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February 2, 2024

By e-filing

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Pan Am Southern LLC
– Temporary Overhead Trackage Rights –
Boston and Maine Corporation and Springfield Terminal Railway Corporation
Docket No. FD 36726
Request for Extension

Dear Ms. Brown:

Pursuant to a notice served September 28, 2023, the Board authorized Pan Am Southern LLC ("PAS")¹ to commence operations under temporary overhead trackage rights over a line owned by the Boston and Main Corporation and leased and operated by Springfield Terminal Railway Company (the "B&M/ST Line"). The temporary overhead trackage rights were originally intended to extend for a 75-day term commencing September 28, 2023. In a decision served December 5, 2023, the Board granted a request to extend the temporary overhead trackage rights until February 5, 2024.

PAS is now seeking a further extension of these temporary overhead trackage rights until September 1, 2024.

The line generally extends between PAS's existing connection to the B&M/ST tracks at Engineering Station 215+89 at CPF 312 outside Ayer, Mass., and Engineering Station 225+00 outside Ayer, for a total distance of 1,000 feet. The purpose of these rights is to allow PAS/B&E to install a "cross-over" on the PAS line that will permit PAS/B&E to reposition locomotives without operating off the PAS line to serve a facility located on the PAS line just west of the connection to the B&M/ST Line at CPF 312. The initial estimate for procuring and installing the cross-over was approximately 75 days, but that schedule has been delayed.

¹ Pittsburg & Shawmut Railroad, LLC d/b/a Berkshire & Eastern Railroad ("B&E") currently serves as the contract operator of PAS. See *Pittsburg & Shawmut R.R.—Operation Exemption—Pan Am Southern LLC*, FD 36472 (Sub-No. 5) (STB served Apr. 14, 2022).

While PAS/B&E are constructing the cross-over, B&M/ST have agreed to allow PAS/B&E to use the B&M/ST Line for head and tail room in order for PAS/B&E to reposition locomotives serving the facility. The limited overhead temporary trackage rights are beneficial to PAS/B&E allowing PAS/B&E to perform that move while the cross-over is installed. Because the initial construction schedule continues to be delayed, the parties wish to extend the temporary overhead trackage rights until September 1, 2024 so that PAS can continue to serve the facility while construction is being completed.

Pursuant to the Board's regulations at 49 CFR §1180.2(d)(8), temporary trackage rights may be renewed for an additional period of up to one year upon a request made prior to their expiration that includes the reasons for the extension. See *Evansville Western Railway, Inc. – Temporary Trackage Rights Exemption – Illinois Central Railroad Company*, STB Docket No. FD 36622 (Sub-No. 1) (served Aug. 23, 2022); *The Indiana Railroad Company – Temporary Trackage Rights Exemption – CSX Transportation, Inc.*, STB Docket No. FD 36068 (Sub-No. 2) (served February 8, 2019). Accordingly, PAS hereby requests an extension until September 1, 2024, of the temporary overhead trackage rights described in this docket for the reasons set forth above. B&M/ST has authorized PAS to state that B&M/ST concurs in this request.

The parties have agreed to the extension and are working to finalize the paperwork. Once executed, PAS will file a copy of the executed Amendment to the Temporary Trackage Rights Agreement with the Board. Please let me know if there are any questions regarding this filing.

Respectfully,



Justin J. Marks
Counsel to Pittsburg & Shawmut Railroad, LLC
d/b/a Berkshire & Eastern Railroad, contract
operator of Pan Am Southern LLC

cc: All Parties on the Board's Service List