

51082
DO

SERVICE DATE – JANUARY 6, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36472¹

CSX CORPORATION AND CSX TRANSPORTATION, INC., ET AL.

—CONTROL AND MERGER—

PAN AM SYSTEMS, INC., PAN AM RAILWAYS, INC., BOSTON AND MAINE CORPORATION, MAINE CENTRAL RAILROAD COMPANY, NORTHERN RAILROAD, PAN AM SOUTHERN LLC, PORTLAND TERMINAL COMPANY, SPRINGFIELD TERMINAL RAILWAY COMPANY, STONY BROOK RAILROAD COMPANY, AND VERMONT & MASSACHUSETTS RAILROAD COMPANY

Decision No. 7

Decided: January 6, 2022

By decision served on December 10, 2021, the Board announced that it will hold a public hearing in these dockets on January 13, 2022, and, if necessary, January 14, 2022. Given the level of interest expressed in participating in the hearing, the Board has determined that a second day is necessary to accommodate all of the speakers who submitted notices of intent. Therefore, the public hearing will be held on January 13, 2022, and January 14, 2022, beginning at 9:30 a.m. each day via Zoom. The schedule of appearances and the time provided for each party are set forth in the Appendix to this decision.

Instructions for Attendance at Hearing

No later than January 10, 2022, parties scheduled to speak at the hearing will receive an email from the Board via **Hearings@stb.gov** titled “Panelist” that includes a link and instructions for how to enter the Zoom meeting. Parties should ensure that the email addresses of each speaker have been provided to the Board. Any party who appears on the schedule of appearances in the Appendix but has not yet provided a necessary email address must submit it

¹ This decision embraces the following dockets: Norfolk Southern Railway—Trackage Rights Exemption—CSX Transportation, Inc., Docket No. FD 36472 (Sub-No. 1); Norfolk Southern Railway—Trackage Rights Exemption—Providence & Worcester Railroad, Docket No. FD 36472 (Sub-No. 2); Norfolk Southern Railway—Trackage Rights Exemption—Boston & Maine Corp., Docket No. FD 36472 (Sub-No. 3); Norfolk Southern Railway—Trackage Rights Exemption—Pan Am Southern LLC, Docket No. FD 36472 (Sub-No. 4); Pittsburg & Shawmut Railroad—Operation Exemption—Pan Am Southern LLC, Docket No. FD 36472 (Sub-No. 5); SMS Rail Lines of New York, LLC—Discontinuance Exemption—in Albany County, N.Y., Docket No. AB 1312X.

to **Hearings@stb.gov** no later than January 7, 2021. Panelist links are speaker-specific and should not be forwarded or used by individuals that are observing the hearing.

To allow the Board sufficient time to engage with each panel, the Board cannot provide specific times for when each panel will be called. Accordingly, panelists will be responsible for monitoring the progress of the hearing and ensuring they are available when it is time for their panel. Panelists may enter the Zoom meeting before their panel is called but, if they do so, they must mute their microphones and turn off their cameras until their panel is called.

Any panelist who wishes to make a visual presentation at the hearing should email a copy of the presentation to the Board at **Hearings@stb.gov** no later than January 10, 2022. Board staff will conduct a technology practice session on January 11, 2022, from 11:30 a.m. to 12:30 p.m. for panelists to test their Zoom access and ability to share slides. Panelists making visual presentations are encouraged to attend. Panelists who would like to participate in the practice session should use the “Panelist” email invitation that will be sent to them. Any presentation provided during the hearing should also be submitted into the record as a formal filing in this docket via e-filing on the Board’s website by January 14, 2022.

The hearing will be available for public viewing at https://www.youtube.com/embed/live_stream?channel=UCgd2FPpKSpQZ57p771aafNg. The hearing may also be viewed through Zoom, although persons wishing to do so must register for that option via the following link: https://www.zoomgov.com/webinar/register/WN_oFsZLxpARqC4yp0rRHofnw. The hearing will be recorded, and the link to the recording will be available on the Board’s website at www.stb.gov, under the tab “News & Communications,” by clicking on “Meetings & Hearings.” Additionally, a transcript will be created and will be made available as soon as possible on the Board’s website, under the tab “News & Communications,” by clicking on “Transcripts & Statements.”

For further information regarding the hearing, contact Amy Ziehm at (202) 245-0391. Additional “Frequently Asked Questions” pertaining generally to participation in Zoom proceedings will be posted on the Board’s website at www.stb.gov. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

It is ordered:

1. A hearing will be held online on January 13 and 14, 2022, at 9:30 a.m. (Eastern Standard Time) via Zoom.
2. Visual presentations should be emailed to **Hearings@stb.gov** no later than January 10, 2022 and submitted into the record as a formal filing by January 14, 2022.
3. Time for presenting at the hearing is allotted as reflected in the Appendix to this decision.

4. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

APPENDIX
SCHEDULE OF APPEARANCES

<u>Party</u>	<u>Time Allotted</u>
Panel I - Applicants	
CSX Transportation, Inc. (CSXT)	75 minutes
• James M. Foote, President and Chief Executive Officer • Jamie Boychuk, Executive Vice President of Operations • Kevin Boone, Executive Vice President of Sales & Marketing • Sean Pelkey, Vice President and Acting Chief Financial Officer • Dr. David Reishus, CSXT's economic expert • Anthony LaRocca, counsel for CSXT. • Peter Denton, counsel for CSXT.	
Pittsburg & Shawmut Railroad, LLC d/b/a Berkshire & Eastern Railroad (B&E)	30 minutes
• Michael Miller, President of North American Operations, Genesee & Wyoming Inc. (GWI) • Matthew Walsh, Executive Vice President, Global Corporate Development, GWI • Leonard Wagner, Regional Senior Vice President of GWI's Northern Region, and President of B&E • Eric Hocky, counsel for B&E	
Norfolk Southern Railway Co. (NSR)	15 minutes
• William A. Mullins, counsel for NSR	
Panel II - State Senators and State Representatives	
Hon. Adam Hinds, Massachusetts State Senator	5 minutes
Hon. David McCluskey, (Former) Connecticut Deputy Speaker and Connecticut State Representative	5 minutes
Hon. John Barrett III, Massachusetts State Representative	5 minutes
Hon. Regina Birdsell, New Hampshire State Senator	5 minutes
Hon. Patrick O'Connor, Massachusetts State Senator	5 minutes

Panel III - Shippers

All States Asphalt, LLC	5 minutes
• Seth Hankowski, Executive Vice President of Materials Group	
BlueTriton Brands, Poland Springs	5 minutes
• Sarah L. Cohen, Northeast Transportation Manager	
Boston Sand and Gravel Co.	5 minutes
• Dean Boylan, President	
Broco Oil, Inc.	5 minutes
• Robert Brown, President and Chief Executive Officer	
Cushman Lumber Co.	5 minutes
• Steven Cushman, Vice President	

Panel IV - Logistics Providers

Hub Group	5 minutes
• Vince Paperiello, President of Intermodal and Chief Solutions Officer	
Greater Boston Transload, LLC	5 minutes
• Rich Spallone, President	
Swift Transportation	5 minutes
• Dustin Ohlman	
Law Logistics/Law Family Companies, Inc.	5 minutes
• Brian Law, President and Chief Executive Officer	
Javelin Global Commodities	5 minutes
• Steve DiCarlo, Vice President of Fuel Management	

Panel V - Parties Seeking Conditions

National Railroad Passenger Corporation (Amtrak)	10 minutes
• TBD	
Commonwealth of Massachusetts Department of Transportation and Massachusetts Bay Transportation Authority (MassDOT/MBTA)	15 minutes
• Robert A. Wimbish, counsel for MassDOT/MBTA	
Canadian Pacific Railway Limited (CP)	20 minutes
• James Clements, Senior Vice-President Strategic Planning and Technology Transformation,	
• David L. Meyer, counsel for CP	

Panel VI - State and Local Interests

Maine Department of Transportation	5 minutes
• Nathan Moulton, Director of Freight and Passenger Services	
New Hampshire Department of Transportation	5 minutes
• Patrick Herlihy, Director of Aeronautics, Rail and Transit	
Islington Creek Neighborhood (Portsmouth, N.H.)	10 minutes
• Thomas Hiney	

Panel VII - Shippers

Eastern Propane Gas Inc.	5 minutes
• Bob Lefebvre, Vice President - Supply	
Fabian Oil Inc.	5 minutes
• Hillel Weisel, Operations Manager	
Frost Bridge Associates, LLC	5 minutes
• Marjorie Shansky (on behalf of Todd Perry, Facility Manager)	
Mid-States Packaging, Inc.	5 minutes
• Charles Giroux, President and Owner	

Panel VIII - Other Rail Carriers

Northern New England Passenger Rail Authority	5 minutes
• Patricia Quinn, Executive Director	
New Hampshire Central Railroad, Inc.	5 minutes
• Edward Jeffrey, President and Owner	
Lewiston-Auburn Railroad Co.	5 minutes
• Jonathan LaBonte, President	

Panel IX - Financial and Economic Development Interests

Worcester Regional Chamber of Commerce	5 minutes
• Timothy P. Murray, President and Chief Executive Officer	
Western Massachusetts Economic Development Council	5 minutes
• Richard K. Sullivan, President and Chief Executive Officer	
Around the Corner Capital	5 minutes
• Dr. M.K. Dorsey, Chief Executive Officer and Co-founder	
Capital Policy Analytics Group	5 minutes
• Ike Brannon, President	
GFI Partners, LLC	5 minutes
• Steven Goodman, Manager	

Panel X - Applicants' Closing Statement and Questions and Answers

CSXT	15 minutes
B&E	
NSR ²	

² Although only CSX and B&E requested that time be reserved for a closing statement, NSR should also be available to participate in the final panel in case the Board has additional questions for it.