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February 4, 2010

VIA FEDERAL EXPRESS

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

ENTERED  
Office of Proceedings

FEB 05 2010

Part of  
Public Record



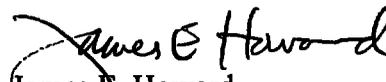
Re: STB Docket No. 1043 (Sub-No. 1)  
Montréal, Maine & Atlantic Ry., Ltd.--Discontinuance of Service  
and Abandonment--In Aroostook and Penobscot Counties, Maine

Dear Ms. Brown:

I represent Montréal, Maine & Atlantic Ry., Ltd. ("MMA"). Enclosed for filing on behalf of MMA pursuant to 49 CFR 1152.20 are an original and 10 copies of a "Notice of Intent to Discontinue Service and Abandon" relating to certain lines of MMA located in Penobscot and Aroostook Counties, Maine. As indicated in the Notice of Intent, MMA intends to file an abandonment application on or about February 24, 2010.

Also enclosed is a Certificate of Service certifying service of the Notice of Intent in compliance with 49 CFR 1152.20 on significant users of the lines, headquarters offices of labor organizations representing employees of MMA and designated state and federal officials.

Very truly yours,

  
James E. Howard

Enclosures

cc: All persons served with Notice of Intent

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

Notice of Intent to Discontinue Service and Abandon



Montréal, Maine & Atlantic Railway, Ltd. ("MMA") gives notice that on or about February 24, 2010 it intends to file with the Surface Transportation Bd., Washington, DC 20423, an application for permission for the abandonment and the discontinuance of service on the following lines of railroad:

(1) the Madawaska Subdivision, consisting of approximately 151 miles of line between milepost 109 near Millinocket and milepost 260 near Madawaska in Penobscot and Aroostook Counties, which traverses United States Postal Service ZIP Codes 04460, 04430, 04777, 04776, 04747, 04763, 04780, 04759, 04732, 04775, 04768, 04739, 04781, 04743 and 04745;

(2) the Presque Isle Subdivision, consisting of approximately 25.3 miles of line between milepost 0.0 near Squa Pan and milepost 25.3 near Presque Isle in Aroostook County, which traverses United States Postal Service ZIP Codes 04732, 04757 and 04769;

(3) the Fort Fairfield Subdivision, consisting of approximately 10 miles of line between milepost 0.0 near Presque Isle and milepost 10.0 near Easton in Aroostook County, which traverses United States Postal Service ZIP Codes 04769 and 04740;

(4) the Limestone Subdivision, consisting of approximately 29.85 miles of line between milepost 0.0 near Presque Isle and milepost 29.85 near Limestone in Aroostook County, which traverses United States Postal Service ZIP Codes 04769, 04736, 04742 and 04750; and

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**(5) the Houlton Subdivision, consisting of approximately 16.9 miles of line between milepost 0.0 near Oakfield and milepost 16.9 near Houlton in Aroostook County, which traverses United States Postal Service ZIP Codes 04763, 04761 and 04730.**

**The lines do not have located on them any stations, agency stations or terminals or any agency station through which business for the lines is received or forwarded. MMA has offices or facilities located on the lines at milepost 149.13 in Oakfield on the Madawaska Subdivision (Oakfield Station, 103 School Street, Oakfield, ME 04763), at milepost 16.9 in Houlton on the Houlton Subdivision (Roadway Equipment Shop, 60 Florence Avenue, Houlton, ME 04730), at milepost 185.87 in Squa Pan on the Madawaska Subdivision (Squa Pan Station, 988 Masardis Road, Ashland, ME 04732), at milepost 25.25 on the Presque Isle Subdivision (Presque Isle Section House, 21 Roberts Avenue, Presque Isle, ME 04769) and at milepost 244.04 on the Madawaska Subdivision (Fort Kent Station, 5 Dube Street, Fort Kent, ME 04743). In addition, MMA has offices or facilities that are not on the lines to be abandoned but that either facilitate the receipt or forwarding of business on the lines or serve as a reporting point for employees who may work on the lines, as follows: MMA Headquarters, 15 Iron Road, Hermon, ME 04401; Hermon Station, 64 Iron Road, Hermon, ME 04401; Derby Shop, 18 B&A Avenue, Derby, ME 04463; Brownville Junction Station, Main Street, Brownville Junction, ME 04415; Millinocket Car House, Iron Bridge Road, Millinocket, ME 04462; Millinocket Station, 1 Station Road, Millinocket, ME 04462; Madawaska Station, 65 Bridge Street, Madawaska, ME 04756.**

The reason for the proposed discontinuance and abandonment is that rail traffic and freight revenues on these lines are insufficient to produce operating profits or to justify the costs of ordinary maintenance. In addition, substantial capital expenditures are required in order to deal with maintenance that has been deferred as a result of the low revenues and lack of profitability of these lines. There is no reasonable prospect that rail traffic and revenues will increase sufficiently in the foreseeable future in order to justify continued operations, much less the extraordinary capital expenditures that are required. Based upon information in its possession, MMA does not believe that the lines contain federally granted rights-of-way. Any documentation and MMA's possession will be made available promptly to those requesting it.

The lines of railroad appeared in category 1 on the system diagram map that was filed with the Board as of August 28, 2009.

The interest of railroad employees will be protected as required by 49 U.S.C. 10903(b)(2) and Oregon Short Line Co.—Abandonment—Goshen, 360 ICC 91 (1979).

The application will include MMA's entire case for abandonment (case in chief). Any interested person, after the application is filed on or about February 24, 2010, may file with the Surface Transportation Board written comments concerning the proposed abandonment or protests to it. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (§ 1152.28 of the Board's rules) and any request for a trail use condition under 16 U.S.C. 1247(d) (§ 1152.29 of the Board's rules) must also be filed within 45 days from the date

of filing of the application. Persons who may oppose the abandonment or discontinuance but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence, should file comments. Persons interested only in seeking public use or trail use conditions should also file comments. Persons opposing the proposed abandonment or discontinuance that do wish to participate actively and fully in the process should file a protest.

Protests must contain that party's entire case in opposition (case in chief) including the following:

- (1) Protestant's name, address and business;
- (2) A statement describing protestant's interest in the proceeding including:
  - (i) A description of protestant's use of the line;
  - (ii) If protestant does not use the line, information concerning the group or public interest it represents; and
  - (iii) If protestant's interest is limited to the retention of service over a portion of the line, a description of the portion of the line subject to protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate a portion of line profitably, including an appropriate return on its investment for those operations.
- (3) Specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)].

**(4) Any rebuttal of material submitted by applicant.**

**In addition, a commenting party or protestant may provide a statement of position and evidence regarding:**

- (i) Intent to offer financial assistance pursuant to 49 U.S.C. 10904;**
- (ii) Environmental impacts;**
- (iii) Impact on rural and community development;**
- (iv) Recommended provisions for protection of the interests of employees;**
- (v) Suitability of the properties for other public purposes pursuant to 49 U.S.C. 10905; and**
- (vi) Prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247 (d) and § 1152.29.**

**A protest may demonstrate that: (1) the protestant filed a feeder line application under 49 U.S.C. 10907; (2) the feeder line application involves any portion of the rail line involved in the abandonment or discontinuance application; (3) the feeder line application was filed prior to the date the abandonment or discontinuance application was filed; and (4) the feeder line application is pending before the Board.**

**Written comments and protests will be considered by the Board in determining what disposition to make of the application. The commenting party or protestant may participate in the proceeding as its interest may appear.**

**If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after the application is filed.**

Those parties filing protests to the proposed abandonment should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to § 1152.25.

Written comments and protests, including all requests for public use and trail use conditions, should indicate the proceeding designation as STB No. AB 1043 (Sub-No. 1) and must be filed with the Chief, Section of Administration, Office of Proceedings,, Surface Transportation Board, Washington, DC 20423-0001, no later than April 10, 2010 (45 days after the application is filed). Interested persons may file a written comment or protest with the Board to become a party to this abandonment proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant, James E. Howard, One Thompson Square, Suite 201, Charlestown, MA 02129, telephone 617-886-9322. The original and 10 copies of the comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The line sought to be abandoned will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangements approved under 49 U.S.C. 10904 shall remain in effect for more than one year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). MMA will promptly provide upon request to each interested party an estimate of the subsidy

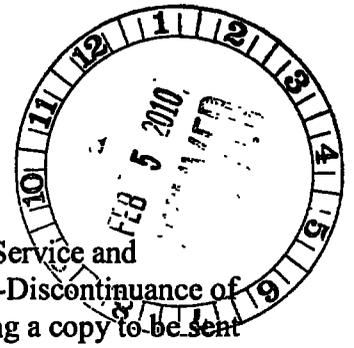
**and minimum purchase price required to keep the line in operation. MMA's representative to whom inquiries may be made concerning sale or subsidy terms is James E. Howard, One Thompson Square, Suite 201, Charlestown, MA 02129.**

**Persons seeking further information containing abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.**

**A copy of the application will be available for public inspection on or after February 24, 2010 at each office, facility or station mentioned above. MMA shall furnish a copy of the application to any interested person proposing to file a protest or comment, upon request.**

**An environmental assessment (EA) (or an environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.**

**Certificate of Service of  
Notice of Intent to Discontinue Service and Abandon**



I hereby certify that I served the foregoing Notice of Intent to Discontinue Service and Abandon in STB Docket No. 1043 (Sub-No. 1), Montréal, Maine & Atl. Ry., Ltd.--Discontinuance of Service and Abandonment in Penobscot and Aroostook Counties, Maine, by causing a copy to be sent by first class mail, postage prepaid (or by certified mail, as indicated) on February 4, 2010 to the following:

**Cavendish Agri Services**  
825 Main Street  
Presque Isle, ME 04769 M.

**Chandler Lake**  
178 Moody Siding  
Ashland, ME 04732

**Columbia Forest Products**  
395 Missile Street  
Presque Isle, ME 04769

**Dead River Company**  
580 Main Street  
Presque Isle, ME 04769

**Fraser Timber LTD**  
100 Levesque Road  
Ashland, ME 04732

**Huber Engineered Woods**  
333 Station Drive  
Easton, ME 04740

**Irving Forest Products**  
300 Union Street  
Saint John, NB E2L 4M3

**Attn. Kim Holmes**  
Irving Woodlands  
Route 11, Pinkham Complex  
Ashland, ME 04732

**Attn. Kim Holmes**  
Irving Woodlands, LLC  
PO Box 170  
Ashland, ME 04732

**JD Irving LTD**  
48 Grand Pines Road  
St. Leonard, NB E7E 2M7

**Lane Construction Company**  
458 Reach Road  
Presque Isle, ME 04769

**Louisiana Pacific Corp**  
PO Box 396  
Houlton, ME 04740

**Maine Potato Growers**  
56 Parsons  
Presque Isle, ME 04769

**McCain Foods**  
319 Richardson Road  
Easton, ME 04740

**Portage Wood Products**  
127 Fish Lake Road  
Portage, ME 04768

**Tater Meal**  
200 Taxi Way  
Presque Isle, ME 04769

**Public Utilities Commission**  
242 State Street  
Augusta, ME 04330

**Governor John Baldacci**  
State of Maine  
1 State House Station  
Augusta, ME 04333  
(via certified mail)

**David A. Cole**  
DOT Commissioner - State of Maine  
16 State House Station  
Augusta, ME 04333

**Railroad Retirement Board**  
844 North Rush Street  
Chicago, IL 60611-2092

**Federal Railroad Administration**  
US Department of Transportation  
1200 New Jersey Ave, SE  
Washington , DC 20590

Railroads for National Defense Program  
Transportation Engineering Agency  
Military Surface Deployment & Distribution  
Command  
720 Thimble Shoals Boulevard, Suite 130  
Newport News, VA 23606-2574

Recreation Resources Assistance  
Division National Park Service  
US Department of Interior  
1849 C/ Street NW  
Washington , DC 20240

Chief of the Forest Service  
US Department of Agriculture  
1400 Independence Ave., SW  
Washington , DC 20250-0003

Paul Sorrow, National President  
BLET  
1370 Ontario St - Mezzanine  
Cleveland, OH 44113-2630

Freddie N. Simpson  
BMW  
20300 Civic Center Drive, Suite 320  
Washington , DC 20002

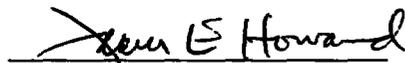
State of Maine Cooperative Extension  
PO Box 8  
Houlton, ME 04730-0008

State of Maine Cooperative Extension  
22 Hall Street, Suite 101  
Fort Kent, ME 04743-7131

State of Maine Cooperative Extension  
PO Box 727  
Presque Isle, ME 04769-0727

State of Maine Cooperative Extension  
307 Maine Avenue  
Bangor, ME 04401

Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001  
(via certified mail)

  
James E. Howard