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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. 1043 (Sub-No. 1)

ENTERED
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MAR 29 2010
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MONTREAL, MAINE & ATLANTIC RY., LTD.

**- DISCONTINUANCE OF SERVICE AND ABANDONMENT -
IN AROOSTOOK AND PENOBSCOT COUNTIES, MAINE**

**REPLY OF STATE OF MAINE, DEPARTMENT OF TRANSPORTATION
TO PETITION TO CLASSIFY THE SCOPE
OF THE BOARD'S ENVIRONMENTAL REVIEW**

TONI L. KEMMERLE
Chief Counsel
STATE OF MAINE, DEPARTMENT OF
TRANSPORTATION
16 State House Station
Augusta, ME 04333-0016
(207) 624-3024
Toni.Kemmerle@maine.gov

ERIC M. HOCKY
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500
ehocky@thorpreed.com

Dated: March 29, 2010

Attorneys for State of Maine, Department of
Transportation

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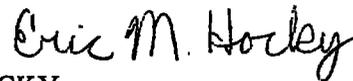
The State of Maine, by and through its Department of Transportation ("State"), hereby replies to the Petition to Classify the Scope of the Board's Environmental Review filed by various shippers, requesting that the Board and/or its Section of Environmental Analysis determine that this abandonment and its environmental impacts be examined under a full environmental impact statements ("EIS") rather than under an environmental assessment ("EA").

The State agrees that this is a significant transaction that has the potential for significant environmental, safety and socio-economic impacts. The State, through the Department of Transportation, has submitted comments to SEA regarding the preliminary draft environmental analysis which suggest different areas that warrant further investigation and study. A copy of the comments are attached to this Reply. The State requests that in any decision on how to handle this proceeding, the Board should make sure that in whatever manner it determines to proceed, all of the

environmental impacts are properly and thoroughly weighed and considered, with the proper opportunity for further review and comment by all interested and potentially affected parties.

Respectfully submitted,

TONI L. KEMMERLE
Chief Counsel
STATE OF MAINE, DEPARTMENT OF
TRANSPORTATION
16 State House Station
Augusta, ME 04333-0016
(207) 624-3024
Toni.Kemmerle@maine.gov



ERIC M. HOCKY
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500
ehocky@thorpreed.com

Dated: March 29, 2010

Attorneys for State of Maine, Department of
Transportation

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I served a copy of the foregoing Reply to
Petition on the following by e-mail or by U.S. mail, postage prepaid:

James E. Howard
1 Thompson Square
Suite 201
Charlestown, MA 02129
jim@jehowardlaw.com

Linda J. Morgan
Charles H.P. Vance
Covington & Burling LLP
1201 Pennsylvania Ave., NW
Washington DC 2004-2401
lmorgan@cov.com
cvance@cov.com

Karyn A. Booth
Jeff Moreno
Thompson Hine, LLP
1920 N. Street, NW
Washington, DC 20036
karyn.booth@thompsonhine.com
jeffrey.moreno@thompsonhine.com

Donald G. Avery
Peter Pfohl
Slover & Loftus
1224 Seventeenth St., NW
Washington, DC 20036-3003
dga@sloverandloftus.com
pap@sloverandloftus.com

Scott G. Knudson
Briggs and Morgan, PA
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
sknudson@briggs.com

Arkon Horne
Fraser Papers
PO Box 749
Ashland, ME 04732
arkon@fll.fraserpapers.com

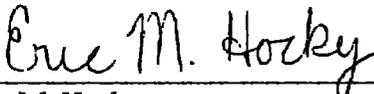
John Cashwell
Portage Wood Products, LLC
PO Box 156
Portage, ME 04768
jcashwell@sevenislands.com

Hon. Susan M. Collins
Unites States Senate
413 Dirksen Senate Office Building
Washington, DC 20510

Hon. Michael H. Michaud
United States House of Representatives
DC 20515

Hon. James I. Oberstar
United States House of Representatives
DC 20515

Dated: March 29, 2010



Eric M. Hocky



Eric M. Hocky
Direct Dial 215 640 8623
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA ELECTRONIC MAIL

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E. Street SW, Room 1110
Washington, DC 20423
diana.wood@stb.dot.gov

March 29, 2010

Re: STB Docket No. 1043 (Sub-No. 1)
Montreal, Maine & Atlantic Railway, Ltd.
- Abandonment and Discontinuance of Service -
In Penobscot and Aroostook Counties, Maine
Comments to Preliminary Draft Environmental Analysis

Dear Ms. Wood:

This letter sets forth comments of the State of Maine ("State), by and through its Department of Transportation (Maine DOT). Although these comments are submitted on behalf of the State, they are intended to supplement and not to supersede any comments received from any other agencies or Departments of the State.

Maine DOT submits the following comments to the Preliminary Draft Environmental Analysis (PDEA):

Section 1.2 Description of Line

1. SEA should examine the impacts on all shippers that use and rely on MMA, not only the "significant users" listed in this section. Even small customers can be greatly affected by the loss of rail service, and the impacts on rural communities of harm to any shipper / local employer can be significant.
2. The potential effect on local employment by shippers should be further explored with the shippers. Further, MMA has indicated that the abandonment would lead to a reduction in railroad employment.

Section 1.3 History of Rail Operations

1. Table 4 significantly understates the carload history on the lines subject to abandonment by excluding overhead or "bridge" traffic. MMA handles thousands of additional carloads to and from a customer in Madawaska that pass over the lines. Further, base on MMA's abandonment filing, it should be clarified whether the 2009 figures are for the complete year, or only through September 2009.

Pittsburg,
Philadelphia
Pittsford
Wilmington

Thorpe Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
215 640 8500
215 640 8501 Fax



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Section 2.0 Alternatives to Abandonment

1. At this time Maine DOT does not believe that is clear that abandonment of the lines is justified. Further, the State continues to explore options for possible acquisition and continued operation. The State is exploring bond funding for a purchase, and Secretary of Transportation LaHood has instructed the Federal Railway Administrator to explore federal funding assistance. SEA's conclusions are based on the assumption that the abandonment will be granted, and that funding will not be available for a public purchase.

Section 3.0 Existing Conditions and Environmental impacts of Abandonment

1. SEA should examine and address the long term secondary/cumulative impacts of the berm areas along the railroad that could be prone to slumping, failure, or eroding if left un-maintained.
2. It has been assumed that all bridges will be left in place; however, the effects of leaving the bridges in place following an abandonment needs to be further explored. SEA should consult further with appropriate State and Federal agencies with jurisdiction over waterways.

Section 3.2 Transportation

1. The analysis sets forth assumes that truck is an alternative for all customers. Customers should be interviewed to determine if, based on commodity or truck rates, this is true.
2. Maine DOT (Mobility Management Division and Transportation Analysis Section) should be consulted further with respect to with respect to the following statement:

"SEA has preliminarily determined that the existing roadways could support the additional truck traffic that would be generated if the proposed abandonment were authorized"

Maine DOT believes that the local roads that serve several of the shippers would be substantially impacted by the additional truck traffic. SEA should examine impacts not only on the major routes (Table 5) but on all affected routes. Examination should be not only of capacity, but also of road construction and ability to handle heavy truck traffic.

SFA should examine and address how the proposed impacts will affect or influence the findings and recommendations of the Aroostook County Transportation Study.

- 3. Page 16, Paragraph 2 references "Table X." This table is not included.
- 4. Maine DOT does not believe that there is adequate support for applying the more conservative rail to truck diversion factor (2.3 trucks per railcar) versus the accepted industry standard (4.0 trucks per railcar). The 4.0 standard would significantly increase the impacts of the proposed action, especially if, as noted above, the PDEA and MMA have understated the volume of traffic that would be affected.

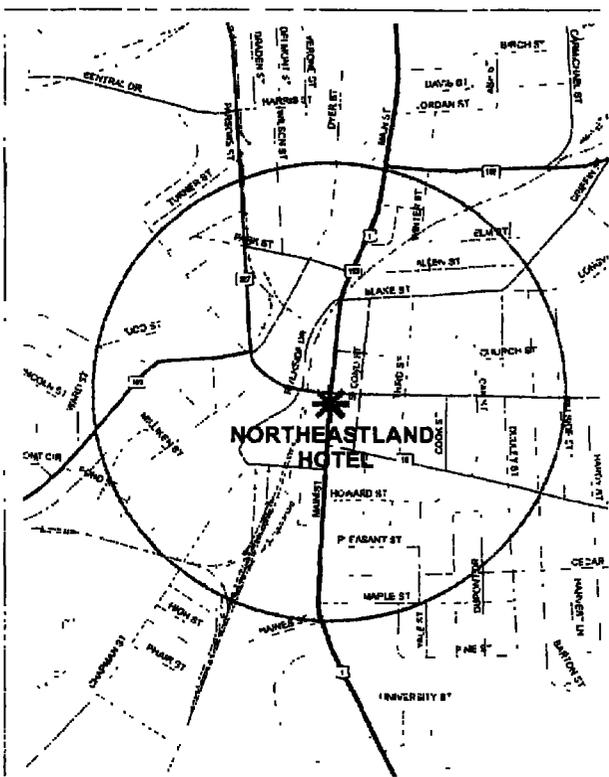
An alternative method for converting commodity volumes to truck counts is presented in 2004 Truck Weight Report (page 10-12):
<http://www.state.me.us/mdot/freight/documents/Non20Exempt20Final20Report.pdf>

The STB should consult with MaineDOT Transportation Analysis Section to determine the appropriate methodology for converting rail volumes to truck traffic.

- 5. The EA should quantify the pavement and bridge cost impacts for the proposed action. MaineDOT developed a methodology to perform such cost analysis for 5- and 6- axle trucks in the 2004 Truck Weight Report (page 31):
<http://www.state.me.us/mdot/freight/documents/Non20Exempt20Final20Report.pdf>

Section 3.4 Air Quality and Noise

- 1. As noted above, air and noise impacts may increase if the 4.0 truck to railcar diversion factor is used.



2. Maine had one nonattainment area for particulate matter (PM10) that was redesignated to attainment effective October 30, 1995. This area is located in downtown Presque Isle, within a one-half mile radius of the Northeastland Hotel. Figure 1 shows the boundaries of Presque Isle PM10 maintenance area.

The SEA should analyze the impacts of the increased diesel emissions from the diverted truck traffic on Route 1 and fugitive dust emissions from salvage operations on the Presque PM10 maintenance area. More specifically, SEA should determine whether the proposed action will cause or contribute to any new local violations of the National Ambient Air Quality Standards (NAAQS) for PM10.

Section 3.5 Safety

1. Dwight – Are there safety concerns, based on the list of chemicals, corrosives and fertilizers in Table 2, with hauling hazardous materials via truck through various downtowns in Aroostook County?

Section 3.6 Biological Resources

1. Increased truck traffic as a result of the proposed abandonment will result in additional impacts on local species, with higher potential for road kill. In particular, Maine DOT is concerned about secondary and indirect impacts to the Canadian lynx.
2. The inventory of rare animal and plant features needs to be better described. Data from Maine Department of Inland Fisheries and Wildlife and the Maine Natural Areas Program show a number of features of interest that need to be identified and assessed. These Departments need to be consulted more fully.
3. SEA should further examine the need for maintenance of stream crossings to minimize blockage and impacts to salmon. If bridges are not removed as part of the abandonment, then a method needs to be established to ensure that crossing structures will be maintained after abandonment to prevent crumbling and the blocking of passage.

Section 3.8 Historical and Cultural Resources

1. A full Section 106 analysis needs to be completed under the auspices of the State Historic Preservation Officer.



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2. As noted, there are at least 41 bridges on the lines proposed for abandonment. From the report and lack of photographs it cannot be determined if they have historic value, or what condition they are in. This should be more fully addressed in the Section 106 analysis.
3. Maine DOT believes that the station at Oakfield is still owned by MMA (although it may be leased to a local organization). Accordingly, preservation of the station needs to be addressed as part of the Section 106 analysis.

Section 3.9 Social and Economic

1. Considering the fragile nature of the agriculture and forest product industries, the economic impacts of increasing the overall costs to move goods should be addressed in detail.
2. Although there may be a marginal benefit to the local trucking industry, the countervailing increased costs to customers, increased fuel costs and consumption, and increased pavement and bridge costs discussed above, need to be analyzed to determine the net effect on the economy.
3. Rail dependent shippers are some of the major employers in this rural region. Adverse effects on the shippers could have significant socio-economic impacts on the communities in which they and their employees are located. Further study needs to be made of these potential impacts.

Maine DOT appreciates SEA's consideration of these comments.

Respectfully,

Eric M. Hocky

EMH/e

cc: All parties on the attached service list.

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Service List – AB1043 (Sub-No. 1)

James E. Howard
1 Thompson Square
Suite 201
Charlestown, MA 02129
jim@jehowardlaw.com

Linda J. Morgan
Charles H.P. Vance
Covington & Burling LLP
1201 Pennsylvania Ave, NW
Washington DC 2004-2401
lmorgan@cov.com
cvance@cov.com

Karyn A. Booth
Jeff Moreno
Thompson Hine, LLP
1920 N. Street, NW
Washington, DC 20036
karyn.booth@thompsonhine.com
jeffrey.moreno@thompsonhine.com

Donald G. Avery
Peter Pfohl
Slover & Loftus
1224 Seventeenth St., NW
Washington, DC 20036-3003
dga@sloverandloftus.com
pap@sloverandloftus.com

Scott G. Knudson
Briggs and Morgan, PA
2200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
sknudson@briggs.com

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Page 7

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Arkon Horne
Fraser Papers
PO Box 749
Ashland, ME 04732
arkon@ftl.fraserpapers.com

John Cashwell
Portage Wood Products, LLC
PO Box 156
Portage, ME 04768
cashwell@sevenislands.com

Hon. Susan M. Collins
United States Senate
413 Dirksen Senate Office Building
Washington, DC 20510

Hon. Michael H. Michaud
United States House of Representatives
DC 20515

Hon. James L. Oberstar
United States House of Representatives
DC 20515