TRANSPORTATION, twenty-foot equivalent unit (measure of container traffic, equal to a 20x8x8 foot box),

Southern Ry, Maine and Atlantic Ry, - Mass. Bay Transportation Authority, Federal Transit Admin.,

the US federal government for these purposes), Cape Cod Central RR, Common abbreviations

WWTR: Owners negotiating with buyer;* some cheer.*

slow car cycle postpones Maine Yankee decommissioning.

Not much room for a scrap shipper.

Crossdock Logistics replaces New

VRR: Still searching for traffic, but sets abandonment hearing.

MMA: Opportunities to grow traffic in Quebec.* Halifax: Halterm files suit for indemnification against Newfoundland Capital.

A cross-reference to companies mentioned here. PEOPLE, POSITIONS, EVENTS

Dale Williams, Robert Haluzak, Tom Hall, Maurice O’Connell, Bill Goetz, Randy Cheetham, Terry McNaughton, Don Mason, Eddie Malinowicz.

The table of contents shows 23 separately-titled stories. Take a look at one, the STB decision on GRS


*Article unchanged from e-bulletin.
REGIONAL ISSUES

CONNECTICUT

GRS: Municipal Road will not ship C&D with two other transfer stations.
PW: C&D train to run weekly on Wethersfield.

Bridgeport: Logistec and Columbia Coastal do not qualify as manager of feeder service. Three bids for bargie over budget.

New Haven: Terminals want rail.

Legislature: Bill on rail service makes progress. Representative Fletcher discusses Guilford service.*

MERR: Slow car cycle postpones Maine Yankee decommissioning.

SLR: Not much room for a scrap shipper.

Portland: Remains leading import transfer port.*

MASSACHUSETTS

Highway salt: 2004-2005 figures.* Whitaker will decide in May about bids for next year.*

BCLR: Mirant to become new customer. Trash train shut til at least June.

CSXT: Worcester wants better commuter service. GU: Owners negotiating with buyer;* some cheer.*

GRS: Crossdock Logistics replaces New England.*

MCER: Traffic improved, good customer service.*

WWTR: Transfer station attracts industrial groups in opposition,* plus perhaps governor. Realistic editorial.*

Boston: CSXI removes more service lanes, but no effect on port.

NEW HAMPSHIRE

Pan Am: First Circuit finds for GTI.

RHODE ISLAND

[No report.]

VERMONT

NECR v GRS: STB says courts should decide who pays for a derailment.

VRS: Town and city back concept of moving Rutland rail yard.

MARITIMES/QUÉBEC

CBNS: Still searching for traffic, but sets abandonment hearing.

MMA: Opportunities to grow traffic in Quebec.* Halifax: Halterm files suit for indemnification against Newfoundland Capital.

RAIL SHIPPERS/RECEIVERS

A cross-reference to companies mentioned here.

PEOPLE, POSITIONS, EVENTS

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FROM THE PUBLISHER

The table of contents shows 23 separately-titled stories. Take a look at one, the STB decision on GRS

www.atlanticnortheast.com
v NECR, for some irony. I encourage rail customers interested in better service to review the model Maine consumers are using. Interestingly, Paul Pascutti of RMI says that in his experience, when service metrics are measured, service improves. [Story in future issue.]

- Chop Hardenbergh

CONNECTICUT

GRS - CONNECTICUT

1 March, Waterbury. WASTE FROM WATERBURY WILL NOT JOIN THE WASTE FROM HARTFORD AND MIDDLETOWN. Ted Vozzella handles the rail arrangements for the Mid-State construction and demolition debris (C&D) facility [our Directory #554] as well as that of Murphy Road’s C&D [our Directory #604] and will handle the C&D from Municipal Road in Waterbury [see 04#09A]. While the use of the Wethersfield Secondary [see below] reduces the mileage on the C&D cars loaded at Mid-State from 300 miles to 24 miles, he foresees the C&D from Municipal Road travelling via GRS to East Deerfield and then out to a connection with a Class I.

Since the companies involved use several different landfills, all cars will not move on the same train to a destination in the Midwest. Furthermore, while the concept of a unit C&D train sounds good in theory, Vozzella said CSXT would not want one.

Progress on Municipal Road?
Vozzella said getting the facility up and running is not moving as fast as he would like. But dealing with the contamination is causing the delay. Guilford has been helpful and very interested in getting the facility operational. He suggested I call in another 60 days. {ANR&P discussion}

PROVIDENCE & WORCESTER

25 February, Middletown-Hartford. CT-IX RAN AGAIN, hauling nine loads of construction debris from Middletown to the CSO interchange in Hartford. CSO handed off 25 empty hoppers to CT-1x for the return trip.

The hoppers will be spotted in the Middletown yard and moved to Murphy Road in Portland as needed by CT-1. {PW railfan website}

Twice-weekly foreseen
Mary Tanona, PW general counsel, wrote, ‘The day may change, but we expect that this train will run once/week between Middletown and Hartford to start. The hope is that it will increase to twice/week this summer.’ {ANR&P e-mail 1.Mar.05}

BRIDGEPORT

18 February. THE PORT AUTHORITY RECEIVED THREE BIDS FOR THE TUG-BARGE PART of the proposed feeder service: Columbia Coastal (already operating a barge to Boston), Marine Transport (a subsidiary of Crowley), and Gateway Terminal (the New Haven terminal operator).

Joe Riccio, Port Authority executive director, said all three bids came in over the budget. “We have sent the bidders letters asking them some follow-up questions.”

Transportation manager
Three bids came in for the transportation manager: Columbia Coastal, Logistec, and Bridgeport Barge (newly-formed). Riccio said Logistec did not file an actual bid, but rather a letter. Columbia Coastal’s bid as manager was rejected as “not thorough enough.” Consequently Riccio has accepted the Bridgeport Barge bid conditionally; “we want to negotiate with them.

No bid amounts now
Riccio declined to release the amounts which each party requested to operate the service. He hopes to make an award in about two weeks. {ANR&P discussion 22.Feb.05}
NEW HAVEN - PW

3 February. **THE PORT AUTHORITY NOTED INTEREST IN RAIL SERVICE**, which may return this year [see 4 February issue], at its monthly board meeting. Two terminal operators (Logistec and Gateway, our Directory #s 544 & 545-1) want rail to the dock immediately, while the three tank farms (Gulf, Getty, and Magellan) may want rail later on. {ANR&P discussion with Mike Piscitelli, a city planner}

"Coordination with port users on this and other port area public improvement projects is important, [Commissioner Richard Miller, city engineer] said. Commissioner Russo asked how the Port Authority could help facilitate these projects and Commissioner Miller responded that the Port Authority should communicate with DOT that it should minimize the land it uses in its construction process." {minutes of board meeting}

MAINE

MAINE LEGISLATURE - LD230

18 February, Winslow. **STATE REPRESENTATIVE KEN FLETCHER SPEAKS FROM EXPERIENCE WITH GUILFORD**, as a member of the Utilities Committee looking at LD230. From 1982 to 1992 he managed the fiber supply group for the Scott Paper mill in Winslow. [Kimberly-Clark bought all of Scott Paper in 1986, and closed the mill in 1997. {Paper Age magazine; Taconnet Federal Credit Union website}] Much of the fiber arrived as wetlap pulp from another Scott facility, the Somerset mill in Hinckley, now owned by SAPPI. Pulp also arrived from other sources.

The wetlap pulp move
Scott leased its own fleet of 40-foot boxcars, whose bottoms were lined with steel. The pulp was loaded in Hinckley, and railed 10 miles to Winslow, over Guilford rails, at the rate of eight to ten cars a day. The Winslow mill received one or two switches a day.

According to Fletcher, who began his employment at the Winslow plant in 1969, the service provided by Guilford [which bought the Maine Central Railroad in 1981–editor] started ok, but “deteriorated over time, getting worse and worse.” One member of his group, charged with fiber logistics, spent quite a bit of his time tracking the cars over this ten-mile route.

Since Scott owned the originating mill, Fletcher’s group could find out when the cars left Hinckley, and the car numbers. Guilford often failed to deliver on time. When Guilford said it could not find the cars, the tracker would point out, “There’s only one place the cars could go, into your Waterville Yard.” Still, Fletcher sometimes had to send a worker over to the yard, across the Kennebec River almost within eyesight of the Winslow mill, to find the missing car. “It was a constant hassle. They were not quality- or service-oriented. They would not do what they said they would do, consistently.”

Fletcher said he could understand a delivery delay because of a snow storm, or a locomotive problem. But often the delays occurred “for no apparent reason.”

What is to be done?
After leaving Scott Paper, Fletcher is now consulting with the pulp and paper industry, so he remains familiar with its problems. He characterized the “railroad infrastructure as very important. And Guilford is the primary supplier [of rail service], but not reliable.” He suggested that if the state cannot get the situation resolved itself, that it go to the STB. While shippers have had a hard time there, he believes that if the state itself also appears before the Board, “that would be different.”

Alternatively, perhaps the state could assist parties who want to purchase Guilford. Even though the state is suffering from a budget crunch, Fletcher believed that something had to be done. {ANR&P 18.Feb.05}

22 February. **THE UTILITIES COMMITTEE AGREED ON SEVERAL MEASURES** to address service difficulties in Maine, but not on others, during a work session on LD230.

Agreed
- Individuals and companies may file comments with MDOT about rail service.
- MDOT shall compile these comments annually, and provide a report before the start of the legislative session in January.
- Commentors shall have confidentiality.
- MDOT shall provide to the Legislature an accounting of the cost of compiling such a report.
Not agreed, yet  
- Whether the commentors shall have state protection against discrimination if their identity is discovered and a railroad discriminates against them.  
- Whether a state government body, perhaps MDOT or perhaps the Public Advocate, shall have a legislative mandate to pursue remedies to systemic problems at the federal level or otherwise.

The Committee unanimously agreed to a motion to replace LD230 with new language along the above lines. It asked its legislative analyst, Jon Clark, to draft a bill including the agreed-upon portions, and to present possible solutions for the portions not yet agreed upon.

Members pro-advocate  
Representative Ken Fletcher (R, Winslow) plumped for the bill’s language to include authority to advocate. “We all agree we have a problem [with rail service]. The system to resolve the problem is not working…. We need an advocate for railroad transportation, [because] the railroad is an integral part of our infrastructure. Who that is, is another question.” The advocate should represent not just the direct customers, but “the people of Maine” since poor rail service has “indirect implications.”

Fletcher distinguished between a single issue between a railroad and a customer, and a “systemic problem” which might “trigger the authority for the state to proceed at a broader level.” He wanted an advocate with the “knowledge, access, will, and authority to represent the people in Maine.”

Representative Christopher Babbidge (D, Kennebunk) wondered whether a railroad could successfully attack the state if it went to the federal authorities with evidence about poor service. Tony Buxton, counsel for the Rail Consumers’ Cooperative, argued that sovereign immunity would protect the state.

Concerns about pre-emption  
Clark led off the work session by analyzing how much room the state had to act under the 1995 ICC Termination Act. He concluded that the federal law provided the only avenue to seek redress of service questions, and to argue that a railroad was discriminating in its provision of service.

He concluded that Maine could collect data on rail service. And Maine could hire an advocate to seek redress of service problems.

The service problem and reporting  
Committee members who spoke saw that rail service was a problem affecting Maine. As Representative Maitland Richardson (R, Skowhegan) said, “This problem could be easily solved by the management of the railroad.”

Representative Peter Rines (D, Wiscasset), who made the initial motion that the Committee pass a bill along the lines listed above (without the advocate), recommended that the agency which collected fees from the railroad be the one to collect the comments about rail service. Rob Elder of MDOT reported that his agency did collect crossings fees and excise taxes. Consequently Rines moved that MDOT collect the comments.

Elder responded that the task, if given to MDOT, is “doable.” He also noted that MDOT’s Washington counsel believed that reporting would not be pre-empted, as long as the Legislature did not mandate the reporting by either customers or railroads.

Representative Babbidge endorsed the notion that MDOT would produce a periodic report. He feared that individual comments, even if not attached to a particular consumer, could be easily linked to a consumer. Amalgamating the comments into a report would make identifying the commentor less likely.

On the arrangement to protect ‘whistleblowers’, Babbidge noted that “people are fearful” of reporting. “How can we obtain justice without creating a new investigative bureaucracy?” {ANR&P coverage}

Next meeting  
Because of a snowstorm on 1 March, the Utilities and Energy Committee rescheduled a second work session on LD230 to 15 March. {e-mail to ANR&P from Committee}

MERR - MAINE YANKEE  
28 February. EMPTY RAILCARS ARE NOT RETURNING TO MAINE YANKEE AS FAST AS PLANNED, said Eric Howes, the ex-nuclear plant spokesperson. “At one point we had more rail cars in the loop,” but then reduced them to about
100. Unfortunately, the company predicted it would need to rail out less topsoil than it must now do. The loaded cars go out to Utah, and their return takes longer than planned as well. “We know when the cars leave Utah,” but then the company gets frustrated knowing the cars are sitting in Massachusetts, or in Portland. “We need a steadier supply.” {ANR&P discussion}

Effect on cleanup
Maine Yankee announced on 24 February the end of the decommissioning process has moved from March to May. {Bob Kalish in Brunswick Times-Record 25/.Feb.05}

SLR - RAIL FERROUS SCRAP?
25 February, Auburn. **ED FOLEY EVALUATED THE POSSIBILITY THAT HIS RAILROAD COULD HANDLE ADDITIONAL SCRAP**, given the closing this summer of the scrap yard at Merrill’s Marine Terminal, and the effort of the City of Portland to move the two scrap yards in Bayside [see 4 February issue].

Current SLR scrap move
Grimmell Industries has a receiving yard in Lewiston, not on rail. Most of the scrap collected there moves by truck to Grimmell’s processing yard in Topsham and thence by truck to Portsmouth [see 04#09B]; occasionally some will move by rail, transloading into a Grimmell railcar in Auburn. Grimmell has a fleet of 10 cars kept by the SLR for ready use.

Rail out of Topsham makes sense, said Foley, as Grimmell moves a significant amount through to Portsmouth. [When Grimmell signed a contract to use the Market Street Terminal in Portsmouth in January 2002, the company predicted up to 200,000 tons a year–see 02#02A. In 2002, the total came to 45,000 tons–see 03#05A]. Even 100,000 tons translates into 1000 railcars a year. **Editor**

A yard in Portland?
Foley saw two limits to SLR’s ability to reload the scrap now handled by Merrill. The railroad does not have much space at its Portland terminus in East Deering, perhaps enough for two or three cars. And the railroad now serves its two customers, Burnham & Morrill (inbound beans) and Nappi (inbound beer) with but one train a week.

A yard in Auburn?
Foley does have space in the Lewiston-Auburn Industrial Park available to the railroad, but he believed that the park is striving for a higher tone of customer than a scrap operation would provide.

Farther out, say in Oxford, the railroad does have space, but the 15 miles of driving would put it too far away from the Maine Turnpike. {ANR&P discussion 25.Feb.05}

PORTLAND
14 February. **PORTLAND TRANSFERS MORE INBOUND TONNAGE (OIL) THAN ANY OTHER US PORT** in 2004, according to Jeffrey Monroe, the city’s director of ports and harbors. Traffic rose 16%, from 29.1 million tons in 2003 to 33.8 million tons, according to U.S. Army Corps of Engineers figures. Petroleum products made up 99%, Monroe said, holding Portland's position as the No. 1 oil port on the Eastern Seaboard. Crude oil made up 90% of the inbound foreign cargo, much of it from the North Sea destined for the Portland Pipeline which feeds Montreal.

Overall, vessel movements in Portland Harbor fell 11%, from 610 vessels in 2003 to 545 vessels in 2004. Part of that loss occurred because of the Shamrock impoundment, which affected Boston and Halifax totals as well [see 15 February issue]. While Monroe could not provide detailed export data, he figured that containers split 60% import, 40% export, better than some other ports where imports make up 80% of the total.

Passenger
MASSACHUSETTS

MASSACHUSETTS HIGHWAY SALT

7 January, Boston. THE COMMONWEALTH HAS KEPT ITS SALT PRICES IN CHECK despite the increase in ocean transport costs [see 04#07B], said Ron Whitaker, procurement team leader of the operational services division (OSD) for the Executive Office of Administration and Finance. In negotiating with the current vendors, he was able to keep price increases at about $10/ton.

Before the price rise, rates ranged between $9/ton and $14/ton to ship salt. Shipping rates now range between $20 and $30/ton, or even higher.

If he had to order salt on the spot market, Whitaker estimates the price at $63/month. Cities and towns in Massachusetts “besieged us” as late as December, because the pricing of the state contract fell below prices they could obtain individually. Whitaker found his vendors very accommodating, and was able to get the municipalities good prices, though not as low as the state prices achieved in August. Even a savings of $10/ton, though, translates into $50,000 for a town which uses only 5000 tons of salt.

What about additional salt?

“I’m keeping my fingers crossed that it remains an easy winter,” reported Whitaker. On 6 January, he talked to his five vendors: Eastern, International, Cargill, Morton, and Granite State. “They are all looking good, they have enough ships lined up coming in, they foresee no problems meeting the Commonwealth’s needs, even if winter picks up.”

The vendors are bound, by their contract, to provide additional salt at the contract price, to be sure. Whitaker feared that if the vendors needed additional ships, they would encounter even higher shipping rates: “They would have to eat the price increase.”

“I have an excellent working relationship with all five contractors now.” For example, in June 2003, he asked for 10% decrease in price [see 03#07B]; “One gave us a 10% decrease and other vendors gave decreases from two to five percent. When in August and September, the international shipping rates went up, all vendors still held those decreases, even though their costs increased. That speaks a lot to partnership. I think it’s commendable.”

Whitaker had concerns that if the vendors did end up losing money, their costs would go up, “at some point we will pay

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down the line.” Perhaps the vendors would raise their prices in the next bidding round.

Results in other states
The current increase [see box] lies in the middle of price increases Eastern seaboard states have had to pay for road salt for the 2004-2005 season. Some states had bid price increases of only $7 ton, some $18/ton; Virginia had the highest bid increase at around $19/ton. [New Hampshire contract increases ranged between $7 and $12/ton, see 04#07A; Maine $10-$12/ton 04#08B; Vermont $1 to $14/ton–see 15 February issue.]

Any chance of shipping rates going down?
According to Whitaker, the cost of moving salt by ship began increasing in August-September 2003, for two principal reasons. First, China’ consumption of bulk material, such as scrap metal, increased sharply, meaning those who sought ships to move bulk to China (and also Korea and Japan) bid up the price of ship charters. Second, and in part due to the demand for scrap, older bulk carriers were scrapped, decreasing the supply. Constructing a new bulk or container ship requires more than two years, in part because the shipbuilders give precedence to new double-hulled tankers. (European countries now require double-hulled tankers.)

Whitaker foresees the price increases continuing until 2006, when newly-built ships will ply the shipping lanes in enough numbers that the supply will begin meeting the demand.

Prices for 2005-2006
Whitaker will keep an eye on the shipbuilding industry. He calls agents of the shipbuilders in Boston or New York, to check on the situation around the world. By May, he hopes to decide, in conjunction with the salt companies, whether to extend the current contracts one more year, or to open the contract to bidding. “I’d like to get the contract out for bids in June or July.”

Ship charter rates may not decrease even by 2006, though, said Whitaker. Developing countries may seek more commodities, using up the supply created by the new-builds. {ANR&P discussion 7.Jan.05}

BCLR - MIRANT
16 February, West Barnstable. **THE CAPE COD COMMISSION APPROVED MIRANT’S PROPOSAL TO RECEIVE AMMONIA BY RAIL** [see 04#12A]. Mirant still needs to get permits from the town before construction can begin, but the project of installing two 60,000-gallon tanks could begin this spring. {Sean Gonsalves in Cape Cod Times 18.Feb.05}

Approximately 25,000 gallons of ammonia every three to five days will arrive at the plant [meaning one 25,000-gallon tank car every three to five days –editor].

Ammonia from Fall River?
At the hearing, ‘Kevin Halligan, Borden & Remington [our Directory #290], said his company was one of the companies looking to supply the aqueous ammonia, and noted that Bay Colony was familiar with scheduling such deliveries. He said that, based on his experience, Bay Colony would regularly inspect its beds, and has a maintenance program for rail tracks.’

Barge?
A member of Cape Clean Air, Elizabeth Ellis, supported the project but asked that the ammonia arrive by barge. A Mirant representative said the company had turned down the barge option for three reasons: it would have to buy a custom-built barge, it would have to construct a new off-loading pier to keep the existing pier available, and local safety officials did not support the idea.

Condition
The Commission added this condition: ‘The ammonia...may be shipped by rail or by truck to the plant, with the primary preference being shipment by rail.’ {text of Commission decision}

BCLR - TRASH TRAIN
28 February, West Wareham. **SEMASS CANNOT RECEIVE BY RAIL** until at least 1 June, said Scott Peterson, an official at the facility here [our Directory #299]. The roof of the rotary dump unloading facility collapsed in a January snowstorm. {ANR&P discussion}
CSXT - MASSACHUSETTS

23 February, Worcester. THE MAYOR OF WORCESTER DEMANDED IMPROVED T SERVICE, PERHAPS BY PURCHASING THE RAIL LINE from Framingham to Worcester, now owned by CSXT. In a 20-page white paper, Mayor Timothy Murray reported that the area around Worcester is gaining population faster than any other area in Massachusetts; many of those moving in commute back to the Boston area; therefore much more commuter rail service is needed than the current 10 round trips a day.

The Worcester line is the system's busiest, with 18,800 daily riders last year. Besides the Attleboro line, which runs on tracks controlled by Amtrak, the Framingham-Worcester line is the T's only commuter rail route operating on tracks not owned by the T.

Trains have long run from Boston west to Albany, the Midwest, and beyond, but commuter rail service from Worcester began in 1994 when the Massachusetts Bay Transportation Authority opened a 23-mile, $120 million extension from Framingham with three round trips daily; now the T has ten. Murray would like 20.

Dilemma #1, track ownership
According to Murray's paper, two things block additional service: track ownership and lack of funding. ‘Through a contractual arrangement, CSX decides how many commuter trains can run along its tracks. Over the years CSX has consistently balked at local efforts to increase access to its tracks for additional commuter rail service, claiming that the rail line’s top priority was freight traffic and commuter rail had to be limited. Even though independent analysis of the track system indicates that more commuter rail trips could be incorporated without negatively affecting CSX’s freight traffic, the company has, to date, not been open to such accommodations.’

CSXT spokesperson Jane Covington responded that CSX does not rule out selling the tracks. "If the state were to come to us with a proposal, we will entertain it," as long as the company can continue to deliver freight to its customers.

Third track
HNTB Rail Systems Group has been contracted by the MBTA to perform a conceptual engineering study for Worcester Commuter Rail Service Improvement. The project will study the cost and feasibility of increasing commuter rail service on the Worcester line. A report was due in December 2004.

One element of the project is looking at the possibility of laying a third track between Worcester and Framingham. It would consist of 6.5 miles of additional track, 5 miles in Worcester, and 1 mile in Framingham. If this option is used there will be 21 miles of triple tracks on the line, allowing one line to be utilized solely for freight.

Dilemma #2, lack of funding
While billions of dollars were flowing to the Big Dig in the 1990s, the Worcester T service has received only $91,000 for the Worcester Commuter Improvement Study. Murray would like the mandate for metro-Boston projects, created as part of the environmental deal for the Central Artery-Third Harbor Tunnel project, changed so that funds become available for the Worcester commuter service. But the agency, he said, is not prepared to spend money on expansion projects other than the Silver Line bus service in Boston and the Greenbush commuter rail along the South Shore.

On-time, full trains
T spokesman Joe Pesaturo said that as an interim step, the authority wants to meet with CSX to ensure that commuter rail trains can maintain a 96% on-time performance rate, as guaranteed in their contract. He said MBTA officials also want better notice of repair work on the tracks.

Because of delays, the line's on-time performance dropped to 82% last month. "I can't sit here and tell you it all has to do with dispatching and freight. Some of it is mechanical-related, because of the impact the winter weather has had on the vehicles."

Pesaturo also said the T plans to fine its commuter-rail operator, Massachusetts Bay Commuter Railroad Co., for failing to run the contractually required seven-car trains on the line last week. The fine will be $1,000 per day. Pesaturo said the railroad company was short on cars because it was catching up on maintenance after last month's blizzard. {text of Murray's report; David McLaughlin in MetroWest 23.Feb.05; Glen Johnson in Boston Globe 23.Feb.05; Richard Nangle in Worcester Telegram 23.Feb.05}
GRAFTON & UPTON

22 February. **THE GRAFTON AND UPTON IS FOR SALE**, according to Karen Busenberg, an official at the railroad. The owners are negotiating with one party; she estimated conclusion of the talks in four to six weeks. [ANR&P discussion]

Some relief

According to John LaPoint, a member of the Town of Grafton Economic Development Commission, the sale of GU ‘would not be unwelcome to those of us in municipal government and the regional tourist industry who have worked very hard over the last two years to finally establish a good working relationship with the railroad ownership... Some of us have been frustrated with the lack of ownership follow-up whenever they have specifically asked for our help with zoning and planning issues, and the unwillingness of some public officials in Milford and Hopedale to work together collectively with officials in Grafton and Upton to help this railroad survive.

‘There are considerable rail assets (four rail freight yards) and property assets of this railroad (including four acres of land in Grafton Center) that have value depending on what context they are considered. The railroad-owned land located on Upton Road / Route 140 is an important part of an area near the historic Grafton Common that the town is now considering for a new Fire Station complex and major economic development and aesthetic rehabilitation.

‘The new owners should at least consider the idea of working cooperatively with the town of Upton and its Industrial Development Commission. The town is currently completing a new master plan and one of its goals is to look at increasing the nonresidential tax base of that fine community. There is land that is set aside well away from residential areas for such a facility, and it fortunately does have rail access through the G&U line.’ [e-mail to ANR&P 19.Feb.05]

GUILFORD - MASSACHUSETTS

23 February, Ayer. **A NEW CUSTOMER HAS REPLACED NEW ENGLAND DISTRIBUTION** [our Directory #127]: Crossdock Logistics. According to Robert Tersigni, general manager, the company has done well since taking over from New England in March 2004. It serves Kraft Foods and a major paper account, and is negotiating for several additional accounts, including some which would use rail.

What happened to New England?

According to Tersigni, who also worked for New England Distribution Centers which belonged to his family, the public warehouse started up at the wrong time, was hit by the economic downturn after 9/11, and went into bankruptcy. The quality of rail service also played a role. The new company, owned by Tersigni and his brother, uses very little rail. [ANR&P discussion 23.Feb.05]

MASSACHUSETTS CENTRAL

22 February, Wilmington. **RAILROAD TRAFFIC WAS “UP SIGNIFICANTLY”** in 2004, according to Mike Smith, the general manager. Why? “Just the basics: paying attention to the customer, using right rates, giving better service than somewhere else, and continued investment in the property.” He declined to give a specific number for the traffic.

Smith also serves as president of Finger Lakes Railway in New York. [ANR&P discussion]

WILMINGTON-WOBURN TERMINAL

18 February, Wilmington. **WASTE INDUSTRY GROUPS AND OTHERS ARE BACKING THE TOWN IN OPPOSING THE PROPOSED RELOAD CENTER** [see 15 February issue]. The Massachusetts Municipal Association and the Massachusetts chapter of the Solid Waste Association of North America said yesterday they filed a petition with the federal Surface Transportation Board (STB) to challenge the proposal. Also signing their names to the 29-page petition are the National Solid Waste Management Association, the Construction Materials Recycling Association, the Integrated Waste Services Association, American Ref-Fuel Company LLC, and New Bedford Waste Services.

The signatories opposed the STB’s pre-empting local and state authority at the site. ‘The adverse impacts of allowing a federal board to override solid-waste management in the Commonwealth has united a broad coalition,’ Geoffrey C. Beckwith, executive director of the Massachusetts Municipal Association, said in a statement. ‘The loss of local control over the permitting and regulation of these solid-waste facilities will likely have adverse effects on the health and safety of the public; cause environmental damage; and will create serious facility-management enforcement problems.’

Advantage over other waste operators

An approval could also give New England Transrail an advantage over other waste operators who must comply with strict
state regulations, opponents said. {Vanessa Hughes in Lowell Sun 19.Feb.05}

MDEP support coming
The MDEP will file a petition with the STB by the end of the week opposing the construction of the transfer site, according to Ed Coletta, MDEP spokesman. Robert Golledge, commissioner of the state DEP, met with state legislators and elected town officials on 9 February. While Colletta did not know what DEP's reply will be based on, it reportedly hinges on issues of jurisdiction: Is the facility a rail freight yard, which would place it under the purview of the STB, or only a facility where solid wastes is stored and material processed, bringing it under state regulatory control. According to John McHugh, WWTR/New England Transrail’s counsel, Congress gave the STB sole and broad discretionary powers with any commercial entity located on a rail line. “This has been well gone over in the courts.” {Franklin B. Tucker in Wilmington Advocate 17.Feb.05}

Editorial from Wilmington
‘Look, no community really wants tracks and rail yards: they are noisy and esthetically, well, so 19th century. But rail transportation - which has politically powerful allies on both ends of the political spectrum - has been dubbed important enough to be protected from the whims of every two-bit community. And the courts have in nearly every case supported those powers.

‘So when the STB comes to town, as it has in Wilmington regarding New England Transrail’s proposal to build a transfer station at the Olin property site, they hold the high cards in this draw.

‘And when a department within the STB deemed the proposal environmentally viable, as what occurred in December, it's hard for any local governmental entity, be it elected officials or state offices, to prove them wrong.

‘The effort by State Representative James Miceli to fight Transrail via legal maneuvers and possibly down the line in federal court is to be applauded: it's an upstanding way to go about changing decisions by a stand-up guy. But it's hard to see how this “good” fight can come out in his favor with the weight of precedence from previous decisions ready to fall on him.’ {excerpt from Wilmington Advocate editorial 17.Feb.05}

22 February, Boston. THE GOVERNOR HAS REPORTEDLY DECIDED TO OPPOSE THE RELOAD CENTER. At a meeting here, Miceli reported that Frank Micciche, the director of state and federal relations and a leading member of Governor Mitt Romney's administration, told him that the governor "strongly supports" the Massachusetts Department of Environmental Protection stance against the planned development.

Mici and state officials will request the Surface Transportation Board hold a public meeting in Wilmington. "I'll fill the [Boston Garden] with the people who would come out against [New England Transrail]," said Miceli. {Franklin Tucker in Wilmington Advocate 24.Feb.05}

BOSTON
1 March CSXI CUT OFF ANOTHER LANE FOR INTERNATIONAL BOXES in its streamlining program which took effect this day. Boston loses its connection for international boxes coming from beyond Chicago, but those arriving at the Port of Boston can still move beyond Chicago via UP and BNSF; CSXI dropped the connection with CN. {CSXI matrix available at website}

“That doesn’t really affect us,” said Nick Billows, director of maritime sales and marketing at the Massachusetts Port Authority. “We do so little intermodal” and any the port does attract “would only go to or from Chicago and not beyond.” {ANR&P discussion 1 Mar.05}

[See 04#05B for effect of streamlining of domestic CSXI lanes.]

Overall
CSXI closed 44 lanes in which it was moving international boxes, approximately 10% of the total 505 lanes. For the most part, the company is halting service between mid-sized cities such as Columbus, OH and Charlotte, NC, and many East coast ports.

Overall, as CSXI spokesperson Jane Covington said, the streamlining will affect most customers favorably, reducing the amount of switching suffered by CSXI trains and thereby increasing consistency and reliability. Charlotte, Cincinnati, Columbus, Orlando, and Nashville lose most or all of their connections to East coast ports; Cincinnati is losing all West coast ports as well. And other cities are affected. {ANR&P discussion 2.Mar.05}
NEW HAMPSHIRE

GRS - PAN AM

28 February, Boston. THE US CIRCUIT COURT OF APPEALS UPHELD GTI’S USE OF BOSTON-MAINE AIRWAYS and shutting down Pan Am in October 2004. That month, U.S. District Judge Joseph DiClerico in Concord issued an injunction requiring Guilford Transportation Industries to "restore to the status quo" the pay, rules and working conditions to uphold the contract between the union and the company until all dispute-resolution options are exhausted. Guilford argued the injunction should be overturned because the union didn't arbitrate or mediate the dispute. [See 1 October issue, Regional.]

The appeals court agreed. It also said the union failed to achieve an agreement that would have prevented the company from outsourcing or "developing parallel businesses" and rejected the pilots' claim that moving the work was a subterfuge to break the union. {AP in Lewiston Sun-Journal 1.Mar.05}

VERMONT

GUILFORD v NECR

23 February, DC. THE STB VOTED 3 TO 0 TO DISMISS GUILFORD’S COMPLAINT AND PETITION FOR A DECLARATORY ORDER, ruling in an open voting conference that the primary issues presented are more properly the subject of adjudication before the courts. Guilford filed its complaint after NECR requested payment arising from the July 2004 derailment of a GRS train on track owned by the New England Central Railroad, Inc., the defendant [see 04#11B].

Decision language

'Given that this dispute is founded primarily on claims of breach of contract and tortious actions, we find that the courts are the appropriate forum to resolve the dispute. This agency has recognized that resolution of contract disputes should typically be pursued before the courts or through arbitration, and we believe that deference to the courts should apply here.

'The dispute does not involve the interpretation of a core operational provision of the TO [the Trackage Rights Order issued by the ICC in 1990 governing the use of the ConnRiver line--editor] and does not involve service questions, over which we have primary jurisdiction, but is, rather, a dispute over liability for a derailment, an area as to which we have very little expertise and limited authority.

'We recognize that, when the ICC issued the TO in Amtrak II, it declined to adopt an arbitration clause proposed by CV, stating instead that (6 I.C.C.2d at 556-57):

Disputes may be referred to us for resolution. This is appropriate, as the operations will be conducted pursuant to our decision in Amtrak I, supra, and this follow-up decision.

This language, however, does not mean that the Board must resolve all disputes arising under the TO. Rather, this language allows the agency to interpret the provisions in the agreement to ensure that the trackage rights as valued in the takings portion of Amtrak I are not undermined and that the operations conducted thereunder do not neglect the essential interests of the shippers and passengers who were intended to benefit from the transactions approved in Amtrak I.'

Citing other Guilford reverses

Ironically, the STB commissioners cited two other cases which Guilford lost. 'In its ruling on subsequent litigation in the Rymes matter, the United States Court of Appeals for the First Circuit discussed the three factors to determine if the primary jurisdiction of the Board applies: “(1) whether the agency determination lies at the heart of the task assigned by the agency; (2) whether the agency expertise is required to unravel intricate technical facts; and (3) whether, though perhaps not determinative, the agency determination would materially aid the court.” Rymes Heating Oils. v. Springfield Terminal Ry., 358 F.3d 82, 91 (1st Cir. 2004), citing Pejepscot Indus. Park, Inc. v. Maine Cent. R.R., 215 F.3d 195, 205 (1st Cir. 2000).' {Boston and Maine Corporation and Springfield Terminal Railway Company v.New England Central Railroad, Inc., STB Finance Docket No. 34612}

In Pejepscot, GRS was ultimately told by the STB it violated its common carrier rights [see 03#05A]. In Rymes, the STB
told GRS it had to permit NECR to serve Rymes [see 02#07B]. Having won, Rymes sought to collect damages for GRS' failure to tell Rymes that it could get service from NECR. The Court's opinion begins with these words: 'This is a dispute between an extremely dissatisfied shipper and a rail carrier, Springfield Terminal Railway.' But in the end, the Court agreed with Guilford that Rymes had not stated a cause of action for its damages case. {editor}

VRS - RUTLAND RAILYARD

1 March, Rutland. RUTLAND CITY AND RUTLAND TOWN APPROVED A PLAN TO ASSIST MOVING THE RAILYARD OUT OF DOWNTOWN, to a 77-acre parcel, part in the south end of the city, but mostly in Rutland Town.

Rutland City voters approved 1,364-757 not whether to move the railyard, but only a plan to redevelop areas in the city and town in preparation for the move. Rutland Town voters narrowly approved, 591-562, a measure calling on the Town to continue discussing the plan. {Brent Curtis in Rutland Herald 2.Mar.05}

Rail benefits

About 80% of all rail freight shipped in Vermont passes through the Rutland yard, according to VRS President David Wulfson. Four years ago, eight trains a day passed through the yard; now 12 trains do. About 30,000 rail cars a year pass through Rutland, 30% higher than in 2001. The trains now block Park Street for 20 minutes or more each day. “We're right smack-dab in the middle of the city. We affect people at West Street, South Main Street, Allen Street, the Howe Center. If we don't move, the railyard will sprawl on its own as demands force us to do more and more things that aren't efficient but we need to do to get by.” He said the railroad is already thinking of installing side tracks on rights of way south of Park Street and in Center Rutland to help handle the load.

The relocation project includes a plan to build an access road that would run from Route 4 into the city's center along the route of the current railroad. In addition to providing access to businesses on Randbury Road and proposed industrial sites next to the railyard, the new road has been touted as a way to take trucks entering the city off busy Route 7.

[See map in 01#08B and at website.]

Economic development

Matthew Sternberg, executive director of the Rutland Redevelopment Authority, said a number of small and modest-sized commercial lots would be created in Rutland by moving the tracks out of town. In Rutland Town west of the Holiday Inn, a number of large industrial sites could be developed, he said.

Funding/OMYA benefit

OMYA, the calcium carbonate manufacturer in Florence, ranks as VRS' largest customer. It has committed to working with the railroad to raise $22 million over the next 23 years to help meet local matches for federal funds that would pay the lion's share of the project. “Anything that helps the railroad is good,” said OMYA President James Reddy. “It's very important to us. Trucking is expensive for long distances. Anything we can do to get off the road is good for us.”

Businesses seized

Most of the business owners whose stores and workshops could be seized by eminent domain if the project were to proceed said they're optimistic about the plan. Paul Garland, who owns Garland's Agway on Park Street, said the prospect of being moved to a better location on the government's dime is “positive.” David Therrien, a member of a local family that owns Timberwolf Manufacturing Corp., Vermont Roofing and The Melanson Co. — businesses that occupy a number of buildings on Post Street in Rutland — said he's also optimistic about a potential move. He would not mind moving if his companies wound up under one roof.

Environmental support

The Conservation Law Foundation, the Vermont Forum on Sprawl, the Sierra Club, and the Vermont Natural Resources Council support the project. Marc Sinclair, a lawyer for CLF, said his group likes the plan because it would expand rail traffic, therefore taking trucks off the road. While some wetlands and agricultural lands would be destroyed or relocated during the move, Sinclair said, the positives from the project outweighed the negatives. “This project is really the poster child for smart growth. If you can't build it there, where can you build it? You have to sacrifice some natural resources or else you'll never revitalize the city's downtown.”

Local control

Sternberg, the primary architect of the project, has said that in addition to the funding possibilities, the plan would solidify
local control of the project — which could be co-opted by the state if the plan is voted down in either community.

But Dawn Terrill, VAOT secretary, said her agency had no desire to take control of the project if the town and city couldn't agree on a course of action. "The state supports the project, but we won't drive the project. I can't imagine a scenario where the big, bad state gets involved."

**Opposition in Rutland Town**

Sharon Davis, president of the City Board of Aldermen, said planning for the project would proceed with or without a "yes" vote from both communities on the redevelopment plan. But she said if the project ultimately fails, it could have a lot to do with the results of Tuesday's vote and the actions of Rutland Town officials who have distanced themselves from the project recently.

"People are looking to them to give leadership," she said of Town officials. "If the project dies, that's where in the system it died."

The prospect of a rift between the two communities was unheard of — or at least muted — during earlier years of research. The project and the concept of a improving the railroad along the western corridor of the state has been lauded by transportation officials in Washington, national transportation planners, environmental groups and agencies trying to curb urban sprawl. [See 03#02B.]

Opposition became public in recent months, when the Town Planning Commission was asked to assess the redevelopment proposal to see how well it complied with the Town plan. The town plan lists five specific criteria, from potentially losing taxable land to hazardous material risks to noise and dust impacts, which planners said were addressed by the proposal. But because the plan also calls for the conservation of wetlands and agricultural lands, preservation of water resources and the economic future of the town, the commissioners refrained from signing off on the redevelopment plan. Sternberg made some adjustments in the plan proposal in January to attempt to alleviate those concerns, but the Planning Commission ultimately offered only a qualified endorsement, saying the changes were too vague to address their specific problems.

Those first hints of opposition also addressed some longstanding sore spots for some town residents: the intermunicipal agreements between city and town, which impose surcharges on some town businesses' property taxes, water rates and sewer fees. That opposition in turn attracted the attention of others in town, two former selectmen and the town lister among them, who organized against the project for various reasons under one theme as voiced by former selectman John Paul Faignant: "I support the concept, but not the location." He and the other former selectman, Donald Chioffi, initially raised several technical concerns about the site and persuaded the Town Select Board to change the wording of the article on the town's ballot. Instead of asking voters to approve of the project plan, the town is asking whether voters want to continue discussion of the railyard redevelopment.

In an hour video program, the two and others urged voters to reject any further discussion of the project. Faignant claimed the project would not work and could result in a monumental waste of taxpayer money. Chioffi said the proposal would be too expensive and economically detrimental to the town. Others worried over the loss of at least one working farm to wetlands mitigation, and aesthetic concerns — from noise and smell to light pollution. {Brent Curtis and Brendan McKenna in *Rutland Herald* 24 & 25.Feb.05}

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**CBNS**

24 February, Halifax. **THE NOVA SCOTIA UTILITIES & REVIEW BOARD HAS SET MAY 10-11 AS THE NEW DATES** for hearings on CBNS’ application to abandon the rail line on Cape Breton Island. The railway requested dates in May with discontinuance of service on 17 June, and abandonment on 15 July. {ANR&P discussion with Paul Allen of Board 24.Feb.05}

**Does the railway not have new traffic?**

CBNS General Manager Peter Touesnard said despite the request for new hearing dates, he is still working on a number of possible customers. The railway sought the May hearing dates because it has to keep its options open and because the formal abandonment process requires months. "We don't know if we are going to be successful with this at the end of the day. We are hopeful and obviously if we are successful we will request that the hearings be indefinitely postponed."

Touesnard said he is working through the provincial Economic Development Department on a number of smaller
possible customers that could make the railway viable in the shorter term until a large customer like the Donkin mine project comes along. “When I say smaller, they are a reasonable size. Probably any one of them would be bigger than any single customer we have in Sydney right now. There are three or four opportunities there over the next few years we are looking at with the provincial government and seeing if we can't pull something together.” {Chris Hayes in Cape Breton Post 25.Feb.05}

**Operating budget versus capital budget**

Touesnard marked enough traffic to pay operating costs at 20 cars per train: "Then we are paying the immediate cost, but not if we have four cars." He thinks with "two to four pieces of [additional] medium-sized business," he could achieve that level. However, the capital budget must also be paid, "so we are not running the assets into the ground. That's hurdle #2."

"CBRM and the province see the railway as a valuable economic driver to keep opportunity in Sydney; how can we work together to keep it?"

Touesnard explained that operating maintenance encompassed such day-to-day work as bolt-tightening, joint bar replacement, and spot new ties. Capitalized maintenance covered, for example, bridge repair, or installation of new rail. {ANR&P discussion 24.Feb.05}

**MMA**

19 February, Montreal. **MMA HAS GOOD OPPORTUNITIES TO GROW TRAFFIC,** said newly-hired Dale Williams, assistant vice-president, Business Development Quebec. Before Iron Road Railways bought the Saint-Jean-Brownville Junction line from CPR in 1995, CPR had not done much marketing of the line. [In fact the line suffered twice. In 1994, rail customers were unsure about the future of the line, leading to a decline in traffic. Then in 2001-2002, as IRR tottered into bankruptcy, customers uncertain about the future again cut back traffic. Editor]

Williams believes companies in the Eastern Townships now using truck can be converted to transload. In addition, some major industrial facilities on the line could also return to rail. For example, the former Hyundai plant in Bromont [Hyundai opened it in 1989, but closed it in 1993. {Detroit News}] was bought in January by the developer Immobiliere Olymbec, which specifically mentioned the rail access as a plus for future users of the property {company press release}.

Despite MMA's origin as a CPR line, she expects to be working with both CN and CPR to grow the MMA's traffic base. “Customers want to be offered alternatives, and we will be working hard to develop creative solutions that satisfy the needs of our market.”

Williams also anticipates working with the economic development departments of the province and the individual municipalities along the line. {ANR&P discussion}

**HALIFAX**

25 February. **THE HALTERM INCOME FUND FILED SUIT AGAINST NEWFOUNDLAND CAPITAL** (NCC) in the Supreme Court of Nova Scotia. Halterm is ‘seeking a declaration of NCC's accrued and continuing liabilities under an existing indemnity, together with special damages. The indemnity was provided by NCC in connection with the original acquisition of the terminal assets by Halterm in 997. Pursuant to the indemnity, NCC agreed to indemnify Halterm for any decrease in Halterm's distributable cash below a base level calculated in accordance with the indemnity attributable to a material increase in the base rental fees payable during the renewal term of Halterm's lease with theHalifax Port Authority.’ {Halterm press release}

Halterm has threatened the suit for some time [see 04#02B].
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.

Crossdock/New England (Mass, GRS, #127)
Gateway (Connecticut, PW, #544)
Grimmell (Maine, GRS–see SLR)
Logistec (Connecticut, PW, #545-1)
Maine Yankee (MERR)
Mid-State (Connecticut, PW, #554)
Mirant (Massachusetts, BCLR)
Municipal Road (Connecticut, GRS)
Murphy Road (Connecticut, CSO, #604)
SEMass (Massachusetts, BCLR #299)
WWTR (Massachusetts, GRS)

PEOPLE

Dale Williams has become assistant vice-president, Business Development Quebec, at Montreal, Maine & Atlantic Railway. She has done consulting for the past two years; before that, she worked in various capacities in marketing for Canadian National. She will report to Fred Jones, a former CN colleague. Gabriel Tessier, who formerly handled engineering, sales, customer service activities, government relations, and marketing in Quebec will now share the government relations and sales/marketing roles with Williams. Jones looks on him as invaluable to the Quebec operation. [See Quebec/Maritimes.] Also at MMA, Robert Haluzak became director of finance. He had previously worked as assistant controller at G.H.Bass Shoe from 2001 to 2004.

Tom Hall resigned as of 1 February as assistant general manager at Rigby Yard, Guilford Rail System’s Portland yard. He formerly worked at the SLR.

Maurice O’Connell some time ago became the governmental affairs point man for CSX Transportation in much of New England. His brief covers upper New York, and all of New England except Connecticut. Bill Goetz handles government affairs in New York City, Connecticut, and New Jersey. He formerly served as director of business development at CSXI. Randy Cheetham handles the remainder of the Northeast; Goetz and O’Connell report to him.

Terry McNaughton has succeeded Eben Peck as the transportation legislative assistant for US Senator Olympia Snowe. McNaughton had worked with the office of Representative Steve LaTourette of Ohio, who now heads the House Transportation Committee’s rail subcommittee.

In January, Don Mason took over supervisory duties for all rail and port issues at New Brunswick DOT. Mason, manager of air, rail, and marine policy, reports to Nancy Lynch, Assistant Director, Policy Branch. Robb Francis, Transportation Policy Officer, Rail Safety, and Neill McKay, Transportation Policy Officer - Rail/Marine, report to Mason. John Palmer, Director, Transportation Policy Branch, and Nancy’s head, retired in May 2004, and was replaced by Susan Andrews-Caron.

Eddie Malinowicz, who became BCLR general manager only last autumn, has resigned and returned to Minneapolis.
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.

Frequency and the e-bulletin
ANR&P appears at least four times a month. We send a formal issue twice a month, via post or e-mail. Between the issues, we send out the e-bulletin, only by e-mail. All information in the e-bulletin is included in the issue.

Pricing
Subscriptions cost $395 for professionals, $115 per year for students, young and old. Introductory prices available. The e-bulletin, sent by e-mail as needed between issues, is free of charge to all subscribers.

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Subscribers may purchase half-page ads for $50 per issue. Non-subscribers, $100.

Purpose
Atlantic Northeast Rails & Ports, née Maine RailWatch (1994-1997) and later Atlantic RailWatch (1998-1999), is dedicated to the preservation and extension of the regional rail network. The editor believes that publishing news on railroads and ports spotlights needed action to preserve the rail network. The publication also imbues the region with a sense of an interdependent community, employing the network to move rail and port traffic. ‘No railroad is an island, entire onto itself.’

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