

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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

**MONTREAL, MAINE & ATLANTIC RAILWAY, LTD –
DISCONTINUANCE OF SERVICE AND ABANDONMENT –
IN AROOSTOOK AND PENOBSCOT COUNTIES, MAINE**

REQUEST FOR PUBLIC HEARING

226842

Karyn A. Booth
Jeffrey O. Moreno
David E. Benz
Thompson Hine LLP
1920 N Street, N.W., Suite 800
Washington, DC 20036
202.263.4108
202.331.8330 (fax)

*Attorneys for Irving Woodlands LLC and
Irving Forest Products, Inc*

March 5, 2010

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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

**MONTREAL, MAINE & ATLANTIC RAILWAY, LTD –
DISCONTINUANCE OF SERVICE AND ABANDONMENT –
IN AROOSTOOK AND PENOBSCOT COUNTIES, MAINE**

REQUEST FOR PUBLIC HEARING

COMES NOW, Irving Woodlands LLC and Irving Forest Products, Inc. (collectively, “Irving”), pursuant to 49 CFR §§ 1117.1 and 1152.25(d)(6), and respectfully requests that the Surface Transportation Board (“Board”) hold a public hearing in Maine concerning the discontinuance of service and abandonment application of the Montreal, Maine & Atlantic Railway, Ltd. (“MMA”) in the above-captioned proceeding. In support hereof, Irving states as follows:

MMA filed an application on February 25, 2010 to discontinue service on and abandon roughly 233 miles of rail line in northern Maine. The scope of the proposed discontinuance and abandonment is unprecedented in recent history at the Board both in terms of the number of carloads of traffic currently transported on the line and also the importance of the rail line to the local communities. Northern Maine is a resource-rich area that depends on rail service to provide a vital transportation link to markets in the United States and Canada. If rail service ceases, an untold number of jobs would be lost in an already economically distressed area.

A public hearing is appropriate in this case so that the affected citizens, communities, and businesses can describe their use and reliance on rail services, the importance of the rail lines

included in the abandonment application to their communities and businesses, and the impacts if the Board were to grant MMA's abandonment application. Under 49 USC § 10903(d), the Board must address the public convenience and necessity when evaluating an abandonment application. Additionally, the Board must consider the impact of the proposed abandonment on rural and community development. Both of these statutory mandates would be aided by a public hearing that permits the Board to learn first-hand from the affected citizens, communities, businesses, and shippers in northern Maine. A public hearing also would allow the Board to engage in a dialogue with witnesses and ask questions – something not possible otherwise.

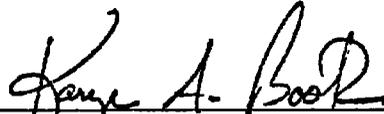
Irving recognizes that the Board's rules refer to a type of "oral hearing" that envisions cross-examination of witnesses. 49 CFR § 1152.25(d)(6). However, Irving believes that a public hearing as described above would be more appropriate and beneficial to the Board in this proceeding.¹ The Board previously has held public hearings when confronted with proposed abandonments of heavily used rail lines or where controversy was otherwise generated. *See Central Oregon & Pacific Railroad, Inc. – Abandonment and Discontinuance of Service – In Coos, Douglas, and Lane Counties, Oregon*, STB Docket AB-515 (Sub-No. 2) (served July 29, 2008); *Wisconsin Central Ltd – Abandonment – In Ozaukee, Sheboygan, and Manitowoc Counties, WI*, STB Docket AB-303 (Sub-No. 27) (served July 15, 2004). Given the current heavy use of the rail lines included in the MMA application, a public hearing is even more fitting and necessary in this case.

Irving supports the Request for Public Oral Hearing filed by the Maine Department of Transportation on March 4, 2010 in this proceeding. The Maine DOT suggested that the hearing could be held in Augusta, Maine. While Augusta would be an acceptable location, Irving also

¹ Irving has no objection to the Board also holding the oral hearing envisioned by § 1152.25(d)(6).

recommends that the Board consider having the hearing (or additional hearings) in Bangor or another location closer to the affected communities in northern Maine.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karyn A. Booth", written over a horizontal line.

Karyn A. Booth

Jeffrey O. Moreno

David E. Benz

Thompson Hine LLP

1920 N Street, N.W., Suite 800

Washington, DC 20036

202.263.4108

202.331.8330 (fax)

*Attorneys for Irving Woodlands LLC and
Irving Forest Products, Inc*

March 5, 2010

CERTIFICATE OF SERVICE

I certify that on this March 5, 2010 I caused a copy of the foregoing to be served by e-mail and first class mail upon the following:

James E. Howard
Suite 201
1 Thompson Square
Charlestown, MA 02129

Counsel for Montreal, Maine & Atlantic Railway

Toni L. Kemmerle
Chief Counsel
Department of Transportation
State of Maine
16 State House Station
Augusta, ME 04333-0016

Counsel for Maine Department of Transportation

Eric M. Hocky
Thorp Reed & Armstrong LLP
One Commerce Square
205 Market Street, Suite 1000
Philadelphia, PA 19103

Counsel for Maine Department of Transportation



David E. Benz