

ATLANTIC NORTHEAST RAILS & PORTS

Helping to move rail and port traffic through New England, the Maritimes, & eastern Québec.
A weekly trade newsletter.

operating railroads + ports, intermodal facilities, and government environment

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Issue 06#02B 28 February 2006

*Article unchanged from e-bulletin.

REGIONAL ISSUES

B&A: Update on some bankruptcy issues.*

GRS: Two rail car companies file suit to recover car hire.* Other car hire cases against GRS.

GRS: Doing well delivering coal to Bow.*

GRS: The company is facing numerous OSHA cases.*

CONNECTICUT

CPTC: ConnDOT responds to recommendations.

New Haven: Rail line has service. Demolition of Hess tank farm begins.

MAINE

Portland: Containers recover.* Uproar about P&O Ports ripples into Portland.

Maine cruise ports: Ten ports handle cruise ships.*

MASSACHUSETTS

Cape Cod Central: Michon, Kennedy, and Podgurski among purchasers.*

GRS: Congressional delegation does not like NET. B&M buys back tax-seized parcels.

Boston: TEUs up.*

NEW HAMPSHIRE

Wilton Scenic: To be disbanded.

RHODE ISLAND

PW: New customer Dean Warehouse.

Provport: Improved year, copper and plywood landing.*

VERMONT

State rail policy: Parsons Brinckerhoff hired to

write 'Policy Plan.'

NECR v GRS: US District Court does not dismiss NECR state claims for reimbursement on derailment.*

MARITIMES/QUÉBEC

CBNS: Stora lockout causes loss of traffic and layoff of railway workers.*

NBSR and Bayside: An attack on the Jones Act loophole fails.*

WHRC: Iron Road Railways no longer owns; new Schmidt-led outfit does.*

CN & Halifax: Will CN have enough TEU slots for Maersk's new service?*

Saint John: Overall up, but forest products down.*

Halifax: Record year for TEUs.* Inland Terminal study says wait, then use Rocky Lake.

RAIL SHIPPERS/RECEIVERS

A cross-reference to companies mentioned here.

PEOPLE, POSITIONS, EVENTS

Jim Ryan, Mike Menz, John Brennan.

FROM THE PUBLISHER

An unsolicited tip

My thanks to whomever has sent me materials about Guilford first losing parcels in Worcester because of taxes, and then getting them back [see *Massachusetts*]. Keep 'em coming, about any rail-or port-related events.

- Chop Hardenbergh

Next issue: 15 March

Common abbreviations: **BCLR** - Bay Colony RR, **BML** - Belfast & Moosehead Lake RR, **CBNS** - Cape Breton and Central Nova Scotia Ry, **CCCR** - Cape Cod Central RR, **CCRR** - Claremont Concord RR, **CFQ** - *chemins de fer Québec* System, **CMAQ** - congestion-mitigation or air quality (money from the US federal government for these purposes), **CN** - Canadian National Ry, **ConnDOT** - Connecticut Department of Transportation, **CPR** - Canadian Pacific Ry, **CSO** - Connecticut Southern RR, **CSRX** - Conway Scenic RR, **EOT** - Mass. Exec. Office of Transportation, **GRS** - Guilford Rail System (Maine Central RR, Portland Terminal RR, Boston & Maine, all leased by **ST** - Springfield Terminal Ry), **GTI** - parent to GRS, **GWI** - Genesee & Wyoming Inc, **FHWA** - Federal Highway Admin., **FRA** - Federal Rail Admin., **FRTC** - Fore River Transportation Co., **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 RR, **MDOT** - Maine Department of Transportation, **MERR** - Maine Eastern RR, **MMA** - Montréal, Maine and Atlantic Ry, **MPO** - Metropolitan Planning Organization, **MTQ** - Québec Ministry of Transport, **NAUG** - Naugatuck RR, **NBDOT** - New Brunswick Department of Transportation, **NBSR** - New Brunswick Southern Ry, **NECR** - New England Central RR, **NEGS** - New England Southern RR, **NHCR** - New Hampshire Central RR, **NHDOT** - NH Department of Transportation, **NHN** - New Hampshire Northcoast RR, **NNEPRA** - Northern New England Passenger Rail Authority, **NSDOT** - Nova Scotia Department of Transportation, **PVRR** - Pioneer Valley RR, **PW** - Providence & Worcester RR, **QCR** - Quebec Central Ry, **RIDOT** - Rhode Island Department of Transportation, **Seaview** - Seaview Transportation Company, **SLQ** - St. Lawrence & Atlantic Ry (Québec), **SLR** - St. Lawrence & Atlantic RR, **TIRR** - Turner's Island LLC, **TEU** - twenty-foot equivalent unit (measure of container traffic, equal to a 20x8x8 foot box), **VAOT** - Vermont Agency of Transportation, **VRS** - Vermont Rail System (Green Mt. RR Company) **GMRC** + Vermont Ry **VTR** + Clarendon & Pittsford RR **CLP** + Washington County RR **WACR**, **WHRC** - Windsor and Hantsport Ry.

REGIONAL ISSUES

BANGOR & AROOSTOOK BANKRUPTCY

16 February, Charlestown, MA. *AN UPDATE ON THE REMAINING ISSUES IN THE BANKRUPTCY* was provided by trustee Jim Howard, who represents the estate of the bankrupt Bangor and Aroostook Railroad [see 03#01A] and other parts of the Bangor & Aroostook System (collectively referred to as B&A or ‘the estate’). Iron Road Railways (IRR) formerly owned the B&A.

DISPOSITION OF WHRC

A new company, headed by the president of IRR, will buy this railway [see *Maritimes*], which was not part of the B&A.

COMPROMISE OF CLAIM WITH CN

The estate fought to overturn Iron Road’s deal with CN, which in return for \$5 million dollars gave CN permanent trackage rights to Madawaska and changed BAR revenue to a per car fee [see 03#10B]. But the First Circuit Court of Appeals denied the estate’s claim [see Case No. No. 04-1819, decided 24 November 2004], and subsequently the Bankruptcy Court dismissed four of the five claims filed by the Trustee. That left the Trustee seeking about \$301,000 from CN, and CN seeking about \$290,000 from the estate.

The parties settled the matter: both sides dismissed all claims, and CN paid the estate \$225,000. The Court approved the settlement on 13 December 2005. {Court website, Case No. 01-11565}

STOCK OF IOWA NORTHERN

Iron Road held 319,000 shares of stock in the Iowa Northern Railway Company. Dan Sabin, who resigned as chief operating officer of the B&A System in February 2001 [see 01#02B, and his comments on the B&A 01#12B], serves as president of Iowa Northern.

On 20 July 2005, the Court approved the Trustee’s sale to Sabin of the 319,000 shares at a price of \$372,500, subject to a lien held by BancBoston. {Court website, Case No. 01-11565}

WHAT’S LEFT TO BE DONE

Howard said that the various sales and settlements have generated cash available to pay creditors. “We are working through the remaining claims...and expect to have enough money to pay a dividend to the general unsecured creditors. That’s better than a year or two ago, when people thought the unsecured creditors would get nothing.” {*ANR&P* discussion 16.Feb.06}

RAILCAR COMPANIES vs GRS

30 January, Boston. *TRINITY AND GREENBRIER FILED SUIT AGAINST SPRINGFIELD TERMINAL* in US District Court in Boston, to recover car hire fees.

The Trinity case

Trinity Industries Leasing Company and Trinity Rail Management (Trinity) want to collect delinquent car hire charges. According to the complaint, Trinity-owned railcars have operated on GRS, and incurred charges above \$250,000, according to GRS reports to the central car hire system.

‘Notwithstanding Trinity’s repeated requests for payment by letter, telephone, and e-mail, STRR has failed and refused to pay Trinity or its lessees any amount of the car hire that STRR has itself determined to be due....

‘STRR has engaged in a pattern or practice of refusing to pay car hire charges as they become due and payable, not only to Trinity but also to numerous other foreign car owners....STRR’s knowing and continuing refusal to honor its car hire obligations constitutes flagrant and willful misconduct which this Court should punish.’ {case No. 06-10187 filed 30.Jan.06} Jim Howard serves as local counsel to Trinity.

The Greenbrier case

The Greenbrier Companies and Greenbrier Management Services (Greenbrier) want to collect delinquent car hire fees. Prior

to 8 June 2004, GRS owed \$443,592 in unpaid car hire. On that date GRS agreed to pay all outstanding car hire by paying \$60,000 per month until all outstanding car hire was paid. Greenbrier agreed not to file suit.

GRS did not make payment according to the agreement, and now owes \$359,699.15 according to Greenbrier records. {Case No. 06-10207 filed 2.Feb.06} Lis Brodeur-McGan of Springfield, Massachusetts, represents Greenbrier.

[*Note*: The B&A bankruptcy began in 2001 when three unsecured creditors got tired of waiting for mileage costs, car repair, and locomotive leases. See 01#08B.]

ADDITIONAL CAR HIRE CASES

In *Trinity* [see above], plaintiff alleged GRS was not paying car hire to ‘numerous other foreign car owners.’ In addition to the *Greenbrier* case [also above], a search turned up the following cases this decade:

Active cases. Filed by Union Pacific and Union Tank Car.

Closed cases. Filed by GATX, Union Pacific 2001, Union Pacific 2004, San Luis Railway, First Union Rail, and Engelhard. Guilford has filed a suit against Engelhard as well.

For a two-page report with more details on the cases, please contact your editor.

GRS: COAL FOR NU

17 January. ***GRS IS DOING WELL DELIVERING COAL TO BOW NEW HAMPSHIRE***, according to one source close to the situation. “It hurts to say that but it is true.” The coal is either landed at Provport and interchanged from PW to GRS at Gardner, Massachusetts, or moved by Norfolk Southern from the Appalachians to Mohawk Yard for interchange to GRS there.

The source noted that Mt.Tom, Northeast Utilities’s other coal-fired plant, was getting coal solely by truck from the Provport facility, because of the fear of more coal freezing [see 31 January issue]. He was uncertain whether the problem lay with slow unloading by the Mt.Tom facility, or slow delivery of the cars. {*e-mail to ANR&P*}

The coal cars

PW has leased 100 cars for the AES service; NU has 100 cars for both the Bow and Mt.Tom service out of Provport. Since Mt.Tom is not served by rail currently, GRS can do a better job with the 100 cars solely in Bow service.

The difference in dumping

Bow uses a rotary dump which can unload 100 cars in 12 hours. Mt Tom uses bottom-dump which can unload 30 to 35 cars on a good day. But because water tends to collect in the bottom of the cars, its freezing causes major problems at Mt Tom. Rather than add extra cars to the Mt.Tom service because of the slow unloading, NU trucks to Mt.Tom, a more cost-efficient transport method than trucking to Bow. {*e-mail to ANR&P* from a source 18.Feb.06}

GUILFORD: OSHA CASES

9 February. ***GUILFORD IS FACING CASES BEFORE THE OSHA REVIEW COMMISSION*** and one just-initiated OSHA case. [*Note*: While this newsletter does not normally follow such cases, I have described them here briefly because they indicate the need for GRS to pay money to remediate the situations, and possibly to pay fines. *Editor*]

Port-a-potties at the Review Commission

Here the unions with whom Guilford has agreements, United Transportation Union and Brotherhood of Locomotive Engineers, in 2004 brought a complaint to the federal Occupational Safety and Health Administration, part of the US Department of Labor. Mike Twombly, local BLE general chair, wrote: ‘Our collective agreement calls for toilet facilities at our terminals. Porta-potties were STR’s answer to the problem. The Carrier has closed down yard offices and other building all over the system and installed construction trailers and porta-potties in their place.’ {*ANR&P* discussion 7.Feb.06}

Based on violations of OSHA regulations throughout the Guilford system, the complaint asks GRS to install facilities with heat, lights, and anchors to the ground.

According to BLE legislative representative Bill Remington, OSHA imposed penalties for the violations, but suspended the penalties to find out whether GRS could reach an agreement with the unions. Because GRS attorneys have not remained long, the unions have not had a chance to reach an agreement.

[Per the 2 February 2006 withdrawal notice from GRS attorney Geoffrey Nickerson—see 14 February issue *People*—the Occupational Safety and Health Review Commission had before it Docket Nos 04-1869, 04-1870, 04-1871, 05-0008, 05-0689, 05-0690, and 05-0691.]

Port-a-potties, Commonwealth of Massachusetts

The Office of Consumer Affairs, Division of Professional Licensure, Office of Investigation, for the State Board of Plumbers and Gasfitters, sent GRS President Tom Steiniger a letter dated 20 October 2004, finding ‘the absence of proper toilet facilities in construction-type trailers’ of GRS, located in Worcester, Ayer, Lowell, Deerfield, and Somerville. {text of letter}

Haz-mat evacuation

The same unions filed another OSHA complaint in November 2005, noting that GRS had not provided training, maps, and materials to help workers if a hazardous material release occurred. According to Remington, GRS has done the necessary work in New York, but “needs to do every rail yard.” {ANR&P discussion 9.Feb.06} OSHA has cited GRS. {For example, the Deerfield Yard, OSHA inspection #308349521, conducted October-November 2005, issued 27.Jan.06}

CONNECTICUT

CPTC RAIL RECOMMENDATIONS

1 February, Newington. *CONNDOT RESPONDED TO THE THREE RAIL RECOMMENDATIONS* made by the Connecticut Public Transportation Commission [see 18 January issue], as statutorily required:

New Haven - Hartford - Springfield

ConnDOT appreciated the support of the CPTC, which commended the agency for going forward on this commuter route.

Danbury branch

The agency agreed with CPTC on the need for Centralized Train Control (CTC) and said a construction contract for that will be advertised in summer 2006. Costing \$16 million, ConnDOT estimated completion in October 2008.

[In an interesting note, CPTC member Dick Carpenter agreed with a newsletter subscriber who said that the Danbury branch *does* have two-way operation. Twice a day, trains meet in Wilton. Nevertheless, wrote Carpenter, CTC was desirable ‘both for safety and flexibility’.]

ConnDOT, according to Fred Riese, CPTC secretary, is awaiting the ‘finalization of the Danbury Branch Electrification Study, still some time down the road, before deciding on other improvements such as passing sidings. All upgrade alternatives being evaluated include CTC, so that portion is being scheduled now.’

Amtrak, East of Hudson, and NEROps

The agency agreed with CPTC that ConnDOT should be active in all three arenas. It has monitored the activities of the East of Hudson Rail Task Force, as well as the Tappan Zee bridge environmental studies and ‘initiatives administered by the Pioneer Valley Planning Commission in Massachusetts.’

ConnDOT also ‘continues to be an active participant in the Northeast Rail Operations Study.’ {text from CPTC secretary Fred Riese}

NEW HAVEN

2 February. *THE RAIL LINE ON WATERFRONT STREET IS CURRENTLY PERMITTING LIMITED SERVICE*, said Commissioner Richard Miller of the New Haven Port Authority at its annual meeting here.

Partially completed now [see 05#12A], it will be significantly expanded next year, extending all the way to the United Illuminating property, added Miller. A New Haven Terminal building will be demolished to accommodate the rail line. [minutes

of meeting}

22 February. **DEMOLITION OF THE HESS TANK FARM BEGAN**, to transform the 8.5 acres into developable land. The site lies on the east side of the Quinnipiac River, at the foot of James Street [see map in 01#02A].

Once the Amerada Hess Corporation has demolished the tanks and completed remediation (around 18 months), the city will purchase the acreage for \$2.75 million

The purchase forms part of the River Street Municipal Development Project, designating 25 acres of vacant or underutilized property, located primarily along the Quinnipiac River, within the 53-acre project area for City acquisition and resale for redevelopment for light industrial and commercial use. {city press release}

In December, Helen Rosenberg, director of the city's Office of Economic Development, acknowledged that the city will probably sell the property for less than what it paid for it. Hess has not used the site for at least five years due to oil contamination. {Jill-Marie Daly in *Business New Haven* 26.Dec.05}

MAINE

PORTLAND

23 February. **THE UPROAR OVER THE PURCHASE OF P&O PORTS RIPPLED INTO PORTLAND**, where P&O Ports New England operates at the International Marine Terminal on behalf of Hapag Lloyd. US Senator Olympia Snowe (R, Maine) spoke at a press conference here on 22 February, warning that the fact that two of the 9/11 hijackers came from the United Arab Emirates, the owner of Dubai Ports which is buying P&O, and that money from that country helped finance terrorist operations, raises questions about whether the deal would weaken national security.

The city has retained responsibility for security at the International Marine Terminal, though P&O is included in security planning and required to comply with standards set by the city, the U.S. Coast Guard and U.S. Customs and Border Protection, said Portland's Director of Transportation Jeff Monroe.

Jack Humeniuk, operations chief for P&O Ports in Portland and the representative for International Longshoremen's Association Local 861, said the union also supports a Congressional review of the deal.

Humeniuk is one of 26 union members who work for P&O here. Their jobs are safe, he said, because they have a contract with Hapag Lloyd to employ union members at the Portland terminal no matter who takes over the management role. {John Richardson in *Portland Press Herald* 23.Feb.06}

On 23 February Dubai Ports announced it would suspend the deal as far as US ports was concerned.

MAINE PORT CRUISE SHIP VISITS

Note: While I do not normally report on passenger traffic, A listing by Jeff Monroe [see above] shows which Maine ports handle cruise ships and the number of visits by each port in 2005: Bar Harbor 79; Bath 4; Belfast 15; Bucksport 11; Camden 10; Castine 4; Port Clyde 4; Portland 29; Rockland 15; Bangor 9.

PORTLAND TONNAGE 2005				
	2002	2003	2004	2005
Liquid bulk (tons)**	28,397,552	29,852,533	29,712,674	29,284,905
Other bulk (tons)***	741,674	849,365	723,678	651,311
Container moves (lifts)	2,233	2,142	1,010*	2,200

* The feeder ship was impounded in Portland harbor for much of 2004.

** Consists of mostly crude oil (150M+ barrels); some gasoline (~20M barrels); smaller amounts of kerosene, #2 fuel oil, #6 fuel oil, aviation gas, jet fuel, asphalt, and diesel. 1 barrel = 0.136 metric tonnes.

MASSACHUSETTS

CAPE COD CENTRAL

10 February, Hyannis. **SOME EXPERIENCED RAILROADERS HAVE PURCHASED THE EXCURSION SERVICE**, according to a press release this day, from Timothy L. Biliouris, a primary care physician in Dennis, and Philip R. Doherty, owner of a textile business in Sandwich. Biliouris stated, “I am thankful to have such a sincere and competent group to take over where we left off.” The new owners:

Christopher Podgurski, principal investor and chair. Currently president and owner of Podgurski Corporation, an excavation, utility and heavy construction company, and Springdale Realty Corporation of Canton. Mr. Podgurski is a summer resident of Pocasset. [He bid for the right to operate on the Millis Branch. See 04#01B.]

John F. Kennedy, investor, president and chief executive officer. Currently chief executive officer of CapeLight Corporation, a transportation consulting business. Mr. Kennedy was an original co-founder and former president of Cape Cod Central Railroad from 1999 to 2003, and concentrated his career on New England area railroad operations for 25 years. He resides in Marston Mills. [Michon, Kennedy, and George Betke were pursuing a passenger feeder rail service for Cape Cod back in 2002, when Kennedy resigned as president of the Cape Cod Central—see 03#01B.]

Andrew J. Reardon, CPA, investor and chief financial officer. Currently a partner of Reardon & Company CPAs, LLP of Quincy, MA, a public accounting and tax preparation firm. Mr. Reardon is a summer resident of West Dennis.

Alfred E. (Ted) Michon, investor and executive vice-president. Currently an international railroad consultant, residing in North Falmouth. Mr. Michon has served in various capacities for several regional, Class I, and international railroad corporations for over forty years. [Including president of the Bangor and Aroostook in 1995. See 95#24.]

The new owners will continue to operate a high-quality rail, dining and excursion service while implementing improvements and enhancements for the 2006 season, tentatively set to commence in April and continuing through the end of the year. Edward Cochran will remain as general manager. Mr. Kennedy brought Ed aboard the company in 2001 and said, “He is a professional and committed manager. We are delighted to announce his continued role with us.” {CCCR press release}

GRS/WWTR: POLITICIANS

6 February, DC. **THE CONGRESSIONAL DELEGATION OF MASSACHUSETTS INVEIGHED AGAINST PRE-EMPTION** in the case before the STB, where New England Transrail wants to create the Wilmington Woburn Terminal Railway [see 31 January] to serve a waste facility. Their letter concluded:

‘Also, we ask as we did previously, that the Board specifically find that its jurisdiction does not extend to NET’s proposed solid waste activities at the site involving the offloading of loose solid waste materials and the grinding and baling of those materials, as such activities are properly the subject to the site assignment and permit process’ of Massachusetts. {Letter from US Representatives Edward Markey and John Tierney, and Senators Ted Kennedy and John Kerry, dated 26.Jan.06, filed 6.Feb.06, STB Finance Docket No. 34797}

GRS: MORE TAX TROUBLE

15 February, Worcester. **THE RAILROAD SPENT \$20,000 EXTRA TO BUY BACK ITS OWN PROPERTY**, outparcels [that is, not within the right-of-way, *editor*] in Worcester.

History

The City of Worcester foreclosed on three parcels of land owned by Boston and Maine Corporation, because GRS failed to pay the property taxes. At a tax title assignment auction on 16 June 2005, an entity known as Clinton Properties bought them.

Attorney Richard Sheils said in January 2006 that his client Clinton Properties had no specific intent to use the parcels for rail purposes; he did not know the intentions of his client. {ANR&P discussion}

Present action

On 5 January, 2006, Clinton Properties filed an action in the Commonwealth's Land Court to foreclose all GRS rights of redemption. GRS answered with several defenses on 13 February.

On 15 February Clinton Properties reached an agreement with GRS to purchase back the properties, total price \$106,616. [See box.] {C.A. No. 05-TL-131832, 131833, 131834}

Guilford was represented by Alexandra B. Schmit, given address North Billerica; the agreement detailing the resale was signed by David A Fink, 'chief executive officer'. Schmit's cover letter filing the answer used 'Pease Tradeport' as an address and listed her title as 'corporate counsel'.

GRS REPURCHASE TAX LAND

Parcel	Back taxes	Assessed value	Price paid by Clinton	Price bought back	Plus extra fees*
28 Garden St 254,1297SF	\$74,866	\$516,400	\$74,866	\$74,866	
150 Millbrook 57,162SF	\$5,800	\$37,400	\$5,800	\$5,800	
49 Millbrook 8,250SF	\$3,877	\$24,800	\$3,877	\$3,877	
	\$84,543	\$578,600	\$84,543	\$84,543	\$22,069

BOSTON

16 February. **MASSPORT'S CONLEY TERMINAL HAD AN 8% INCREASE IN TEUs AND TONNAGE** during 2005. Mike Leone, Massport's director of the port, said the agency expected continual growth in traffic.

Containers	2005	2004	change
Tonnage	1,453,350	1,345,759	8%
TEUs	188,869	175,444	8%

Infrastructure program

In 2005, Massport completed the first phase of a \$25 million capacity enhancement project at Conley. In a second phase, now underway, Massport will realign the Conley yard to optimize efficiencies, repave to allow for greater container stacking, purchase a new fleet of rubber tire gantry cranes, and reposition the chassis pool and maintenance and repair functions. At completion of the entire project scheduled for December 2006, Conley's cargo handling capacity will increase by nearly 50%.

Dredging

Maintenance dredging in Boston Harbor will begin in spring/summer of 2006, as federal funding for Boston Harbor's Maintenance Dredging Project received approval in 2005. The project will restore Boston Harbor's channels to a depth of 40' by removing silt that accumulated over the past several years. In 1999, Boston Harbor's main shipping channels were deepened to 40' and Conley Terminal's berths were dredged to 45' to accommodate deep draft vessels sailing from Europe and Asia. {Massport press release}

NEW HAMPSHIRE**WILTON SCENIC**

16 February, Wilton. **THE WILTON SCENIC RAILWAY WILL BE DISBANDED**, and its property sold. The demise occurred because of the death of the owner, Stuart Draper, in January. {e-mail to ANR&P from Peter Leishman}

The railroad [see 03#05A] has a lease to 2013 from NHDOT on the track in Wilton, but that will terminate if the service does not operate. {e-mail to ANR&P from Kit Morgan}

The estate will sell the two Budd rail diesel cars for \$300,000. {Gil Bliss in Manchester *Union Leader* 17.Feb.06}

RHODE ISLAND

PW: NEW CUSTOMER

24 February, Central Falls. **DEAN WAREHOUSE SERVICES IS STARTING RAIL SERVICE** to its facility here; it leases part of the OSRAM Sylvania building. Company Vice-President Brad Dean explained that this facility will become Dean's second with rail access, but the first to actually use rail.

In Central Falls, Dean hired DeAngelis Rail Services to rehab the track to the loading dock. It expects the first inbound cars next week, bringing scrap paper to Huhtamaki, the makers of Chinet paperware.

He sees rail as making a comeback, due to costs of fuel. {ANR&P discussion 24.Feb.06}

Sylvania use of rail

Sylvania [our *Directory* #479] accepts railcars of silica sand at a spur [see photo].

MORE ON DEAN WAREHOUSE SERVICES

Dean, a warehouse and transport company, serves Huhtamaki as its major customer. It has seven buildings at this point: the Sylvania site in Central Falls, two in Cumberland, one in Attleboro, two in Rumford, and one in Lincoln.

The Attleboro site has the potential for rail, as it lies only 150 feet from a spur.

Cumberland site to Coastal?

Dean said that Coastal Recycling, now located near Provport [our *Directory* #489], may take a 20-year lease on the Dean Warehouse Services property at 1226 Mendon Road (formerly Air Products) in Cumberland.

This has a rail siding, though Dean is not using it. {ANR&P discussion 24.Feb.06}



Osram Sylvania, Central Falls. Cars of sand are spotted using the near switch. Light towers in background point to Dean Warehouse doors. {Courtesy Ron Chouinard February 2006}

PROVPORT

17 February. **THE PORT SAW AN INCREASE IN BOTH BULK AND BREAKBULK IN 2005** over 2004, and expects to exceed the 2005 tonnages in 2006, said Jay Baird, marketing director. He did not have figures, but may later this year.

In coal, Provport handles it for the Northeast Utilities facilities in Mt. Tom and Bow, and is handling the test burn for the AEA station in New York [see 31 January issue], Baird said the port expects to increase its throughput and diversify its customer base. Assuming that the test burn showed the coal usable by AES, Provport and the railroads could see 300,000 tons a year for the next three years [see 05#12B].

New copper, plywood

Provport is now receiving copper from South America via a monthly liner service operated by Hamburg Sud. And it has expanded its origins for plywood from just China [see 05#08A] to Indonesia and Malaysia. {ANR&P discussion 17.Feb.06}

According to one source, the imported copper was formerly handled by Logistec in New London [see 01#04B and 03#12A]. Most of it is going to Phelps Dodge in Yantic, Connecticut [our *Directory* #702].

VERMONT

STATE RAIL POLICY

1 February, Montpelier. **VAOT HIRED PARSONS, BRINCKERHOFF FOR ITS RAIL POLICY PLAN**, wrote Scott Bascom [see 05#12A]. {*e-mail to ANR&P*}

A note on the VAOT website explains the rail policy plan versus the State Rail Plan update:

Vermont Rail Policy Plan

‘VTrans is preparing a new Vermont Rail Policy Plan (RPP) to promote efficient operation of Vermont’s rail system as a competitive and integrated component of Vermont’s multimodal transportation system. The RPP will build on the 2005 State Rail Plan Update and the 2001 Rail Capital Investment Policy Plan to establish a plan to direct investments that support the vision and goals for the state rail system. Comments received during public meetings held during the development of the 2005 State Rail Plan Update will be incorporated into the RPP development process.

‘The RPP will develop specific performance measures and implementation actions for achieving established rail system goals. Using these actions and measures will enable VTrans to plan and prioritize individual investments in order to achieve each long-term goal.

‘Work on the RPP began in early January 2006 and is to be developed for review by the Legislature and public by the beginning of March. The RPP Work Plan shows the activities leading to the completion of the RPP in March and the time schedule for each activity.

‘An early activity of the RPP is the drafting of the vision and goals for rail in Vermont. The draft Role, Vision, and Mission for Rail has been prepared and is being used as the basis for development of system performance measures, project prioritization, and implementation elements of the RPP. The public is invited to provide comments on the draft Role, Vision, and Mission for Rail. Please send comments on the Vision and Goals to Scott.Bascom@state.vt.us.’ {The full text of the Vision, the Work Plan, and the Rail Plan update is posted on the VAOT website}

Why yet another document

Note: My shelves hold many, many plans and studies paid for, and issued by VAOT. Readers may wonder why the agency, which had hired RL Banks and Associates to do the Rail Plan Update, now have hired another consultant. While no official would speak on the record, this excerpt from the 22 August Vermont Rail Council minutes helps.

‘7. State Rail Plan Update

Nancy Rice reported discussions with the consultant working on the plan update [RL Banks] have been held regarding drafting a performance-based plan. If the current consultant can not do this, then a new consultant will be sought. Most of the work is complete, and a presentation to the Legislature in 2006 is still planned. The Rail Council will be kept informed.

Mike Coates expressed concern about "starting over" with a new consultant. Ms. Rice briefly explained the approach to work with the current consultant, draft a scope of work for the new consultant (if necessary), and to use in-house staff as much as possible to do the work.’ {minutes from VAOT website}

NECR v GUILFORD

3 February, **THE US DISTRICT COURT DID NOT DISMISS NECR STATE CLAIMS**. NECR is seeking \$750,000 for damages it suffered when a GRS train derailed on its track in Vermont [see 05#02B]. GRS had argued that any state tort claims should fall under federal jurisdiction and therefore be pre-empted.

NECR’s complaint alleges ten federal and state counts against Guilford. Counts I through IV are federal claims: failure to obey an order of the STB (the Agreement) in violation of 49 U.S.C. § 11704(a) (Counts I and II); and failure to obey an order of the STB to pay damages specified under the Agreement in violation of 49 U.S.C. § 11704(b), (c) (Counts III and IV). The remaining counts assert state common law claims: breach of contract (Counts V and VIII); negligence (Counts VI and IX); and gross negligence and reckless conduct (Counts VII and X).

US District Court jurisdiction

The Interstate Commerce Commission Termination Act, which created the STB, included federal remedies including the one invoked by NECR under 49 U.S.C. § 11704 (a): ‘A person injured because a rail carrier providing transportation or service subject to the jurisdiction of the Board under this part does not obey an order of the Board . . . may bring a civil action in a United States District Court to enforce that order under this subsection.’

Fact-bound question

In general, the decision noted, ‘whether a state law unduly restricts a railroad or interferes with interstate commerce is a “fact-bound question”’ and therefore the Court could not on a motion for dismissal, without having heard the facts, make a decision. The Court denied the GRS motion. ‘The Court will carefully reconsider the question of preemption on a fully-developed factual record if the parties file motions at that point.’ {Civil Action No. 04-30235-MAP} Robert Culliford, GTI counsel, represented GRS, along with Eric L. Hirschhorn of Winston & Strawn in DC. Michael Flynn and Richard Davidson of Flynn & Associates, Quincy, Massachusetts represent NECR.

[Interestingly, in deciding whether the state law claims were pre-empted, the decision (page 15) referred to two car hire cases noted in *Regional: San Luis and Engelhard*.]

QUEBEC/MARITIMES

CBNS: STORA LOCKOUT

14 February, Port Hawkesbury. ***CBNS HAS LAID OFF FOURTEEN WORKERS BECAUSE OF THE MILL SHUTDOWN***, all based here, representing about 20% of the railway’s workforce.

Normally, Stora Enso ships about 600 carloads of paper products each month. But Jim Ryan, acting manager of the railway [Peter Touesnard off to Texas—see 14 February issue], said Stora’s traffic had dried up. {CBC webposted}

The dispute

Stora has two paper machines. It inherited #1 from Consolidated Papers, which built it in 1962. In 2003, Stora invested \$90 million to upgrade the machine, which has a capacity of 190,000 tonnes of newsprint.

In 1998, Stora began operating newly-constructed #2, which has a capacity of 360,000 tonnes of supercalendered paper. Some 85% of the production of both machines goes to the United States; the balance goes to domestic production. {Stora website; CBC webposted 30.Jan.03}

In autumn 2005, the paper workers and Stora negotiated about a new contract. Stora confirmed in a meeting with the mayors and wardens in the Strait area that #1 is still losing money, about \$1-1.5 million per month. It is seeking more flexibility in work rules, which could make the machine profitable.

On 29 December, the workers rejected Stora’s contract offer. The mill never re-opened after the Christmas break, and on 26 January Stora officially locked the workers out. {PaperAge website}

NBSR AND BAYSIDE STEVEDORING

10 February, DC. ***THE US DISTRICT COURT EXAMINED A LOOPHOLE IN THE JONES ACT*** used by Bayside Stevedoring to generate NBSR traffic, in deciding a case brought by Horizon Lines against the US Customs Service.

The NBSR and Bayside Terminals

According to the memorandum opinion, ‘Plaintiff Horizon is a Jones Act qualified shipper and thus competes with non-qualified shippers and water carriers that operate in the U.S. non-contiguous domestic trade pursuant to an exception to the Jones Act. One such competitor is Sunmar Shipping, Inc. (Sunmar), which on August 9, 2003, received a Ruling Letter from CBP [then US Customs Service, now the merged ‘Customs and Border Protection’ in the Department of Homeland Security], finding that Sunmar’s proposed method of shipping frozen fish from Dutch Harbor, Alaska to Boston, Massachusetts via New Brunswick, Nova Scotia was in compliance’ to an exception to the Jones Act.

‘Sunmar proposed to charter non-Jones Act qualified vessels to move the goods from Alaska to Bayside, New Brunswick,

a port that is approximately 6 miles south of St. Stephen, New Brunswick, across the St. Croix River from the Calais, Maine point of entry to the United States.

‘Rather than proceed directly to Calais, however, Sunmar proposed to move the goods in a triangular pattern, first by truck to either McAdam or St. John, New Brunswick and then via a Canadian rail carrier [NBSR–*editor*] from McAdam to St. John or St. John to McAdam. From there, the goods would be trucked to Calais and into the United States. This method adds approximately 145 miles to the route prior to entry into the United States.’

In Bayside, the frozen fish land at the Bayside Food Terminal. Such a method of using the Jones Act loophole was occurring through Bayside before Sunmar asked for the ruling, based on an attorney’s interpretation of the Jones Act. According to Peter Frye, president of Bayside Food Terminal, Sunmar decided to seek the ruling of the US Customs Service on the appropriateness of this loophole. {ANR&P interview 2002 and follow-up discussion}

The Jones Act and the loophole, aka Third Proviso

The *Jones Act* prohibits any goods ‘transported by water, or by land and water . . . between points in the United States . . . either directly or via a foreign port,’ from being shipped, ‘for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States.’ 46 U.S.C. app. § 883. Foreign-flagged vessels may still engage in domestic, or ‘coastwise,’ trade if they meet certain statutory exemptions. The exemption at issue in this case, known as the Third Proviso, permits non-qualified vessels to ‘transport merchandise . . . between points within the continental United States, including Alaska, over through routes heretofore or hereafter recognized by the Surface Transportation Board, for which routes rate tariffs have been or shall hereafter be filed with the Board, when such routes are in part over Canadian rail lines and their own or other connecting water facilities.’

Customs has held, in *Headquarters Ruling Letter (“HRL”) 112085* that ‘over Canadian rail lines’ means simply over rail trackage in Canada, and that ‘their own or other connecting water facilities’ means water facilities covered by a through route regardless of whether those facilities connect directly with the Canadian rail line covered by that through route.’

On 21 July 2003, Horizon petitioned CBP to revoke or modify Customs’ initial ruling that Sunmar’s route met the Third Proviso. Horizon made two arguments: Sunmar failed to comply with the Third Proviso’s tariff filing requirements and the proposed route was ‘commercially absurd and purposeless,’ and thus contrary to the statutory intent of the Third Proviso.

Customs denied Horizon’s request, and Horizon sought court review of the Customs decision.

Basis of attack on loophole traffic: no tariff filed

The court agreed with Horizon that Sunmar had not filed the tariff at the Surface Transportation Board as specifically required by the Third Proviso. The court said Customs could not disregard this requirement as meaningless even though in the Interstate Commerce Commission Termination Act most tariffs were abolished.

A sham movement, but not prohibited

Horizon also argued that the Third Proviso contains an implied prohibition on sham or commercially impractical Canadian rail movements to achieve ‘technical compliance’ with the literal terms of the statute. But, the court said, ‘If Congress wishes to limit the use of the Third Proviso to specific routes or to require the STB to evaluate the commercial soundness of a proposed route, it has the authority to do so, but the Third Proviso as currently written contains no such requirement.’ {Case 1:05-cv-00952-ESH}

Next step

The attorney for Horizon, David Cohen of the DC office of Sandler, Travis & Rosenberg, a firm with extensive experience in litigating international trade disputes, was pleased that the court had ruled in his client’s favor.

The Defendants can either appeal the decision to the US DC Court of Appeals, or accept it. The court ordered the matter back to Customs, which presumably will now rule against Sunmar until Sunmar files the necessary tariff. {ANR&P discussion 17.Feb.06}

According to Peter Frye of Bayshore Stevedoring, Sunmar is now filing the appropriate tariffs. {e-mail to ANR&P 21.Feb.06}

WINDSOR & HANTSPORT

21 February, Portland. **A GROUP OF INVESTORS, HEADED BY SCHMIDT, WILL PURCHASE THE WHRC** from the B&A bankruptcy situation. According to a filing at the US Bankruptcy Court, Portland, which remains seized of this case:

WHRC interest; B&A claim

WHRC has outstanding 753,536 shares of stock, all originally held by Iron Road Railways (Iron Road), the holding company which owned the various parts of the Bangor and Aroostook System, all of which were included in the bankruptcy case. WHRC, bought by IRR before it bought the parts of the B&A System, was not bankrupt.

As a result of the settlement between the estate and Bank Austria, B&A acquired Bank Austria's claims against Iron Road and a second security interest in the stock of WHRC. In addition, the estate acquired Iron Road's claim against Windsor & Hantsport in the amount of approximately \$C600,000.

The settlement, at least in part, enforced the Bank Austria claims and security position.

Claims against officers and directors of Iron Road

The trustee, Jim Howard [see above], asserted claims against Bob Schmidt, the chair of Iron Road, and other officers ‘based on, *inter alia*, acts and/or omissions the Trustee alleges occurred while Schmidt and others were officers and/or directors of Iron Road....Schmidt and Iron vigorously dispute such claims.’

The settlement

Schmidt and other investors formed the Windsor & Hantsport Acquisition Corporation (WHAC). Under the settlement, WHAC will pay to the estate \$C2.2 million to release the security interest and the claims against the officers and directors of Iron Road.

Iron Road/WHRC will pay, in addition, \$US137,835 to the Internal Revenue Service for a 1999 B&A railroad retirement tax obligation. WHRC will pay about another \$US400,000 to the estate.

In essence, WHAC will buy WHRC from the estate for about \$C2.8 million [and I assume that IRR will release all ownership on the WHRC—*editor*].

Important dates

On 21 February, the Court approved the proposed settlement. Closing is scheduled 30 days after the entry of an order approving the settlement. {Court website, Case No. 01-11565, proposed settlement filed 30.Jan.06; *e-mail* to ANR&P from Howard 20.Feb.06}

Bob Schmidt comment

Bob Schmidt, who spearheaded the creation of Iron Road Railways to form the Bangor and Aroostook System, a network to which MMA succeeded, explained that an investor group, which he led, formed the WHAC to buy the WHRC stock. He expected to close on the purchase in the next few weeks.

Why the new company? Schmidt explained that neither IRR nor WHRC had the wherewithal to write a check to pay off the claims. So the investor group raised the capital to do so. “It’s a typical way” to structure the deal.

The new investor group is also providing some working capital to WHRC. This will pay for improvements, including completing five miles of welded rail. “We have an above-average capital plan for the next three years.”

As for IRR, “it has no assets and a small number of liabilities to clean up.” Schmidt had not decided what he will do with the corporation. {ANR&P discussion 23.Feb.06}

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Malcolm Laughlin, editor

Chop Hardenbergh, publisher

NEW ENGLAND RAIL DIRECTORIES

19 Holden Road, Belmont MA 02478

m.laughlin@atlanticnortheast.com

Vox: 617-489-4383

Fax: 617-507-0472

HALIFAX CN: MORE CAPACITY

24 February. **MAERSK'S NEW MIDDLE EAST SERVICE WILL MAKE ITS FIRST CALL; CN WILL BE READY**, according to CN's Paul Waite, vice-president of CN's IMX (intermodal excellence) program. In a comment to George Kuhn, executive director of the Canadian International Freight Forwarders Association on 23 February, he wrote:

'Let me assure you that we have been working with both Maersk and the Port of Halifax for some time on this move. We have brought on line an additional 1200 platforms in the last two weeks and have ordered new TTX wells in addition. We have the power, the crews and the rail infrastructure in place. We are ready!!!' {courtesy Kuhn}

Statements in past year about slots for Halifax

Waite's statement marks at least the third since April 2005:

April 2005. Janice Murray, vice-president of network strategy development, told the 9th Annual CTA/RAC Workshop in Ottawa, Ontario, that at that time CN employed for Halifax:

- Fully scheduled import-export environment
- Service to Montreal (2nd morning), Toronto (3rd morning), Chicago (4th morning)
- CN moves 10,000 feet of container traffic in and out of the port daily. {Power-point presentation 14.Apr.05 from web}

November 2005. In October 2005, China Shipping began calling Halterm [see 05#11B]. In November, CN spokesperson Mark Hallman wrote later, the railway was running 'an increase in capacity of more than 20%, to about 11,800 feet per day, for a total increase of about 400 FEUs (800 TEUs) per week, or 21,000 FEUs (42,000 TEUs) per year.' {e-mail to ANR&P from Hallman 20.Feb.06}

In November, Hallman had said, "This growth is largely driven by China Shipping's decision to call (at) Halifax and with it the Asian traffic via the Suez (Canal). We think this capacity growth obviously shows we are working hand-in-hand with the port to make sure the traffic can grow and can be handled and accommodated in an expeditious manner."

Hallman contended that CN has adequate capacity on the line between Montreal and Halifax to increase business further. The railway has upgraded the line with extended sidings to operate trains more efficiently.

Halifax Shipping Association chair Fritz King said, however, more needs to be done. He said more rail cars are needed to service the Fairview Cove terminal. If China Shipping is getting the majority of the new cars, as CN suggests, that "really doesn't change the condition for the port users," King said. {Tom Peters in *Halifax Herald* 25.Nov.05}

Will 1200 platforms suffice?

On 31 January, Maersk announced it would begin calling Halterm [see 14 February issue], raising the question of whether CN's closely limited intermodal could handle the new traffic, estimated at 70,000 TEUs annually.

Assuming that Waite's 1200 platforms actually means 600 TEU slots per week, that would translate into 62,400 TEU slots per year, almost enough to handle the anticipated 70,000 TEUs per year. *Editor*

SAINT JOHN

14 February. **TONNAGE AT PRIVATE FACILITIES IMPROVED, BUT NOT AT THE AUTHORITY'S FACILITIES**. Some 26 million metric tonnes, up from 24.1 tonnes in 2004, passed through private facilities (mostly petroleum), but tonnage at Port Authority facilities dropped from 2.1 million tonnes to 1.4 million tonnes [see 05#01B for 2004 statistics].

The Nackawic closure

During year the port community experienced the full impact of the closure of the St.Anne-

SAINT JOHN Total Port Traffic (in millions of metric tonnes)

	2000	2001	2002	2003	2004	2005
Liquid Bulk *	17.3	23.8	23.5	23.8	24.3	26.1
Dry Bulk **	1.25	0.905	0.929	1.048	1.181	0.893
Containerized	0.301	0.306	0.228	0.274	0.279	0.287
<u>General ***</u>	<u>0.789</u>	<u>0.895</u>	<u>0.560</u>	<u>0.973</u>	<u>0.627</u>	<u>0.26</u>
TOTAL	19.64	25.9	25.7	26.09	26.3	27.54

Container TEUs

	2000	2001	2002	2003	2004	2005
TEUs	48,274	47,558	37,868	45,638	48,744	49,950

* includes petroleum, chemicals, molasses, fish oil etc.

Nackawic mill with only 153,000 metric tonnes of forest products shipped. The loss of this break bulk cargo, a labor-intensive commodity, resulted in a 40% decrease in man-hours for port labour, significant decreases for the terminal operator, Logistec Stevedoring Atlantic, and the loss of two major shipping lines which called for this product.

With the mill now back in production the port community is hopeful that these exports will soon return to the Port of Saint John [see 18 January issue].

Containers up; other sectors fluctuating

The port had a 3% increase in containers handled at Brunswick Terminals Inc. Market demand and business fluctuations in the dry bulk and other break bulk sectors affected tonnage last year; however, these losses are expected to be temporary and recovery is also expected for these sectors in 2006.

Cruise results

Cruise sector results place the 2005 year as the third-best on record for the Port of Saint John with over 90,000 guests on 37 vessels. These results follow a record-breaking 2004 season and compare favorably with slight increases experienced each year in the five years preceding. Prospects in the cruise industry continue to be extremely encouraging. {Port Authority press release}

HALIFAX

27 January. **HALIFAX SET A RECORD OF 55,462 TEUs BUT HAD A DROP IN OVERALL TONNAGE, IN 2005.** For TEUs, with a 4.7% increase from 2004, Halifax continues to enjoy a good balance between import and export cargo, with growth in both. The strength of local exporters contributed to an increase in total export cargo by 4.7% over 2004. {Port press release}

HALIFAX: INLAND TERMINAL

27 February. **A STUDY OPPOSED A TRUCK-WAY AND SUPPORTED AN INLAND TERMINAL**, according to a brief written by staff and submitted to the members of the Halifax Regional Council, which govern the Halifax Regional Municipality (HRM) [see 31 January issue].

In early 2004, HRM and the Halifax Port Authority applied for and received \$80,000 in funding from Transport Canada to undertake a \$160,000 consulting study to explore options that would have the potential to remove or reduce the need for container truck traffic to use streets in the urban core of Halifax. That study is now complete, and the report's executive summary is attached.

In addition to the Halifax Port Authority, CN participated on the project steering committee. Both parties have endorsed the final report and have shown interest in pursuing further stages in developing a business plan for concept of an inland terminal.

HALIFAX 2005

TEUs	2005	2004	Chng
Import	248,578	239,291	+3.9%
Export	253,192	245,929	+3.0%
Total	501,770	485,220	+3.4%
Import Cargo in tonnes			
Bulk Cargo	3,779,621	4,171,772	-9.4%
Containerized	1,906,665	1,850,320	+3.0%
Ro/Ro Cargo	90,880	78,805	+15.3%
Breakbulk Cargo	169,206	139,925	+20.9%
Total	5,946,372	6,240,822	-4.7%
Export Cargo in tonnes			
Bulk Cargo	4,171,549	4,003,054	+4.2%
Containerized	2,303,260	2,292,060	+0.5%
Ro/Ro Cargo	97,890	105,435	-7.2%
Breakbulk Cargo	6,494	11,520	-43.6%
Totals	6,579,193	6,412,069	+2.6%
Total in tonnes			
Bulk Cargo	7,951,170	8,174,826	-2.7%
Containerized	4,209,925	4,142,380	+1.6%
Ro/Ro Cargo	188,770	184,240	+2.5%
Breakbulk Cargo	175,700	151,445	+16.0%
Total	12,525,565	12,652,891	-1.0%

DISCUSSION

The study involved two basic components:

- (1) to evaluate the feasibility of constructing a truckway parallel to the existing CN line within the rail cut through the peninsula, and,
- (2) to evaluate the feasibility and optimal siting for an inland terminal to which containers handled by truck would be shuttled into and out of the Port of Halifax by rail.

The study determined that a truckway in the CN rail cut could, at best, handle only single-direction truck traffic at one time. This results in decreased productivity for the trucking industry, which made this option untenable.

It was determined that an inland terminal could produce the following benefits:

- (1) substantial reduction of truck traffic on streets in the urban core,
- (2) reduction in land requirements at the Dartmouth Marshalling Yards and the CN Richmond Intermodal Terminal, thereby creating new waterfront development opportunities,
- (3) postpone capital investment in the expansion of the Fairview and Halterm Container Piers, and
- (4) overall reduction in truck travel times.

Although HRM has a strong interest in the first two benefits, construction of an inland terminal by the private sector would not likely occur until one or both of the last two benefits could be realized. The report indicates that these final two benefits will not be realized until container traffic at the port reaches a certain volume (900,000 TEUs) and traffic congestion in the urban core becomes greater, respectively. Since the current volume is less than 550,000 TEUs, neither of these conditions may occur for several years. At some point, HRM must decide whether to create a partnership that would move forward with a terminal, or to wait for economic conditions to inspire the Halifax Port Authority and/or a private sector interest to develop such a facility when the time is right. Further study will assist Regional Council in making such a decision.

HRM, HPA and CN have now jointly applied to Transport Canada for additional funding to take the business case for an inland terminal to the next level. If funding is not granted, staff will return to Regional Council for direction on whether to proceed further with this investigation or not. In adopting this report in principle, there are no immediate budget implications, nor specific recommendations upon which to act, other than conducting further investigation as explained above. {text from HRM}

Best location

Despite the contention that the Strait of Canso could serve as a third terminal [see05#12B], the study's author, Jim Frost of MariNova Consulting [see 05#12A], did not examine that as an alternative. Rather, he looked at sites in the greater Halifax area and settled on Rocky Lake, near Bedford.

[More in a future issue.]

RAIL SHIPPERS

Described in this issue.

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

Coastal Recycling (PW, Rhode Island, #489)

Dean Warehouse Services (PW, Rhode Island)

Northeast Utilities (GRS, Massachusetts, #166)

Northeast Utilities (GRS, New Hampshire, #95)

Stora Enso (CBNS, Nova Scotia)

Sylvania (PW, Rhode Island, #479)

PEOPLE

CBNS Assistant General Manager Jim Ryan will oversee the operation until Regional Vice President for the Northeast Region Jan Polley names a replacement for Peter Touesnard, who will handle the Lone Star Region for RailAmerica.

Mike Menz became manager of rail transportation at Specialty Minerals' Bethlehem PA office in July, 2005. Menz formerly worked for Degussa.

John Brennan of Massachusetts, currently majority counsel to the US House Committee on Transportation and Infrastructure, subcommittee on railroads, remains under consideration for the post of STB commissioner. He has management experience with the rail division of the MBTA, engineering department experience with Guilford Rail in the 1980s (manager of Contracts and Agreements), and a stint with Mercer Management. {Frank Wilner in *Railway Age* 2.06}

ATLANTIC NORTHEAST RAILS & PORTS

162 Main Street

Vox (207) 846-3549

Chalmers (Chop) Hardenbergh, publisher and editor

C_Hardenbergh@juno.com

Yarmouth, Maine 04096

Fax (contact me for #)

www.atlanticnortheast.com

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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 unto itself.'

E-ISSUE

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Contact Chop Hardenbergh
consulting@atlanticnortheast.com
207-846-3549