

SERVICE DATE – DECEMBER 5, 2023

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36726

PAN AM SOUTHERN LLC—TEMPORARY OVERHEAD TRACKAGE RIGHTS—
BOSTON AND MAINE CORPORATION AND SPRINGFIELD TERMINAL RAILWAY
CORPORATION

Decided: December 5, 2023

On September 21, 2023, Pan Am Southern LLC (PAS) filed a verified notice of exemption under 49 CFR 1180.2(d)(8) to acquire temporary overhead trackage rights over a line owned by the Boston and Maine Corporation (B&M) and leased and operated by Springfield Terminal Railway Company (ST). That line generally extends between PAS's existing connection to B&M/ST's tracks at Engineering Station 215+89 at CPF 312 outside Ayer, Mass., and Engineering Station 225+00 outside Ayer, for a total distance of approximately 1,000 feet (the Line).

PAS was authorized to acquire these trackage rights over the Line by notice of exemption served and published in the Federal Register on September 28, 2023 (88 FR 66928).¹ The purpose of the trackage rights is to provide the necessary head and tail room to reposition locomotives while PAS procures and installs a "cross-over" to address a lack of space on the Line. Currently, the rights are scheduled to expire on December 5, 2023.

Under 49 CFR 1180.2(d)(8), the parties may, prior to the expiration of the temporary trackage rights, file a request for a renewal of the temporary rights for an additional period of up to one year, including the reasons for the extension. PAS states that the cross-over is not expected to be delivered as early as the parties anticipated and, therefore, the parties wish to extend the temporary overhead trackage rights until February 5, 2024. PAS filed a copy of an executed amendment to the temporary trackage rights agreement with its request for an extension.

In accordance with 49 CFR 1180.2(d)(8), PAS's temporary trackage rights over the Line will be extended and will expire on February 5, 2024. The employee protective conditions imposed in the September 28, 2023 notice remain in effect. Notice of the extension will be published in the Federal Register.

¹ On September 28, 2023, the Board granted PAS' petition to waive the requirement under 49 CFR 1180.4(g) that a verified notice be filed at least 30 days before the transaction is consummated and allowed the exemption to take effect immediately.

It is ordered:

1. PAS's temporary trackage rights are extended and will expire on February 5, 2024.
2. Notice will be published in the Federal Register.
3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.