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Agency of Transportation

August 29, 2014

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ENTERED  
Office of Proceedings  
September 8, 2014  
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Public Record



The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room #100  
Washington, DC 20423-0001

Re: *New England Central Railroad, Inc. – Trackage Rights Order – Pan Am Southern, LLC*  
Finance Docket No. 35842

Dear Ms. Brown:

On behalf of the State of Vermont, Agency of Transportation (“VTrans”),<sup>1</sup> I write in support of the Motion to Show Cause filed in the above-captioned by Pan Am Southern, LLC (“PAS”) on June 27, 2014.

Specifically, PAS requests the Board to order the New England Central Railroad, Inc. (“NECR”) to show cause why its speed restriction on trains operated by “foreign” railroads and its requirement that PAS produce revenue waybill information prior to movement on NECR lines (the “Operating Restrictions”) are reasonable and do not violate the Trackage Rights Order (“TRO”) imposed by the former Interstate Commerce Commission in *Amtrak – Conveyance of Boston and Maine Corporation Interests in Connecticut River Line in Vermont and New Hampshire*, Docket No. 31250, 6 I.C.C.2d 539 (1990).

As PAS explains in its motion (*id.* at 2), the TRO was part of the compensation to the Boston and Maine Corporation (a predecessor-in-interest of PAS) for Amtrak’s 1988 acquisition of the Brattleboro-Windsor, VT segment of the Connecticut River Main Line and its subsequent reconveyance by Amtrak to the Central Vermont Railway, Inc. (a predecessor-in-interest of NECR). The TRO clearly requires that “[t]he trains, locomotives, cars and equipment of B&M, CV, Amtrak and other present or future user of the Line shall be operated *without prejudice or partiality* to any party to this Agreement or any other user and in such a manner that will result *in the most economical and efficient manner of movement of all traffic.*” TRO, § 5.1 (emphases added).

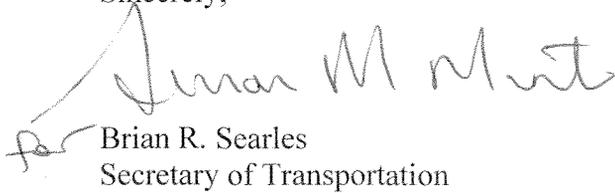


<sup>1</sup> VTrans administers several railroad lines owned by the State of Vermont which are operated by private carriers. These lines include the Green Mountain Railroad Corp., which interchanges with PAS and NECR at Bellows Falls, VT, and the Washington County Railroad Company, which interchanges with PAS and NECR at White River Junction, VT.

NECR's unfortunate decision to engage in self-help by unilaterally imposing the Operating Restrictions on PAS has an obvious negative impact on PAS, connecting carriers, and rail shippers. While VTrans can understand NECR's desire to seek modifications to the TRO after the passage of more than 20 years, the TRO remains in effect until either the parties reach agreement on the modifications and obtain the Board's approval for the modifications or until such time as the Board sets new trackage rights terms.

For all these reasons, VTrans urges the Board to take swift action granting the relief requested by PAS in its Motion to Show Cause.

Sincerely,



Brian R. Searles  
Secretary of Transportation

cc: Certificate of Service

## 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:

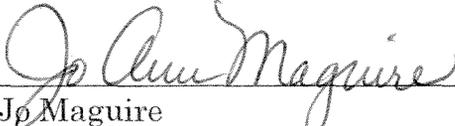
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Dated at Montpelier, Vermont, this 29th day of August, 2014.

  
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Jo Ann Maguire  
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