



DECISION ID NO.: 50630
DECIDED DATE: 2/2/2021
SERVED DATE: 2/2/2021
APPROVED: *Aim C. Dri*
Director

Office of
Proceedings

GU to file a status report by
☒ 2/24/2021.

GRANTED

301544

ENTERED
Office of Proceedings
January 28, 2021
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36464

GRAFTON AND UPTON RAILROAD COMPANY --
PETITION FOR DECLARATORY ORDER

STATUS REPORT

Grafton and Upton Railroad Company ("GU") filed a Motion to Hold Proceeding in Abeyance on December 3, 2020 asking the Board to hold the above captioned proceeding in abeyance in order to give GU and the Town of Hopedale, Massachusetts (the "Town") an opportunity to resolve the issues that led to the filing of the Motion. The Board granted the Motion on December 4, 2020 and directed GU to file a status report by January 29, 2021.

GU and the Town have participated in a mediation followed by discussions concerning the resolution of the issues described in the Verified Petition for Declaratory Order filed by GU with the Board on November 23, 2020. These issues include matters raised by the Town in the litigation it has filed in the Land Court in Massachusetts and the preemption issues raised by GU in the Verified Petition.

Earlier this week, GU and the Town reached an agreement in principle that would resolve all of the issues between them. The parties are in the process of drafting documentation to memorialize the terms of the settlement agreement. When such documentation has been completed and executed, GU and the Town intend to ask the Land Court in Massachusetts to

dismiss the case. The Land Court has required the parties to report on the status of the case on or before February 24, 2021.

In order to afford GU and the Town time within which to complete the documentation of the settlement and attend to the dismissal of the state court litigation, the Board is requested to continue to hold this proceeding in abeyance until February 24, 2021. GU will file a status report with the Board as directed or on or before February 24, 2021.

Respectfully,

/s/James E. Howard

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Attorney for Grafton and
Upton Railroad Company

Dated: January 28, 2021

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2021, I served a copy of the foregoing Status Report on counsel for the Town of Hopedale, Massachusetts by email as follows:

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/s/James E. Howard
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