doug Foy, Governor Mitt Romney's chief of commonwealth development suggested during an editorial board meeting with The Standard-Times on 3 December that municipalities that want rail or other mass transit projects should think about earmarking the taxes on new growth along those rail corridors for a funding mechanism. In Washington, D.C., and in many foreign countries, mass transit has been funded by diverting a small portion of the property taxes on the new development surrounding train stations. In the past, people have gotten rich developing property adjacent to new train lines and stations, but the state did not reap any of that money to pay for the train. “We need to have a closer link. This corridor strikes me as a classic opportunity to do that.” {Jack Spillane in New Bedford Standard Times 3.Dec.03}

**Upgrade of Boston transit needed first?**
In another interview, Foy ranked the construction of an "urban ring" around Boston and the completion of the city's "Silver Line" tunnel more pressing needs than the New Bedford-Fall River commuter link to the Hub.

“The critical feature of the (Massachusetts mass transit system) is that the center has to hold. There has to be the capacity to move people, once they get to Boston, around Boston. If they all have to go into the center in order to come out of the center and go to Cambridge or Lynn or whatever, you're going to jam up the Green Line and the Red Line so they can't function.”

**CSX and some communities a problem**
One problem for the New Bedford-Fall River line, Foy said, is that one-third of the track is owned by a private company, CSX, that has a reputation for dragging out government negotiations for years. In addition, the communities of Easton and Raynham have made it clear that they will aggressively contest the New Bedford line in court over its environmental impact on the Hockomock Swamp. Finally, the state, in the current fiscal crunch, simply cannot afford all the projects on the list, even if the estimated $7 billion North-South rail link is taken off. “What we've been trying to do is be honest with people. We're going to need a much more creative way to finance these projects.”

**SouthCoast disagrees**
State Senator Mark C.W. Montigny, D-New Bedford, one of the region's most ardent rail supporters, said he is not convinced. The Romney administration should replace the $780 million Silver Line with the New Bedford-Fall River commuter rail as the state's "New Start" application. “In this economic climate, when there are these kind of problems finding resources, (Greater Boston) projects with merit need to be set aside so that other parts of the state can share in its economic success.”

The issues with CSX over control of track could be solved quickly through hardball negotiations, Montigny maintained. And when he was chair of Ways and Means, the state enacted legislation that allows it to spend the few million needed for environmental permits.

State Representative Bill Straus, D-Mattapoisett, said the New Bedford-Fall River line has already won its state environmental permits.
He contended the state had failed to bargain hard with CSX when it was repairing the company's
bridges. {Jack Spillane and Andrew T. Gallagher in New Bedford Standard-Times 14-Dec.03}

MASSACHUSETTS HIGHWAY SALT

12 December, Boston. THE COMMONWEALTH DECIDED IN FAVOR OF RENEGOTIATED PRICES instead of the results of the reverse auction, explained Ron Whitaker, procurement team leader, operational services division (OSD) vehicles & related services for the Executive Office of Administration and Finance. In June, Whitaker asked for re-negotiated prices for highway salt, and then held a reverse auction in August. The projected savings from the reduced prices, about $1.25 million, exceeded the savings of the reverse auction results, so Whitaker decided to go with the renegotiated prices [see 30 September issue]. These were posted on the OSD website on 2 December.

As in 2002, Morton declined to decrease its prices [see 6 December 2002 issue], but Cargill, Granite State Minerals, Eastern Salt, and International Salt did so.

Morton helps out
Morton stepped in for Granite State Minerals in District 5C, as Granite State no longer wanted to serve that area. Morton is providing salt at $40.30 a ton, up from $36.00. {ANR&P discussion 12-Dec.03; prices from COMPASS website}

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<th>Districts served (near)</th>
<th>salt provider</th>
<th>Pile/delivery</th>
<th>Estimated annual usage*</th>
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{Salt Award Breakdown - VEH40 from Comm-Pass website. The posting to the website was delayed until 2 December 2003.}


GUILFORD

3 December, DC. THE WILMINGTON & WOBURN TERMINAL RAILROAD REFILED FOR AN EXEMPTION to permit it to become a rail carrier and handle waste shipments. [See 8 August issue]. {STB Docket No. FD 34391} [More in future issue.]

BOSTON

4 December. MASSPORT PUT A RAIL-SERVED PARCEL UP FOR BID, part of the Medford Street Terminal, 8.44 acres including the former Revere Sugar Refinery and Somerville Lumber warehouse properties. Two abutting parcels totalling 6.6 acres may be available as option parcels for future development. *The property is located within a Designated Port Area (DPA) and is restricted to water-dependant
industrial uses and supporting activities. The site includes:

- A two-story brick office and warehouse with three loading docks,
- A one-story brick gatehouse,
- A 40-foot deep-water berth along the Mystic River, and
- A rail line (the Mystic River Branch, that bisects the property)

Massport will conduct an informational meeting and site visit on December 15, 2003 at 1:00 p.m. Interested parties should call 617-946-4435 in advance to register. RFP responses are due to Massport by 12:00 p.m. on January 30, 2004 and should be directed to Pamela Reed, Manager Maritime Leasing, Massachusetts Port Authority, One Harborside Drive, East Boston, MA 0228-2909. For a copy of the RFP and further information, visit www.massport.com.  

**NEW HAMPSHIRE**

**NHDOT - HAVERHILL**

9 December, Woodsville. *THE TOWN OF HAVERHILL WOULD LIKE RAIL TO CROSS THE CONNECTICUT RIVER* again. Glenn English, town manager, reported that the state had fitted out the former rail bridge between Woodsville and Wells River, Vermont, as a highway bridge while rebuilding the highway bridge carrying Route 302 over the Connecticut River. Now, the Town of Haverhill - Woodsville is a village in the town - would like to use some of those highway funds to restore the track. But he realizes that bridge damage forbade its use for trains, and has no estimate for the cost to repair it.

With new track in place, English hopes, tourist trains running on the Vermont side on the WACR could cross the Connecticut River, and passengers could visit a new town park, before resuming their trip. The park uses land once containing a large railroad facility.

**What’s next?**

English is asking NHDOT to seek federal Transportation Enhancement funding, to replace the track and add a snowmobile/ATV way; he reports that NHDOT is not enthusiastic about the idea. The state would have to provide 20% of the cost, which it does not want to do now [see High Speed Rail]. The town is talking to NHDOT Commissioner Carol Murray, and Executive Councilor Ray Burton, hoping to move the project along.  

**MILFORD-BENNINGTON/GUILFORD**

19 November, DC. *MBRX AND GRS SAID THE MEDIATION OFFERED BY THE BOARD DID NOT SUCCEED* in resolving the dispute. The mediation, which took place on 28 October, did delay discovery. Both sides requested a delay in the filing of opening statements. On 26 November, the Board granted a delay until 8 January.  

1 December, DC. *THE GUILFORD EMPLOYEE DENIED HE HAD GIVEN FALSE TESTIMONY*, as alleged by MBRX and Granite State Concrete [see 26 November issue]. GRS counsel Rob Culliford attached the verified statement of the employee, Andrew Zompa, to the response to the MBRX motion seeking sanctions.  In addition, Culliford argued against the effort of Peter Leishman MBRX president, to show that no agreement existed to keep a derail in place during freight operations. Culliford noted that Erwin Towle, then general manager of the Springfield Terminal Railway [the operating railroad of the entire Guilford System - editor] told Leishman that he wanted to install a derail, and Leishman did not take exception. Towle is not subject to intimidation by Guilford, Culliford argued, because Towle is now retired.

GRS’ reply also stated that a derail is designed for both passenger and freight, and that if Leishman had intended it only for the passenger operation, he had ample opportunity to raise that point. The fact that he did not do so, the existence of a Supplementary Bulletin issued on 12 December 2002 requiring the derail, and national railroad rules all point to the conclusion that Leishman accepted the derail for both freight and passenger. And also point to the conclusion that Zompa did not lie, and therefore that Guilford did not intimidate him into lying.  

[STB Docket No. NOR 42083, GRS reply filed 2.Dec.03]
RHODE ISLAND

QUONSET POINT/DAVISVILLE

8 December, Providence. A POLL OF RHODE ISLANDERS SHOWED SUPPORT FOR CAPITAL IMPROVEMENTS at the Quonset Davisville Port and Commerce Park. Conducted by Darrell M. West at the Taubman Center for Public Policy in Brown University with 424 registered voters, it showed that 64% favored a $48 million bond issue, 13% opposed, and 23% were undecided. Of the particular improvements, voters believed that upgrading utility service was very important (65%), followed by repairing piers (62%), demolishing deteriorating buildings (59%), constructing new roads (57%), refurbishing the Quonset airport (41%), and building new bike paths (39%).

What about a container port?

‘We asked voters if state leaders promised they would not build a container port at Quonset Point, would that make them more or less likely to support a bond measure for Quonset Point. Forty percent said that a no container port pledge would make them more likely to support a bond measure, 21% stated it would make them less likely to support the bond, and 39% were unsure how it would affect their position. Younger voters were more likely than older voters to say a no container port pledge would make them more likely to support a bond measure. Higher income voters were more likely than lower income individuals to say a pledge would make them more likely to support the bond.’

State-wide benefit

‘In looking at voter views about the breadth of Quonset Point benefits for Rhode Island, 68% believe Quonset benefits the entire state, 17% think it benefits just the area right around Quonset Point, and 15% are undecided.’ {poll at West’s site, www.insidepolitics.org}

Comments

The poll was commissioned by the Rhode Island Economic Development Corporation (RIEDC), which operates the port and commerce park, and presented at the corporation’s board meeting this day. West judged: “It’s a good news/bad news scenario. There is widespread favorable opinion about Quonset and its economic-development potential. [But there's] a general lack of familiarity with Quonset . . . they don't know the details. I don't think they have much of the sense of the jobs [there] or the kinds of lease revenue….So if the state really wants to develop Quonset, they need to engage in a public-education campaign.”

Michael McMahon, RIEDC executive director, said, “We wanted to figure out what were the key issues. We will incorporate a very active education program.” In 2002, voters turned down 54%-46% a proposed $11 million bond for land clearing, building demolition, railroad improvements and repair to the crumbling south bulkhead at the Davisville pier in a bid to draw more businesses and jobs to the park. [The initiate failed because it was linked to the construction of a container port. See 19 November 2002 issue.] “I think the public understands that [Quonset is] important for future economic development. But they want a vision for how it's going to create jobs,” said West. “What comes out of the survey is that in order for that bond measure to be successful, voters have to recognize that it's a statewide asset, and that it's seen as an economic engine, and the economic development shouldn't be tied to the container port.” {Andrea Stape in Providence Journal 9 Dec 03}

VERMONT

VERMONT RAIL SYSTEM

15 December, Rutland. AN UPDATE ON THE RUTLAND Railyard Relocation was supplied by Matthew Sternberg, executive director of the Rutland Redevelopment Authority [see 20 May issue and map in www.atlanticnortheast.com (August 2001 issue)].

Permitting

The draft Environmental Impact Statement (EIS) will emerge in mid to late February 2004. While no preferred alternative is yet selected, Sternberg said the US Army Corps of Engineers is leaning in the direction of only one build alternative, that shown in the map, south of Rutland.

Design
The biggest rail design issue for consultant HDR is laying out the trestle for the new Center Rutland Connector. The two at-grade alternatives were discarded because they would add grade crossings; the remaining trestle alternative presented problems because of the sharp 9-degree curve required. So, said Sternberg, “we’re working with the communities” to move one end back toward where Option 2 split from the main line to create a gentler curve.

**Corridor and funding**

Per Sternberg, the state has picked up on the idea of putting the new Rutland Yard, the Middlebury spur, and other transportation projects on the west side of the state into one grand scheme.

To fund it, stakeholders are still looking to the re-authorization of TEA-21. The Senate version of the language has language supporting the corridor concept, and stakeholders are working closely with Vermont senators.

**New thinking on freight**

Sternberg extolled the draft language in DC as “starting to talk about freight movement, while not talking about which mode.” That “gets past the traditional division” into highway, rail, maritime, and air freight, and gives flexibility to funding freight. The language also reflects “an increased recognition of the role that freight rail has to play.”

In addition, Sternberg noted, the bill “expands on the idea of innovative financing, including acknowledging private-public partnerships.” This “opens door to use private investment as non-federal match.”

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14 December, Brattleboro. **THE US DISTRICT COURT FOUND ACT 250 DID NOT APPLY TO THE RIVERSIDE DEVELOPMENT** proposed or completed by VRS member Green Mountain Railway (GMRC). Riverside comprises 66 acres bounded on the west by US Route 5 and the GMRC line, and on the east by the Connecticut River. Of the 66, about 31 are unusable wetlands; the state has imposed a 100-foot buffer zone along the Connecticut River which takes up 19 acres.

**GMRC position**

GMRC expansion at Riverside is ‘modestly successful,’ per VRS Vice-president Jerry Hebda (GMRC gets 10% of revenue from passengers, according to Hebda’s verified statement). In 1997 at Riverside, GMRC originated or terminated 416 cars; by 2000 that number had nearly doubled. But the Act is still detrimental. GMRC needs more space for ground storage. ‘Depriving GMRC of the use of all land at Riverside within 100 feet of the Connecticut River would not only bring business growth to a standstill, but limit GMRC’s ability to handle existing business,’ according to Hebda’s verified statement.

**Cement silos**

GMRC proposes to construct cement silos with a total 500-ton capacity, and they will generate approximately $180,000 a year in revenue. The railroad will build a 1000-foot spur to enhance commercial flexibility for its customer.

**Court reasoning**

Citing US cases as well as STB decisions, the Court stated: ‘It is clear that in cases such as this one, [state agencies] may not apply a law like Act 250 so as to require pre-construction approval and permitting.’ The Court went on to deny the state use of Act 250 to control the railroad’s development at Riverside in the case of the existing salt shed and the proposed cement silos.

‘The state, however, is not without remedies. It may require prior notification of proposed projects and seek voluntary compliance with applicable Act 250 standards. It may also have standing to seek compliance with applicable federal laws, such as the Clean Air Act and the Clean Water Act.

Legally, the Court granted to the plaintiff, GMRC, summary judgement in its request for a ruling that Act 250 did not apply to development of its Riverside property. {text of ruling in 1:01 CV 181 by Judge Garvan Murtha}
QUEBEC/MARITIMES

CANADIAN NATIONAL RAILWAY

9 November, Halifax. **CN SEVERED THE NORTH TRACK** on the Bedford Subdivision, near Milepost 8 out of Halifax. The ‘North Track’ of the two suffered damage from Hurricane Juan [see photo]. CN repaired that track from Rockingham Yard, Milepost 6, for two miles.

But it will begin removing the second track from that point on to Windsor Junction, as it had wanted to do three years ago [see 17 October issue]. {e-mail to **ANR&P** from Bruce Hollett 10.Dec.03}

**Commuter rail?**
The roadbed will remain if the second track is ever needed again. Dave McCusker, director of regional transportation for the Halifax Regional Municipality, said removing the track was a “business decision for [CN], and there’s no business case for us at this point” to retain the track. The commuter study won’t be finished until summer 2004. Commuter and freight trains could share “the right-of-way by time of day, but that could limit CN’s flexibility.” {**ANR&P** discussion 12.Dec.03}

CAPE BRETON & CENTRAL NS

10 December, Stellarton. **HOPE EXISTS FOR CAPE BRETON TRAFFIC BEYOND 2004**, said CBNS General Manager Peter Touesnard, past the movement of coal for Provincial Energy Ventures from Sydney to Trenton [see 31 October issue]. The railway will begin test shipments of coal on 21 December, increasing to 16-car trains over the winter, and then to 20-car trains in the spring. That will provide 4,000 carloads over the year; Touesnard needs 5,000 to break even, and other customers cannot currently supply all of the one-thousand difference.

**Coal the other way?**
Touesnard saw no new substantial business on the books beyond next year. “We will continue to work with Nova Scotia Power over the course of 2004 but nothing assures the long-term viability beyond 2004.” Despite the construction of the Logistec terminal at Point Tupper for NSP coal, Touesnard notes it is “premature to say we won’t have coal after completion of that terminal.” The railway has had “very preliminary” talks with NSP on whether NSP coal could move on CBNS from Point Tupper to Cape Breton for NSP power plants in Lingan and Point Aconi. “Those talks will develop over 2004.” {Tom Peters in **Halifax Herald** 11.Dec.03}

HALIFAX

21 November. **CN AND PORT STAKEHOLDERS DISCUSSED IMPROVING INTERMODAL SERVICE** for their customers. Matt Jacobson, assistant vice-president intermodal marketing, said after the meeting problems were arising out of a mismatch between the cars and the containers arriving. For example, to load normal intermodal cars, the terminal operator places heavyweight 20-foot containers on the bottom, and lightweight 40-foot containers on top. If the operator has high-capacity railcars on hand, it can load four heavyweight 20-footers on that car. But the right mix of cars does not exist, and sometimes the terminal operator does not properly arrange the loads.

CN, per Jacobson, implemented its new IMX [intermodal excellence - see 8 August issue] operating plan with very little tolerance: if the operator could not fill every car (regardless of the origin of the problem), CN would not take the lightly-loaded cars. But recently “we have more tolerance for less than 100% utility. We looked at reality,” which meant recognizing that some of the problem arose because CN did not have enough high-capacity cars. CN is also urging the terminal operators to better utilize the cars, especially the high-capacity cars, by planning the loading.

**Why cannot the steamship lines give a forecast?**
In order for the terminals to load correctly, the steamship line must give them a forecast about the mix of containers arriving. Most do, said Jacobson. “But it’s not as accurate as needed, or the terminal operator does not pay attention, or we don’t provide the right cars. So we have relaxed a bit on our slot utilization demand.” But eventually, “we can’t have sloppy operations from anyone.” Getting there, however, is an ongoing discussion. And “what’s right today, is not right for tomorrow.”

**Winter needs**
The stakeholders are also concerned about the coming winter. “We don’t want to get into the same problems as last winter.” [See 8 August issue]. CN will make more cars available, and will have “the authority and the ability to run more trains if we get behind with short trains,” said Jacobson. He anticipates reconvening the meeting perhaps quarterly. {**ANR&P** discussion 3.Dec.03}
26 November. **THE PORT AUTHORITY TOUTED THE RESULTS OF THE SMART PORT INITIATIVE**, after one year of existence. In a message to customers, the Authority stated: ‘We created the Smart Port forum to be able to come together with our partners to brainstorm ideas, problem solve and discuss issues. At the outset, Smart Port participants identified three key areas of interest and working groups were established to focus on:

* Strategy & Marketing;
* Competitiveness & Productivity;
* Security & Regulation.

Twelve months later all three working groups have made significant progress and have achieved positive results. Here are some of the highlights:

**Productivity**

‘Earlier this year when the container terminals were experiencing congestion problems, the Competitiveness & Productivity Working Group helped tackle the issue. While we are not suggesting the congestion issue has been solved we have made significant progress. The Competitiveness & Productivity Working Group has contributed to the development of a Service Standard Report, a tool for shipping lines, CN and terminal operators to track the most important measures of Port service. Service levels that impact customers are now tracked and supply chain partners are engaged to fine-tune areas needing improvement.

‘This working group also discussed the topic of truck traffic at the terminals. These discussions led to the installation of web cams at both container terminals earlier this Fall. The web cams provide visual images of truck traffic conditions that are updated every 10 minutes, all day, every day. This information is particularly useful for commercial vehicle operators when scheduling trucks coming into the terminals.

**Security**

‘The Security & Regulation Working Group continues to meet regularly to share information on requirements and future developments that affect the Port of Halifax. Through this effort we hosted the Smart Port Technology Conference at the end of October. Over 50 people attended the half-day session which focused on vessel and cargo safety and security. This is a topic that continues to be of great interest to all Port partners. The Security & Regulation Working Group will be instrumental in ensuring that the marine interests in Halifax are kept fully apprised of the training, planning, and procedural changes that will be implemented prior to July 2004 to ensure that port commercial facilities are ISPS Code compliant.

**Marketing**

‘The Strategy & Marketing Working Group has been actively involved in the Container Growth Study. This has proven to be an excellent opportunity for us to work together to plan strategies that will help build Halifax’s container business.’ {text from Port Authority}

**Meetings with CN**

Michele Peveril, Port Authority spokesperson, provided more information. Each time CN meets with stakeholders does not constitute an official meeting of a Smart Port working group, said Peveril. The 21 November meeting took place only among CN officials, shipping lines, and the Port Authority as facilitator.

**The Service Standards Scorecard**

The Port Authority recently implemented the Scorecard. It receives information daily from several stakeholders, such as CN and the port operators, and compiles the Scorecard daily. The Port Authority reviews the information daily, and when it sees an issue arising, “we will deal with key members” on that issue.

Peveril provided these examples of the measures included in the scorecard:

- percentage of containers loaded to rail within 48 hours (provided by terminals)
- percentage of railcars stripped of containers within terminal work periods (provided by terminals);
- percentage of import slots on outbound CN trains utilized by terminals (provided by terminals);
- vessel arrival times.

HPA compiles the data each day and identifies areas of concern which are relayed to CN, terminals & shipping lines as needed. Often daily or weekly discussions about findings of service standard report. HPA sends CN the summary report on a daily basis and sends it to the terminals & lines on a monthly basis. {ANR&P discussion 9.Dec.03}

4 December. **THE CUSTOMERS OF STEAMSHIP LINES ARE STILL NOT SATISFIED.** Two of the port’s main carriers, Maersk Sealand and Zim Container Line, said customers are threatening to take their business to other ports, such as Montreal and New York, where they would have other rail options. CN’s service, they said, has deteriorated again.
Zim in negotiations with Halterm

“We have some (customers) we know have gone elsewhere and we have significant customers telling us if we can’t get this straightened out they will be going,” Zim spokesman Carl Bannerman said. He added CN is “fully aware of it.” Zim is assessing its position in Halifax. “I would think that we are assessing as we speak,” Bannerman said. “We are still without a contract (service) with Halterm and our contract extension expires in less than a month. We are continuing our talks with Halterm and we would love to stay…but if costs and service issues make it impossible to stay, we will look seriously at alternatives.” [See 14 November issue. I erred in implying that Zim had renewed for the long-term. Editor]

Maersk/Sealand at Halterm

Maersk Sealand spokesman Kurt Andersen said the line has customers who have “threatened to leave and go somewhere else. I don’t have a count on it but it has come up. Some may think it might help to move to another carrier using the services that are available in Halifax while others think that it would not make too much of a difference and look at other ports.” But he remains optimistic. “We are very much tied to the one horse we can ride on. So our only choice is to work with them for constant improvement. We did see improvement over the summer. If they just could hold onto it and improve even more.” But he would not like to see a repeat of last winter, when the container backlogs began.

Situation at Ceres

Calvin Whidden, vice-president at Ceres, which operates the Fairview Cove terminal, said “we have a backlog of import cargo on the ground almost on a daily basis and we are able to clear it on a weekly basis.”

CN response

CN spokesperson Mark Hallman said on 4 December one problem springs from late vessel arrivals. “This is not an issue of car shortage. We have 8,000 feet going in and 8,000 feet coming out every day. We have an adequate car supply. And it is critical with late vessels that all participants in the supply chain work together to make sure that the hot cargo is picked off and moved on its way expeditiously.”

He couldn’t say how often recently vessels were late but said CN has been running extra trains to deal with the backlog. And CN will work more closely with terminals to deal with cargo flow. {Tom Peters in Halifax Herald 5. Dec. 03}

8 December, Ottawa. THE PORT AUTHORITY HAS RESPONSIBILITY FOR THE GRAIN ELEVATOR EXPLOSION in August [see 29 August issue], according to Mario Baril, a Treasury Board spokesperson. The port authority leases the land to Halifax Grain Elevators Ltd. so it’s responsible for enforcing fire regulations. “The Halifax Port Authority is self-regulating with respect to fire protection, and its board of directors is ultimately responsible for ensuring these obligations are met.”

Pass the buck!

Municipal fire officials say they have no jurisdiction because the elevator is on federal land. Officials from Human Resources Development Canada say their jurisdiction is the Canada Labour Code, not fire codes. The Treasury Board is only responsible for federal departments, not port authorities or Crown corporations. A port authority official has said it’s not responsible for enforcing fire regulations, because it’s not a regulatory body. The municipal fire service won’t lay charges in the 7 August explosion, saying it doesn’t have the authority on the property. {CBC webposted 9. Dec. 03}

RAIL SHIPPERS

Described in this issue.

Our Directory of Rail Shippers & Receivers in Southern New England has more information on the companies denoted with their directory number.

Boston Railway Terminal (CSXT, MA #219), Halifax Grain Elevator (CN, Nova Scotia), Louisiana Pacific (GRS, Maine), Safe Handling (SLR, Maine)

NEW OR ADDED CUSTOMERS

Woburn Concrete & Masonry Supply, 237 Salem Street, Woburn, MA 01801. Phone 781-933-4700
Contact: President Carmen Russo. Traffic inbound brick 50-100 cars a year inbound from North Carolina. An employee rated the service “good. Sometimes cars get lost, or get humped,” damaging the brick.

Railroad information. Served by GRS, in GRS Boston Area on the MBTA New Hampshire Route, between the Mishawum and Winchester Center T commuter rail stops.
EDITORIAL

A CHANCE TO HELP
NEW ENGLAND'S RAILROADS

Little known fact: most of New England is served only by local railroads. Only four of all states and Canadian provinces do not get service by at least one, if not two or more large railroads, described as Class I by the federal government: Maine, New Hampshire, Vermont, and Rhode Island. And even in Massachusetts and Connecticut, the majority of trackage is operated by the local railroads.

New England's local railroads need help to improve their trackage to carry the new standard of railcar weight: 286,000 pounds. Without that help, soon our railroads will be unable to accept cars from the Class I railroads; the heavy cars will damage New England's track and bridges.

Help can come, in the form of US government tax credits for investment in infrastructure, if the US Senate passes pending bill S.1703. A companion House bill already has support from more than half the Representatives, but the Senate bill has only six sponsors at this point.

S.1703 should receive overwhelming support from New England senators, who have fought for sufficient Amtrak funding. Let's all of us contact our senators on behalf of our railroads, and ask them to sign on to S.1703. [See Regional.]

With one proviso

The call for more funds is triggered by the need of the smaller railroads to improve their infrastructure to carry 286,000-pound cars (286s), up from the current standard of 263,000-pound cars. Car builders are making only 286s at this point. But some Class Is are already looking at the next level of railcar weights: 315,000 pounds.

Indubitably, the market will come to embrace the 315s, meaning the smaller railroad would have to upgrade again. Unfortunately, as Kent Shoemaker, chair and CEO, Red River Valley & Western and Twin Cities & Western, noted in Railway Track and Structures November 1999, "many bridges have been relatively easy to upgrade for 286,000-pound equipment by replacement of the longitudinal stringers. However, when you get up into the 315,000-pound-car category, a lot of the fundamental bridge structure itself may have to be replaced."

Now is the time for the owners of the smaller railroads to take a good look at possible future traffic. Will the Class Is soon be bringing a 315,00-pound grain car, or a string of 315,000-pound coal cars? If so, owners should upgrade now to 315, and not come crying again to the federal government for yet more money.

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Coverage
The newsletter covers the operating freight railroads and ports in New England, the Maritimes, and eastern Québec, as well as the government environment they function within. Coverage includes passenger rail and ships when relevant to freight operations.

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