

# PAN AM SOUTHERN LLC

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July 23, 2014

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Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, D.C. 20024

*Re: Request of New England Central Railroad, Inc.  
to Set Trackage Rights Terms and Conditions  
STB Docket No. FD 35842*

Dear Ms. Brown:

Pan Am Southern LLC (“PAS”) is in receipt of two filings submitted by New England Central Railroad, Inc. (“NECR”) dated July 17, 2014 in the above captioned proceeding. In each filing, NECR raises procedural concerns with the Motion to Show Cause (the “Motion”) filed by PAS, which Motion requested NECR to explain why certain unilateral Operating Restrictions imposed by NECR do not violate the Trackage Rights Order (“TRO”) issued by the Interstate Commerce Commission in *Amtrak—Conveyance of B&M Interests in Connecticut River in Vermont and New Hampshire*, ICC Finance Docket No. 31250, 6 I.C.C.2d 539 (1990).

In its first filing, NECR claims that PAS has failed to file an answer in response to the June 17, 2014 NECR Request to Set Trackage Rights Terms and Conditions (the “Request”) within 20 days of that filing. PAS submits that it did file a response within 20 days. It filed its Motion. The Motion specifically acknowledged receipt of the Request and noted that PAS would be filing a response on the merits separately. PAS included this language to acknowledge that PAS took no issue with the initiation of the proceeding, but would participate on the merits in accordance with whatever procedural schedule was adopted, whether it be the schedule requested by NECR or one set independently by the Board. NECR seems to recognize this by requesting again that a procedural schedule be established in this first filing, while ignoring the PAS request that it be held in abeyance.

NECR’s second filing also raises procedural issues by questioning the validity of the PAS Motion and its relevance to the Request. In response, PAS notes that NECR is merely avoiding

the substance of the Motion, and desires to continue to adversely impact PAS, customers and connecting carriers by maintaining the Operating Restrictions for as long as possible. Leaving aside NECR's transparent efforts, PAS believes that it is in the interest of all parties to resolve the issues raised by the Motion with the least amount of delay. Therefore, pursuant to 49 C.F.R. § 1112.7, PAS respectfully requests the Board to take notice of the Motion filed in the current docket in Finance Docket Number 31250, which is the original docket number for the TRO proceeding. This way, the Motion could be addressed within the context of the TRO, removing NECR's procedural objections and allowing the Board to determine whether NECR should show cause as to why its unilateral behavior is in compliance with the TRO.

PAS renews its request that the Board: (i) set a procedural schedule to decide the substantive issues raised in the Motion; and (ii) hold in abeyance NECR's request for a procedural schedule to set trackage rights terms until the issues related to NECR's compliance with the existing terms of the TRO are settled, whether that be in this docket or within the context of Finance Docket 31250. PAS believes that this proposal is the most expeditious method available to address issues that have been ongoing since May, to the detriment of not only PAS, but its customers and connecting carriers as well.

Thank you for your attention to this matter. Please feel free to contact me if you should have any questions or comments.

Sincerely,



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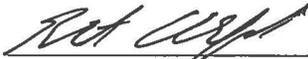
## CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing was served on the following by U.S. first class mail, postage prepaid:

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Dated: July 23, 2014

  
Robert B. Culliford