

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33381

APPLICATION OF THE NATIONAL RAILROAD PASSENGER CORP. UNDER
49 U.S.C. 24308(a)--SPRINGFIELD TERMINAL RAILWAY COMPANY, BOSTON AND
MAINE CORPORATION, AND PORTLAND TERMINAL COMPANY

Decided: August 18, 1997

This proceeding concerns the request by National Railroad Passenger Corporation (Amtrak), pursuant to 49 U.S.C. 24308(a), for the Board to: (1) require Springfield Terminal Railway Company, Boston and Maine Corporation, and Portland Terminal Company, railroads under common control of Guilford Rail System,¹ to make available to Amtrak B&M's rail line between the Massachusetts/New Hampshire State line and Portland, ME;² and (2) determine reasonable terms and compensation for Amtrak's use of B&M's rail line. Amtrak and B&M filed simultaneous opening briefs on August 6, 1997. Simultaneous reply briefs are due August 25, 1997. This decision concerns Amtrak's motion, filed July 31, 1997, for leave to file a rebuttal verified statement.³ In opposing Amtrak's motion, B&M submitted a reply verified statement, which B&M argues should be accepted if Amtrak's motion is granted.

Amtrak indicates that one of the issues in this proceeding is whether it should be required to construct, at B&M's insistence, a passenger train bypass or additional switching track 1 mile west of B&M's Rigby Yard, located near Portland, ME. Amtrak contends that, in B&M's initial evidentiary submission on July 7, 1997, B&M asserted for the first time that, because of its frequent use of the single lead track west of Rigby Yard for switching operations, Amtrak's use of the same trackage will cause a 20-minute delay in B&M's switching operations prior to each Amtrak train, or a total of 160 minutes delay each day for Amtrak's proposed eight trains. In disputing B&M's claim, Amtrak's witness states that he observed actual B&M operations at the Rigby Yard for 3 days, and that virtually all of B&M's Rigby Yard operations would have been unaffected by Amtrak's trains, had Amtrak been operating its proposed passenger service. Amtrak's witness indicates that, at most, B&M would have been subjected to a single 10-minute delay during the entire 3-day observation period.

B&M argues that Amtrak's motion should be denied because the issue raised is not new. B&M contends, moreover, that even if the motion is granted, the observations of Amtrak's witness are flawed because the involved 3-day period was "exceptionally quiet" and not representative of B&M's normal freight operations. B&M submitted a verified statement by one of its operating officials.

Both parties have submitted statements supporting their positions. In the interest of a complete record, the motion will be granted and both parties' verified statements will be accepted into the record.

It is ordered:

1. Amtrak's motion for leave to file a rebuttal verified statement is granted. The parties' tendered verified statements are accepted into the record.

¹ Respondent railroads will be collectively referred to as B&M.

² This 78-mile line is known as the Plaistow-Portland line.

³ Amtrak tendered the verified statement of Albert S. Walton Jr., Amtrak's assistant director for contract operations, with its motion.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary