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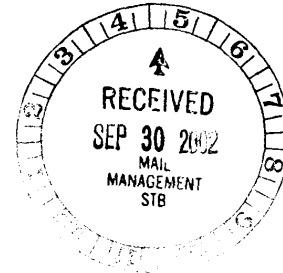
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September 30, 2002

VIA HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001



Re: Finance 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**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of **Petition For Reconsideration of Trustee of Bangor & Aroostook Railroad Company** dated September 30, 2002. A check in the amount of \$150.00, representing the appropriate fee for the Petition, is enclosed. Trustee represents the estate of a bankrupt railroad and therefore by this letter we are requesting a waiver and refund of the enclosed filing fee. In addition, please note that we are requesting expedited consideration for the Petition for the reasons set forth therein.

Should any questions arise regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,

Tracie D. Spear

Attorney for Trustee of Bangor & Aroostook
Railroad Company

Enclosures

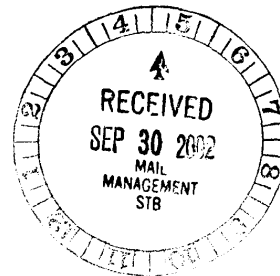
BEFORE THE
SURFACE TRANSPORTATION BOARD

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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

EXPEDITED CONSIDERATION REQUESTED

**PETITION FOR RECONSIDERATION OF
TRUSTEE OF BANGOR & AROOSTOOK RAILROAD COMPANY**

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ATTORNEYS FOR TRUSTEE OF BANGOR &
AROOSTOOK RAILROAD COMPANY

Dated: September 30, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

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

EXPEDITED CONSIDERATION REQUESTED

**PETITION FOR RECONSIDERATION OF
TRUSTEE OF BANGOR & AROOSTOOK RAILROAD COMPANY**

I. INTRODUCTION

Pursuant to 49 C.F.R. § 1115.3, James E. Howard, Esq., Trustee of the Bangor and Aroostook Railroad Company, Debtor (the "Trustee")¹, hereby files this Petition for Reconsideration of the Surface Transportation Board's ("STB" or "Board") September 25 decision in the above-referenced proceeding. The Trustee respectfully submits that the STB's decision to require the Trustee to file separate applications for the discontinuance of the Canadian National Railway Company's trackage rights and the discontinuance of Waterloo Railway Company's freight easement on the same lines of the Bangor and Aroostook Railroad Company and the Van Buren Bridge Company constitutes material error. Requiring separate applications would elevate form over

¹ Although the Trustee is acting in his capacity as Trustee of Bangor and Aroostook Railroad Company ("BAR") and Van Buren Bridge Company ("VBBC"), for convenience we will refer to him as the Trustee of the BAR.

substance and would deprive the Trustee of the convenience and cost savings afforded to other applicants in similar circumstances. Moreover, no interested party asked for or would benefit from separate applications.

Accordingly, the Trustee requests that the STB issue a decision allowing him to file a single application for the discontinuance of the Canadian National Railway Company's trackage rights and the discontinuance of Waterloo Railway Company's easement, docketed in the two applicable dockets.

II. STATEMENT OF FACTS

On August 9, 2002, the Trustee filed a Petition for Waiver pertaining to certain statutory and regulatory requirements for an adverse discontinuance application that the Trustee intended to file with respect to certain trackage rights of Canadian National Railway Company ("CN") and an easement of CN affiliate, Waterloo Railway Company ("WRC") on the same rail line.

On August 22, 2002, CN and WRC filed a reply to the Waiver Petition (the "CN Reply"). Among other things, the CN Reply asserted that the Trustee's Waiver Petition should be docketed in both Docket No. AB-279 (Sub-No. 3) and Docket No. AB-124 (Sub-No. 2). CN Reply at 6. The Trustee agreed with CN and WRC on this point. See Reply of Trustee of Bangor and Aroostook Railroad Company to Reply of Canadian National Railway Company and Waterloo Railway Company to Petition for Waiver (August 26, 2002) at 2.

In a decision served September 25, 2002, the STB indicated that CN had argued that any discontinuance application pertaining to the WRC easement "must be the subject of a separate request for a third party abandonment." Canadian National

Railway Company – Adverse Discontinuance – Lines of Bangor and Aroostook Railroad Company and Van Buren Bridge Company In Aroostook County, ME, Docket No. AB-279 (Sub-No. 3) (STB served September 25, 2002) (the “CN Waiver Decision”) at 3. The STB said that if the Trustee intended to seek termination of WRC’s easement, it would be required to file a separate application. Id. at 7.

III. ARGUMENT

Requiring separate applications for the CN trackage rights and the WRC easement would elevate form over substance. The WRC easement and the CN trackage rights pertain to the same line of railroad subject to the STB’s jurisdiction. Although they are held by different carriers, the WRC easement and the CN trackage rights are co-extensive and inextricably linked. No purpose would be served by requiring the Trustee to file two separate applications. To the contrary, the Trustee would be required to file two separate notices of intent and (in the applications) two largely if not completely duplicative evidentiary submissions.² Absent consolidation for concurrent handling, all interested parties (including CN) likely would then be obligated to file largely overlapping pleadings. No interested party would benefit from separate applications.

Requiring separate applications would deprive the Trustee of the convenience and cost savings afforded to other applicants in similar circumstances. The STB has allowed applicants to seek the discontinuance of trackage rights and the abandonment of the corresponding rail line in a single application. See e.g., Boston and Maine Corporation – Abandonment – In Hartford and New Haven Counties, CT, STB Docket

² The Trustee today has filed a separate Petition for Waiver in Docket Number AB-124 (Sub-No. 2) so that it can proceed if the STB denies this Petition for Reconsideration.

No. AB-32 (Sub-No. 83); Springfield Terminal Railway Company – Discontinuance of Service – in Hartford and New Haven Counties, CT, STB Docket No. AB-355 (Sub-No. 23) (STB served April 22, 1998) (where Boston and Maine Corp. sought abandonment authority and Springfield Terminal Railway Company sought discontinuance authority on the same line of railroad in a single application). Although the present case involves two adverse discontinuances, there is no reason to treat this case differently than the B&M/ST case.

CN and WRC did not argue or even request that the Trustee seek discontinuance authority with respect to the WRC easement in a separate application. As noted above, CN and WRC said that the relief sought by the Trustee should be docketed in both dockets [Docket No. AB-279 (Sub-No. 3) and Docket No. AB-124 (Sub-No. 2)] and the Trustee agreed. The STB's decision mischaracterizes CN/WRC's request. Moreover, as noted above, no interested party would benefit from separate applications.

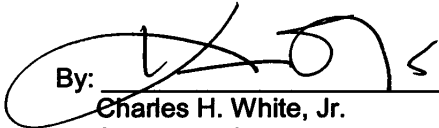
IV. REQUEST FOR EXPEDITED CONSIDERATION

To achieve the costs savings and convenience that would result from the relief requested herein, the Trustee would need a decision with respect to this Petition before it publishes a notice of intent with respect to either the CN trackage rights discontinuance or the WRC easement discontinuance. Once the first of these Notices of Intent is published, the costs and inconvenience of republishing the Notice would exceed the cost savings and convenience that would result from the relief requested. Accordingly, the Trustee respectfully requests expedited consideration of this Petition and a decision issued and effective as soon as practicable.

* * * *

WHEREFORE, James E. Howard, Esq., Trustee of the Bangor and Aroostook Railroad Company, respectfully requests that the Board grant this Petition for Reconsideration and issue a decision allowing him to file a single application for the discontinuance of the Canadian National Railway Company's trackage rights and the discontinuance of Waterloo Railway Company's freight easement, docketed in the two applicable dockets.

Respectfully submitted,

By: 

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ATTORNEYS FOR TRUSTEE OF BANGOR &
AROOSTOOK RAILROAD COMPANY

Dated: September 30, 2002

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2002, a copy of the foregoing
Petition for Reconsideration of Trustee of Bangor & Aroostook Railroad Company
was served by first class mail, postage prepaid, upon:

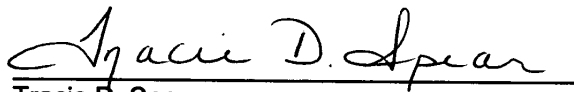
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