

BEFORE THE
SURFACE TRANSPORTATION BOARD



208947

Docket No. AB-279 (Sub-No. 3)

CANADIAN NATIONAL RAILWAY COMPANY
– ADVERSE DISCONTINUANCE –
LINES OF BANGOR AND AROOSTOOK RAILROAD COMPANY AND
VAN BUREN BRIDGE COMPANY
IN AROOSTOOK COUNTY, MAINE

Docket No. AB-124 (Sub-No. 2)

208948

WATERLOO RAILWAY COMPANY
– ADVERSE ABANDONMENT –
LINES OF BANGOR AND AROOSTOOK RAILROAD COMPANY AND
VAN BUREN BRIDGE COMPANY
IN AROOSTOOK COUNTY, MAINE

ENTERED
Office of Proceedings

SEP 22 2003

Part of
Public Record

MONTREAL, MAINE & ATLANTIC RAILWAY'S MOTION TO INTERVENE

Montreal, Maine & Atlantic Railway Ltd. ("MMA") requests leave to intervene in the above-captioned proceedings.¹ On November 14, 2002, the Chapter 11 Trustee of the Bangor and Aroostook Railroad Company, Debtor ("Trustee") filed a notice of intent to file an application for authorization for the adverse discontinuance of certain trackage rights held by Canadian National Railway Company ("CN") and the adverse abandonment of a certain easement held by Waterloo Railway Company ("WRC"). The Trustee filed amended notices of intent on August 13, 2003 and September 4, 2003. As the owner of the lines over which CN

¹ The Board has directed that the proceedings be consolidated for concurrent handling. See Waterloo Ry. – Adverse Abandonment – Lines of Bangor & Aroostook R.R. & Van Buren Bridge Co. in Aroostook County, ME, Docket No. AB-124 (Sub-No. 2) & Canadian National Ry. – Adverse Discontinuance – Lines of Bangor & Aroostook R.R. & Van Buren Bridge Co. in Aroostook County, ME, Docket No. AB-279 (Sub-No. 3) (STB served Oct. 23, 2002) at 1.

holds the trackage rights at issue and with respect to which WRC holds the easement at issue, MMA has a strong interest in this proceeding. The Board previously granted MMA's petition to intervene in a related proceeding involving the lines at issue.²

MMA's intervention as a party will also ensure that there is no dispute about its right to participate fully in this proceeding or its representatives' right to review material designated as Confidential or Highly Confidential under the Board's Protective Order in this proceeding. Moreover, CN served MMA with discovery on September 4, 2003, and MMA's intervention will ensure that its responses are covered by the Protective Order.

MMA's intervention will not in any way disrupt the schedule of these proceedings, nor will it broaden the scope of this proceeding.

In light of the foregoing reasons, the Board should grant this Motion to Intervene.

Respectfully submitted,



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September 22, 2003

² See Canadian National Ry. – Trackage Rights Exemption – Bangor & Aroostook R.R. & Van Buren Bridge Co., STB Finance Docket No. 34014 & Waterloo Ry. – Acquisition Exemption – Bangor & Aroostook R.R. & Van Buren Bridge Co., STB Finance Docket No. 34015 (STB served June 25, 2003) at 5.

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 2003, I caused a copy of the foregoing "Montreal, Maine & Atlantic Railway's Motion to Intervene" to be served by overnight delivery or a more expedient manner of service upon:

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