

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1043 (Sub-No. 1)

MONTREAL, MAINE & ATLANTIC RAILWAY, LTD.—DISCONTINUANCE OF
SERVICE AND ABANDONMENT—IN AROOSTOOK AND PENOBSHOT COUNTIES,
ME.

Decided: April 26, 2010

On February 25, 2010, Montreal, Maine & Atlantic Railway, Ltd. (MMA) filed an application under 49 U.S.C. § 10903 for authority to discontinue service over and abandon approximately 233 miles of line in Aroostook and Penobscot Counties, Me.¹ The State of Maine (State), by and through its Department of Transportation, has expressed opposition to the proposed discontinuance of service and abandonment, and the State is in the process of seeking voter approval to issue bonds to provide funds with which to acquire the line to preserve rail service should the Board grant MMA's application.

On April 22, 2010, following a meeting attended that day by MMA, the State, and Board mediation staff, MMA filed a motion requesting that the Board extend the existing procedural schedule for a period of 3 weeks so that MMA and the State may enter into confidential mediation concerning the future of the line. If granted, the extension would postpone the due date for MMA's rebuttal until May 26, 2010, and would extend by 3 weeks related Board procedural dates. The State concurs with MMA's request.

The request is reasonable and will be granted. The Board favors the negotiated resolution of disputes. Accordingly, MMA's rebuttal in this proceeding will be due on or before May 26, 2010. Discovery should proceed in accordance with timeframes already in place.

¹ MMA seeks discontinuance and abandonment authority for the following: (1) the Madawaska Subdivision, consisting of approximately 151 miles of line between milepost 109 near Millinocket and milepost 260 near Madawaska in Penobscot and Aroostook Counties; (2) the Presque Isle Subdivision, consisting of approximately 25.3 miles of line between milepost 0.0 near Squa Pan and milepost 25.3 near Presque Isle in Aroostook County; (3) the Fort Fairfield Subdivision, consisting of approximately 10 miles of line between milepost 0.0 near Presque Isle and milepost 10.0 near Easton in Aroostook County; (4) the Limestone Subdivision, consisting of approximately 29.85 miles of line between milepost 0.0 near Presque Isle and milepost 29.85 near Limestone in Aroostook County; and (5) the Houlton Subdivision, consisting of approximately 16.9 miles of line between milepost 0.0 near Oakfield and milepost 16.9 near Houlton in Aroostook County.

The Board previously granted requests to hold a public hearing on the application. The Board scheduled the hearing for May 10, 2010, in Presque Isle, Me. Because MMA and the State will be engaged in mediation, the May 10 hearing will be postponed until further notice from the Board.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The motion is granted.
2. MMA's rebuttal is due on or before May 26, 2010.
3. The May 10 hearing is postponed until further notice from the Board.
4. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of the Proceedings.