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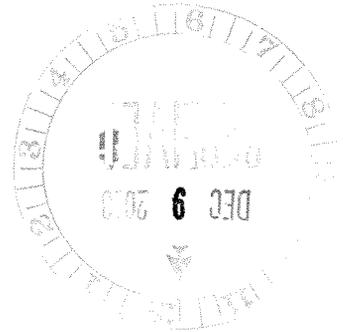
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December 5, 2013

ENTERED
Office of Proceedings

DEC 09 2013

Part of
Public Record



VIA FEDEX
Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room 1034
Washington, DC 20024

Re: City of Belfast, Maine –Supplement and Amendment re: Petition for Exemption for Abandonment of a Portion of the Belfast and Moosehead Lake Railroad
Docket No. AB1109X

Dear Ms. Brown:

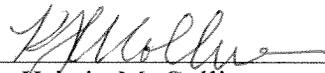
In reference to the above abandonment proceedings, please find:

1. The original and ten copies of a Supplement and Amendment to Request Petition for Exemption, for filing on December 9, 2013.
2. A check in the amount of \$2,800, representing the difference between the filing fee for a Notice of Exemption (which was tendered on June 25, 2013) and a Petition for Exemption.

A Fee Exemption for these filings is requested pursuant to 49 C.F.R. § 1002.2(e)(1) due to the City's status as a non-carrier municipality. The basis for the waiver request is explained more fully in the attached filing.

Thank you for your consideration.

KELLY & COLLINS, LLC

By: 
Kristin M. Collins

Enc.
cc: Maine Public Utilities Commn.
MTMC / TEA

FILED
DEC 09 2013
SURFACE
TRANSPORTATION BOARD

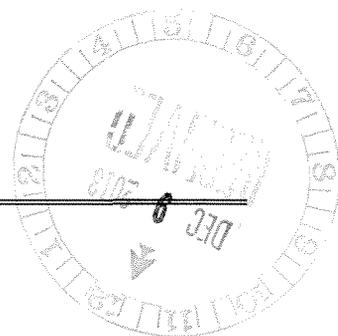
FEE RECEIVED
DEC 9 2013
SURFACE
TRANSPORTATION BOARD

Maine Dept. of Transportation

U.S. Dept. of Agriculture

National Park Service

BEFORE THE
SURFACE TRANSPORTATION BOARD



City of Belfast, Maine –)	
Abandonment Exemption –)	Docket No. AB-1109X
Certain Assets of Belfast and Moosehead)	
Lake Railroad Company)	

**VERIFIED SUPPLEMENT AND AMENDMENT TO
REQUEST PETITION FOR EXEMPTION**

The City of Belfast, Maine, a noncarrier municipality, files this petition pursuant to 49 U.S.C. §§ 10903 and 10502, and 49 C.F.R. §1121.1 *et seq.* and §§ 1152.50 and 1152.60 to abandon certain right-of-way and trackage located within the City of Belfast, Maine and formerly held by the Belfast and Moosehead Lake Railroad Company.

I. Procedural History / Basis for Filing

The City of Belfast (“the City”) filed a Notice of Exemption under the above docket number on June 25, 2013, seeking to begin abandonment proceedings of its line so as to allow interim trail use to be undertaken by the City. The portion of line subject to abandonment runs from MP 0.33 located in downtown Belfast at the U.S. Route 1 overpass to MP 2.33 (“City Point”) located at Oak Hill Road, also located in the City of Belfast. The City intends to maintain a lease with an independent operator to continue to run a tourist excursion line from MP 2.33 (“City Point”) to the Waldo town line.

After filing its Notice of Exemption seeking abandonment, the City was made aware of the need to seek Board approval of its 2010 acquisition of the line. On September 23, 2013, the City filed a Notice of Exemption under Docket Number FD 35766, “City of Belfast, Maine

Acquisition Exemption – Certain Assets of Belfast and Moosehead Lake Railroad Company ”, seeking approval of the 2010 acquisition. Both Notices of Exemption remain pending. The City now wishes to convert its Notice of Exemption filed under the above docket number to a Petition for Exemption so as to allow the full Board to render a decision on both pending requests.

II. Incorporation of Notices of Exemption

The City incorporates and includes by reference all information that was previously provided to the Board as part of the Notices of Exemption filed under docket numbers AB-1109X and FD-35766.

III. Compliance with Statutory Standard

In the ordinary course, the City’s abandonment of the line could not be effected without prior approval of the Board under 49 U.S.C. § 10903. Pursuant to 49 U.S.C. § 10502, however, the Board is directed to exempt a transaction or service (such as an abandonment) from regulation if it is found that (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either (A) the transaction or service is of limited scope, or (B) regulation is not needed to protect shippers from the abuse of market power. The City respectfully submits that all prerequisites for exemption relief under 49 U.S.C. § 10502 are present in this case.

A. Detailed Scrutiny of the Abandonment Is Not Necessary to Further National Transportation Policy Goals

Detailed scrutiny of the City’s proposed abandonment is not necessary to carry out the National Transportation Policy goals of 49 U.S.C. § 10101. As described further in the Notices of Exemption previously filed with the Board, there is currently no freight traffic using the subject portion of the line. There has been no freight traffic on the line since 1990, and the only traffic that has operated on the line since that point has been a seasonal tourist train. In light of

the lack of current need for rail use of the line, the best use of the property at this time is as a public recreational trail. Approval of the City's requests to acquire and to railbank the line will (1) establish clear authority in the City over matters related to the subject portion of line; and (2) preserve the existence of the corridor for future railroad use should the need arise. Approval of the request will therefore ensure the continuation of a sound rail transportation system as promoted by 49 U.S.C. § 10101(4), while maximizing the public benefits to be derived from the use of this corridor.

B. Limited Scope of Service / Lack of Need for Protection/ No Local Traffic

As stated above, the line acquired by the City is small in scale and has not been used for interstate freight traffic since at least 1990. No request for any freight use has been made since at least 1996. The City seeks to acquire and abandon the line since there is no transportation use being made of the line other than a non-jurisdictional tourist excursion operation which will continue to operate on the portion of line that would not be abandoned.

IV. Two-Year Out of Service Requirement

No rail traffic has moved over the line during the past two years other than a closed-loop tourist excursion line. To the extent the Board might consider such traffic to be "local traffic," the City seeks a waiver of 49 CFR § 1152.50(b) given the fact that the traffic over the past two years has been *de minimis*, and the requested abandonment will not cause disruption of that traffic. The tourist line will continue to operate over the portion of line not subject to the requested abandonment. The tourist operator, Brooks Preservation Society, has signed a lease with the City over the portion of line running north of MP 2.33 and has no current rights to the portion of line to be abandoned.

V. Existence of Federally Granted Rights-of-Way

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in petitioner's possession will be made available promptly to those requesting it.

VI. Environmental and Historic Reporting

The City submitted an Environmental and Historic Report to the Office of Environmental Analysis as part of its Notice of Exemption filings under Docket No. AB-1109-X. The Office of Environmental Analysis issued a favorable Environmental Assessment on July 19, 2013.

VII. Filing Fee Waiver

Waiver of the filing fee is requested pursuant to 49 C.F.R. § 1002.2(e)(1) as the City of Belfast is a local government entity. In keeping with the policy statements expressed in the decision of the Board in *Regulations Governing Fees for Services Performed in Connection with Licensing and Related Services -- Policy Statement*, EP 542 (Sub-No. 6) (STB served Dec. 6, 2000), the City has never acted in the capacity of a rail carrier, since no interstate or freight traffic has operated over the City-owned line during the time of the City's ownership. The City acquired the line with the express intent of converting it to a recreational trail, and has never held itself out to provide freight rail services. If the City's requests to acquire and immediately abandon the line are approved, the City will have never operated as a carrier and will have no capacity to do so in the future without Board approval. Granting the requested waiver will serve the public interest by allowing the City to fulfill its plans without undue financial burden upon the City's taxpayers, and will serve the intent of Section 1002.2(e)(1) since the applicant is acting entirely within its capacity as a non-carrier municipality.

VIII. Attachments

Exhibit A – Map showing portion of line proposed for abandonment

Exhibit B – Draft Federal Register notice (CD containing digital version also enclosed)

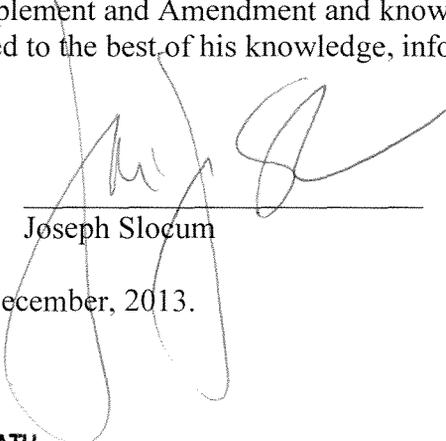
Exhibit C – Certificate of Service

IX. Verification

STATE OF MAINE

WALDO, ss.

Joseph Slocum, being duly sworn, deposes and says that he is the City Manager of the City of Belfast, Maine, that he has read the foregoing Supplement and Amendment and knows the contents thereof, and that the same are true as stated to the best of his knowledge, information and belief.



Joseph Slocum

Sworn and subscribed before me this 6 day of December, 2013.

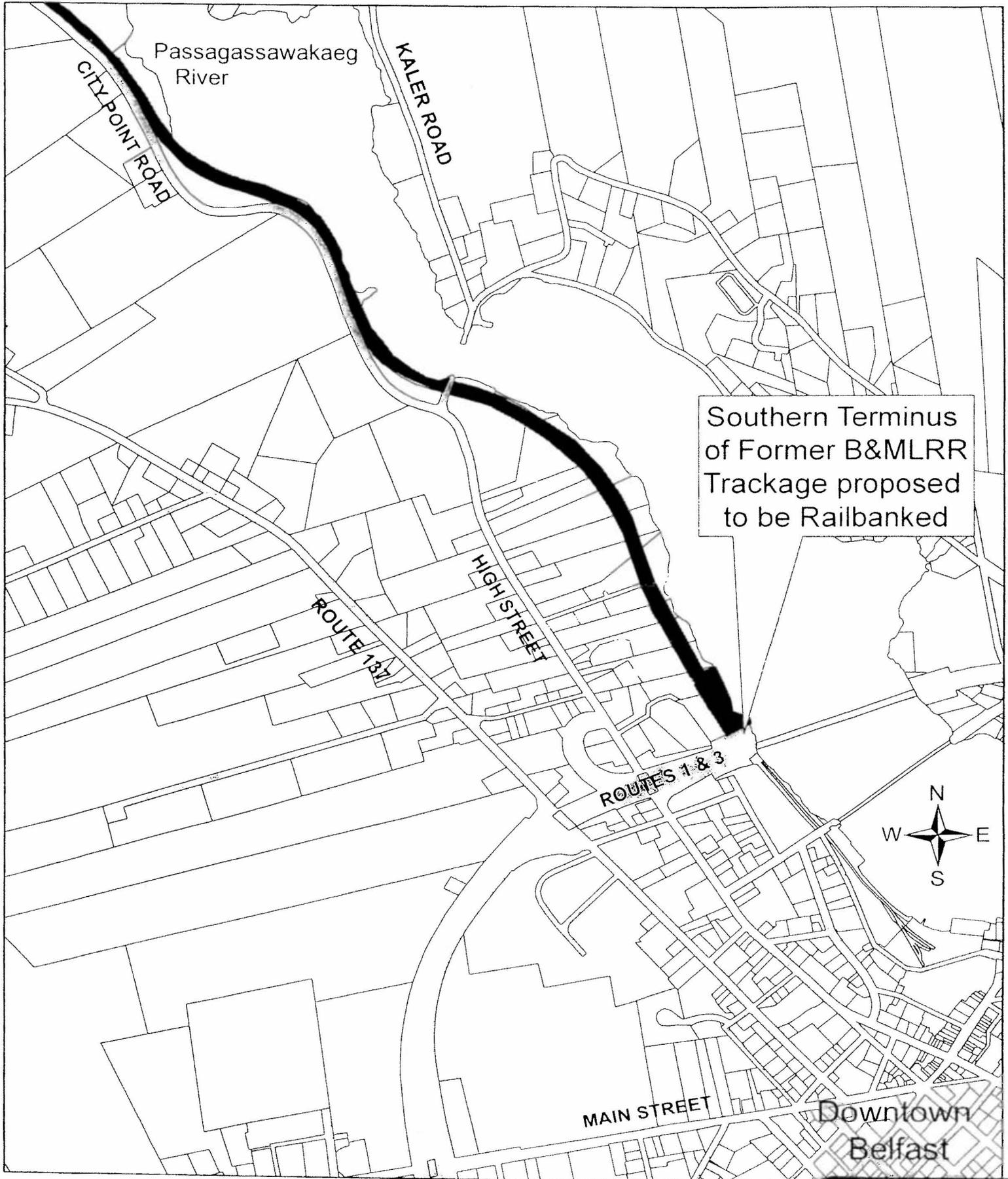


Notary Public

NORA E. MCGRATH
Notary Public, Maine

My commission expires: _____
~~My Commission Expires February 27, 2019~~

FORMER B&MLRR TRACKAGE PROPOSED TO BE RAILBANKED

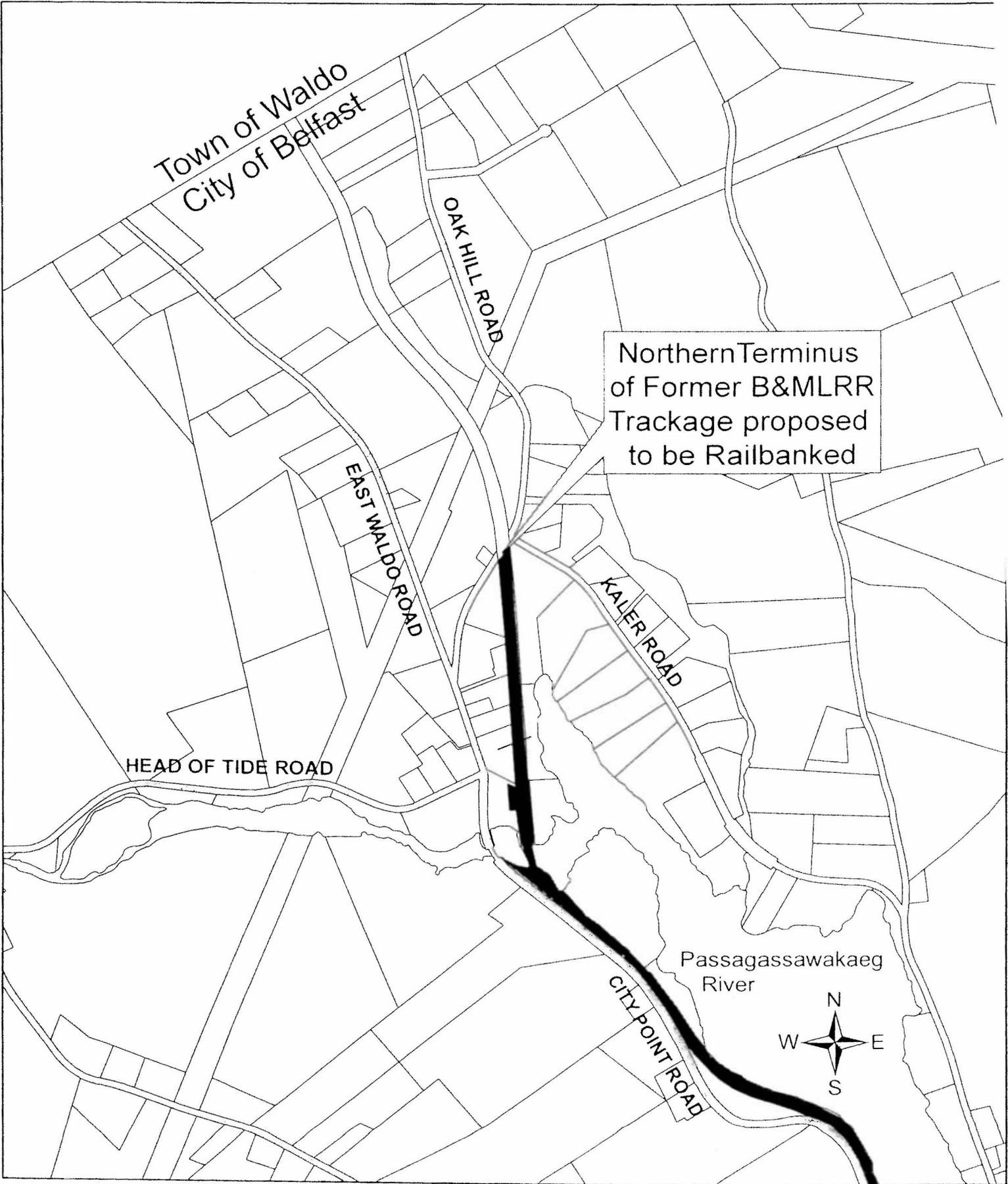


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EXHIBIT
A

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FORMER B&MLRR TRACKAGE PROPOSED TO BE RAILBANKED



STB No. AB-1109-X

Notice of Petition for Exemption to
Abandon Service

On December 9, 2013, the City of Belfast, Maine filed with the Surface Transportation Board, Washington D.C. 20423, a petition for exemption for the abandonment of a portion of a line of railroad known as the Belfast and Moosehead Lake Railroad, extending from railroad milepost 0.33 located at the U.S. Route One overpass to milepost 2.33 ("City Point") located at Oak Hill Road, also located in the City of Belfast, which traverses through U.S. Postal Service ZIP Code 04915 a distance of approximately two miles, in Waldo County. The line for which the abandonment exemption request was filed includes the City Point station at milepost 2.16.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The City of Belfast has no railroad employees.

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) prepared by the Section of Environmental Analysis was served on July 19, 2013 upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA may contact the Section of Environmental Analysis.

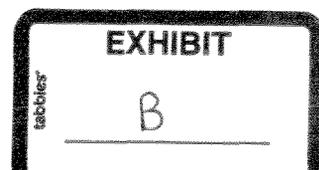


EXHIBIT C
Certificate of Service
Docket No. AB-1109X

I, Kristin M. Collins, hereby certify that I have served copies of the attached Petition for Exemption on December 6, 2013 by U.S. Mail, postage pre-paid, first class, upon the following:

Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Maine Department of Transportation
Attn: Robert Elder, Director, Freight and Business Services Department
16 State House Station
Augusta, ME 04333-0016

Military Traffic Management Command / Transportation Engineering Agency
Attn: Bruce A. Busler, Exec. Director,
SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

National Park Service
Northeast Region
Attn: Dennis Reidenbach, Regional Director
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Yates Building
201 14th Street, SW
Washington, DC 20250



Kristin M. Collins
Attorney for City of Belfast

