

SERVICE DATE – APRIL 10, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35147¹

NORFOLK SOUTHERN RAILWAY COMPANY, PAN AM RAILWAYS, INC., ET AL.
– JOINT CONTROL AND OPERATING/POOLING AGREEMENTS –
PAN AM SOUTHERN LLC

Decided: April 10, 2009

By decision served on March 10, 2009, the Board approved, subject to various conditions, the application and related filings (the Transaction) by which Norfolk Southern Railway Company (Norfolk Southern), Pan Am Railways, Inc. (PARI) (a noncarrier railroad holding company), and two of PARI's rail carrier subsidiaries, Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (Springfield Terminal) (collectively, Applicants) sought approval (1) for Norfolk Southern and B&M to jointly own and control Pan Am Southern LLC (PAS), a new rail carrier to be formed, and (2) for the agreements pursuant to which Springfield Terminal would operate the lines of PAS and establish rates for PAS. Pursuant to the Transaction, PAS will acquire from B&M some 437 miles of rail lines and trackage rights and the right to operate over the lines as a common carrier.

On March 30, 2009, the Committee to Improve Rail Service in Maine (CIRSM) filed a "Request to Reconsider" the Board's decision. CIRSM asked the agency to "place the decision ... into abeyance, until such time as the Board has provided an opportunity for public hearings on this matter." CIRSM has not tendered the requisite filing fee for its submission to constitute a properly filed petition for reconsideration of the Board's March 10, 2009 decision.²

On April 1, 2009, CIRSM filed a letter requesting withdrawal of its "Petition for Stay" in this proceeding, which the Board interprets to be a request to withdraw its filing of March 30, 2009. CIRSM's request to withdraw its filing of March 30, 2009 will be granted, and the associated proceeding will be discontinued.

¹ This decision also embraces Pan Am Southern LLC – Acquisition and Operation Exemption – Lines of Boston and Maine Corporation, STB Finance Docket No. 35147 (Sub-No. 1); Norfolk Southern Railway Company – Trackage Rights Exemption – Pan Am Southern LLC – Between Mechanicville, NY and Ayer, MA, STB Finance Docket No. 35147 (Sub-No. 2); and Springfield Terminal Railway Company – Trackage Rights Exemption – Pan Am Southern LLC – Between CPF 312 Near Willows, MA, and Harvard Station, MA, STB Finance Docket No. 35147 (Sub-No. 3) (collectively, the related filings).

² See 49 CFR 1002.2(f)(61)(i).

It is ordered:

1. CIRSM's request to withdraw its filing is granted, and this proceeding is discontinued.
2. This decision is effective on its date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary