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**LEONARD A. SIMON
40 MEADOWBROOK CIRCLE
SUDBURY, MA 01776**

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Office of Proceedings
December 5, 2022
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Public Record

December 5, 2022

Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Rail Line Abutting Landowners – Verified Petition for Declaratory Order, Docket No. 36623

Dear Chairman Oberman and Members of the Surface Transportation Board:

Kindly accept for filing and your consideration a copy of my letter Representatives Catherine Clark and Lori Trahan dated September 9, 2022. It is submitted in response to their letter to the Surface Transportation Board dated July 15, 2022.

I have sent a copy of my letter to Representatives Clark and Trahan and to all Parties of Record.

Very truly yours,

/s/ Leonard Simon

Leonard Simon

Enclosure

Cc: Parties of record

**LEONARD A. SIMON
40 MEADOWBROOK CIRCLE
SUDBURY, MA 01776**

September 9, 2022

Katherine Clark
Member of Congress
2448 Rayburn Office Building
Washington, DC 20515
By email to: megan.ferren@mail.house.gov and regular mail

Lori Trahan
Member of Congress
2439 Rayburn HOB
Washington, DC 20515
By email to: elay.taichman@mail.house.gov and regular mail

Re: Rail Line Abutting Landowners – Verified Petition for Declaratory Order, Docket No. 36623

Dear Representatives Clark and Trahan:

I have received a copy of your July 15, 2022, letter to the Surface Transportation Board (STB) regarding the above noted matter.

I would like to address a few points contained in your letter. First, the STB Petition was signed by several private abutting landowners, not the Town of Sudbury or the Town of Hudson.

The Town of Sudbury is the main abutter, owning more land than any other abutter. In Hudson, the Town is also an abutter and may also be the principal abutter. Protect Sudbury, Inc. asked both towns to sign onto the Petition. The Select Boards of both towns declined to do so.

Second, the dual issues of necessity of grid expansion and environmental protection, noted in your July 15, 2022, letter were extensively briefed and argued in the course of an exhaustive hearing at the Massachusetts Energy Facilities Siting Board (EFSB). The EFSB issued its 231-page decision on December 2, 2019, concluding there was, indeed, a need for the transmission line and that the environmental concerns had been satisfied. Sudbury and Protect Sudbury appealed the EFSB decision to the Massachusetts Supreme Judicial Court (SJC). The SJC unanimously affirmed the EFSB's findings and conclusions in its 37-page decision, finding no error whatsoever in the EFSB decision regarding 1) the need for the transmission line or, 2) on environmental grounds. Several amicus briefs were submitted by; the Massachusetts Bicycle

Coalition, Massachusetts Central Rail Trail Coalition, East Quabbin Land Trust, East Coast Greenway Alliance, and Rails to Trails Conservancy.

Previously, in 2017, the Town of Sudbury brought suit in the Massachusetts Land Court to block the proposed Eversource transmission line on the “prior public use” common-law doctrine. The Land Court ruled against Sudbury. The SJC, on its own initiative, took the case and unanimously affirmed the Land Court decision.

To date, the Town of Sudbury has spent over one million dollars in legal fees opposing the Eversource transmission line at the state agency level and in the courts, including twice at the SJC, with no success in any venue. The legal avenues have proven unproductive, and the decisions have not provided any reasonable basis to further contest the transmission line.

Over the course of many months, Sudbury’s Conservation Commission gave careful consideration to the environmental impacts and crafted the most comprehensive, detailed, and protective Order of Conditions in its history for the transmission line project.

Forth, I don’t know if you have been made aware of the Massachusetts Department of Conservation and Recreation’s (DCR) commitment to construct a critical section of the Mass Central Rail Trail on the service road above the buried electric transmission line. The 104-mile Mass Central Rail Trail will run from Boston to Northampton and will be a valuable resource for the entire state. It will intersect with the Bruce Freeman Rail Trail in Sudbury, forming the backbone of a regional web of rail trails.

Fifth, on a practical level, the computer chip maker, Intel, closed its plant in Hudson in 2017 because the location was not big enough to accommodate equipment to manufacture leading-edge chips. A factor in the decision was that there was not reliability in the supply of electricity to the plant. The Sudbury to Hudson Transmission Reliability Project would have fixed that, though now it is too late to reverse Intel’s decision. However, the issue of power reliability to Hudson and surrounding communities persists.

Protect Sudbury, Inc., is a corporation is dedicated to stopping the Sudbury to Hudson Transmission Reliability Project *at any cost, and for any reason*. It is now trying to pursue its objective of stopping the transmission line at the Surface Transportation Board using the front of ‘possible property rights’ of private abutters. The STB has already ruled against Protect Sudbury’s attempts to use this theory on standing grounds.

Any private benefit must be weighed against the greater public good of reliable electric service to Hudson and adjacent communities as determined by the Federal Energy Regulatory Commission and ISO New England. The Sudbury to Hudson transmission line was one of more than a dozen projects deemed necessary to ensure reliable power service in the greater Boston area. Your letter recognizes that public benefit when you noted, “We fully support grid expansion, and we are particularly happy that Eversource is working to expand and stabilize the grid for our districts.”

Although Protect Sudbury, Inc. claims to oppose the installation of the underground power line as unnecessary and on environmental grounds, it has an ulterior motive; that is, it opposes the rail trail that DCR intends to install on the service road above the transmission line.

As a former member of the Sudbury Select Board and a 40-year resident of Sudbury, it seems to me that the Select Board's decision not to join Protect Sudbury, Inc.'s petition to the STB reflects a conclusion that the need for the transmission line has been established and that environmental concerns have been addressed. It also implies further petitions and legal actions are not warranted, and the public benefits to the majority of town residents of having the 4.5 miles of the Mass Central Rail Trail in Sudbury outweigh the benefits to private landowners.

I believe your letter of July 15, 2022, was well intended, but it appears to have been sent without a full understanding of the extensive regulatory and legal history of the Sudbury to Hudson Transmission Reliability Project. The record shows your concerns about grid expansion and environmental protection have been addressed.

For the reasons explained in this letter I respectfully request that you revisit your requests to the Surface Transportation Board, as noted in your July 15, 2022 letter.

Sincerely,

/S/ Leonard Simon

Leonard Simon

Cc: Senator Jamie Eldridge

Cc: all Parties of Record, 12/5/2022