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BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-32 SUB NO 100

BOSTON AND MAINE CORPORATION & SPRINGFIELD TERMINAL RAILWAY
COMPANY – ADVERSE DISCONTINUANCE OF OPERATING AUTHORITY – NEW
ENGLAND SOUTHERN RAILROAD CO., INC.

COMMENTS OF
NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

NOW COMES the State of New Hampshire Department of Transportation (NHDOT) through its attorneys, the Office of the Attorney General, and submits the following comments to the Adverse Discontinuance of Operating Authority submitted by Boston and Maine Corporation and Springfield Terminal Railway Company.

The New Hampshire Department of Transportation (NHDOT) owns the railroad line from Concord to Lincoln, New Hampshire known as the White Mountain Branch or Concord-Lincoln line. The State-owned line is operated under a freight operating agreement by the New England Southern Railroad (NES), and a portion of the line is under a tourist excursion operating agreement with the Plymouth & Lincoln Railroad.

The proposed discontinuance of service on the Pan Am railroad line is likely to affect the continued operation of freight service on the NHDOT-owned White Mountain Branch (Concord-Lincoln line). The New England Southern has operated on this line under agreement with the state since 1982. At present there is one freight customer on the state-owned line, 3M, formerly Innovative Paper Technologies in Tilton, New Hampshire. This business, although a small volume customer, requires rail service for its manufacturing process. The NES has also worked with other prospective shippers to locate on the line or utilize freight rail.

The NES has been able to serve the single freight customer on the NHDOT line because of the revenues it realizes through its lease on the Pan Am New Hampshire Main Line. The NES lease also enables it to maintain the NHDOT line as a rail connection for the Plymouth & Lincoln Railroad, located in Lincoln, New Hampshire, 73 miles from Concord. In addition to its tourist excursion business, the Plymouth & Lincoln maintains an active business restoring and rebuilding railroad equipment for customers throughout the region. It requires a rail connection to move equipment to and from its customers.

Regular, dependable freight service to Concord is of great importance to the future viability of the state-owned railroad line and the businesses that rely on it – as well as to the shippers now served by NES. NHDOT requests that the Board include as a condition of discontinuance that Boston and Maine/Springfield Terminal be required to provide regular interchange on its Concord Yard property. This is the most feasible location for interchange due to the existence of an existing passing siding, and NHDOT requests that the Board require the operating railroads to facilitate interchange on the existing leased track.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE
By its attorneys,

Michael A. Delaney
Attorney General

Date: _____

/S/ David M. Hiltz
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Certificate of Service

I certify that a copy of the foregoing has on this 28th day of August, 2009, been mailed, postage prepaid to Robert Burns, Esquire, Boston & Maine Corporation, 1700 Iron Horse Park, North Billerica, Massachusetts 01862 and e-mailed at Rburns@panamrailways.com.

/S/David M. Hilts

David M. Hilts