

SERVICE DATE—DECEMBER 11, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36856

PROVIDENCE AND WORCESTER RAILROAD COMPANY—
OPERATION EXEMPTION—STATE OF CONNECTICUT

[REQUEST FOR WAIVER OF 49 C.F.R. § 1150.42(e)]

Digest:¹ This decision waives a 60-day advance notice requirement and allows Providence and Worcester Railroad Company to continue to operate approximately 16.84 miles of rail line in Connecticut, on or after December 13, 2025.

Decided: December 11, 2025

On November 13, 2025, Providence and Worcester Railroad Company (P&W), a Class III rail carrier, filed a verified notice of exemption under 49 C.F.R. § 1150.41 to enter into an operating agreement with the State of Connecticut (the State) to continue to operate approximately 16.84 miles of railroad known as the Middletown Cluster, consisting of the following lines (collectively, the Line): (1) the Cromwell Industrial Track from its connection to the Laurel Industrial Track in Middletown (approximately milepost 22.34) north along the west side of the Connecticut River to the end of the line in Cromwell, Conn. (approximately milepost 24.35);² (2) the East Berlin Industrial Track in Middletown, Conn., from its point of connection to the Cromwell Industrial Track (approximately milepost 0.0) to the end of the line (approximately milepost 1.0); (3) the Laurel Industrial Track from its connection to the Middletown Secondary on the west side of the Connecticut River Swing Bridge (approximately milepost 0.0) south along the west side of the Connecticut River to the end of the line in Laurel, Middletown Township, Conn. (approximately milepost 5.47); (4) the Middletown Secondary from a point approximately 4,330 feet south of the centerline of Route 157—Overhead Bridge No. 17.71 in Reed's Gap, Durham Township, Conn. (approximately milepost 14.99) to the west side of the Connecticut River Swing Bridge (approximately milepost 22.34); and (5) the Portland Industrial Track from the west side of the Connecticut River Swing Bridge, its connection to the

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

² The verified notice states that the mileposts have been revised in order to reflect the current designation. (Notice 5 n.3).

Middletown Secondary in Middletown (approximately milepost 0.0) to the easterly side of Marlboro Street in Portland, Conn. (approximately milepost 1.01).

According to the verified notice, the State owns the Line, and P&W currently operates the Line as the successor in interest to the Connecticut Central Railroad Company, Inc. (Verified Notice 3-4); see Conn. Cent. R.R.—Operation Exemption—Certain Lines of the State of Conn., FD 31045, slip op. at 1 (ICC served June 3, 1987). The verified notice states that P&W and the State have entered into a new operating agreement, under which P&W will continue to be the common carrier operator of the Line.³ (*Id.* at 2-3, 7.) P&W also certifies in the verified notice that its revenues currently exceed \$5 million. (*Id.* at 6.) Accordingly, unless waived, 49 C.F.R. § 1150.42(e) would require P&W, at least 60 days before the exemption becomes effective, to post a notice of its intent to undertake the proposed transaction setting forth certain information at the workplace of the employees on the affected lines, serve a copy of the notice on the national offices of the labor unions with employees on the affected lines, and certify to the Board that it has done so. However, the verified notice includes a request for waiver of those notice requirements. (Verified Notice 7-8.)

Notice of P&W's exemption was served and published in the Federal Register on November 28, 2025 (90 Fed. Reg. 54,837). The published notice announced that the Board would establish the effective date of the exemption in a separate decision on the waiver request.

In its request for waiver, P&W argues that the labor notice requirements are unnecessary because the proposed transaction would not result in any changes for the employees working on the Lines. (Verified Notice 7.) P&W asserts that P&W and its predecessor have operated the Line since 1987, and further states that under the new operating agreement, P&W will remain the sole common carrier operator on the Line. (*Id.*) P&W also states that no employees of the State will be affected by the new operating agreement because the State does not conduct any rail operations on the Line. (*Id.* at 7-8.) No opposition to this waiver request has been filed.

DISCUSSION AND CONCLUSIONS

The purpose of the notice requirements at 49 C.F.R. § 1150.42(e) is to ensure that rail labor unions and employees who would be affected by the transfer of a line are given sufficient notice of the transaction before consummation.

³ P&W states that under the new operating agreement, it will also continue to operate the State's approximately 11.49-mile Wethersfield Secondary rail line pursuant to a modified certificate. See Conn. Cent. R.R.—Modified Rail Certificate, FD 33125, slip op. at 1-2 (STB served Oct. 17, 1996); Conn. Cent. R.R.—Modified Rail Certificate, FD 33515, slip op. at 1 (STB served Dec. 22, 1997). Board approval is not required for lease amendments or extensions where the subject line is operated under a modified certificate of public convenience and necessity. Vt. Ry.—Modified Rail Certificate, FD 34455, slip op. at 2 (STB served Jan. 27, 2004).

Here, however, it does not appear that the purpose behind the requirements would be thwarted if the requested waiver is granted. The record indicates that no employees would be adversely affected by a waiver of the 60-day notice requirements. P&W and its predecessor have operated the Line since 1987, and P&W will continue to be the sole operator under the new operating agreement. (Verified Notice 7.) P&W further states that the State does not conduct rail operations on the Line and has no railroad employees who will be affected by the new operating agreement. (Id.)

Because no employees would be adversely affected by the requested waiver of the 60-day notice period, the Board will grant the waiver. Accordingly, P&W's operation exemption, unless stayed, will become effective on December 13, 2025, the effective date under the Board's rules absent the notice requirement.

This action is categorically excluded from environmental review under 49 C.F.R. § 1105.6(c).

It is ordered:

1. P&W's request for waiver is granted.
2. P&W's exemption will be effective on December 13, 2025, unless stayed.
3. This decision is effective on its date of service.

By the Board, Board Members Fuchs, Hedlund, and Schultz.