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Representing Over 3 Million People in Massachusetts Communities Since 1985

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March 24, 2021

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E. Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
March 24, 2021
Part of
Public Record

Re: **STB Docket No. FD 36472, 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**

Dear Ms. Brown:

The MWRA Advisory Board represents the communities that receive their drinking water from the Wachusett Reservoir. We are responding to the above-mentioned filing.

On March 23, the MWRA filed a letter recommending that this proposed merger be "Significant" rather than "Minor." The Advisory Board agrees with the MWRA and requests that the Application be rejected and re-submitted as Significant. Our rationale is as follows:

- The CSX purchase of PanAM includes the Worcester Mainline of which 7.6 miles are located within the Wachusett Watershed. The location of the tracks runs immediately adjacent to and directly over the Wachusett Reservoir. The MWRA Waterworks System provides drinking water to 3.0 million people by transferring water from the Quabbin Reservoir to the Wachusett Reservoir prior to treatment.
- The risk of a derailment due to speed or track irregularities could cause a release of hazardous materials into the reservoir. The potential contamination would affect the public health of 3.0 million people in addition to a negative economic impact beyond Massachusetts. A train carrying contaminated soils derailed in the watershed in 2017. If these soils had entered the reservoir, the impact could have been significant. CSX has not followed up with the MWRA regarding implementation of safety measures that would minimize the risk of a derailment in the watershed.
- The Advisory Board has for several years been increasingly concerned about the threat to drinking water that this rail line has. With the merger's legal agreement having been granted a protective order under this docket, and many details of rail transport generally being exempt from public notification requirements, we feel that this merger having a "Minor" designation would be a detriment to the public interest of oversight of threats to a major public drinking water supply.

We believe this level of potential risk should not be considered a Minor filing as requested by the applicants. As this filing has potential consequences for Greater Boston and well beyond the region, we request a Significant filing to address the possible impacts of this proposed Control and Merger between CSX Transportation, Inc. and Pan Am Systems Inc.

Sincerely,

Louis M. Taverna, P.E., MWRA Advisory Board Chairman



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I certify that I have served copies of this document upon all parties of record in this proceeding, by email.

MWRA Advisory Board by:

A handwritten signature in black ink, appearing to read 'James Guidod', written over a horizontal line.

James Guidod

March 24, 2021

Date