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December 5, 2022

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street SW, Room 1034
Washington, DC 20024

Re: FD 36623**Rail Line Abutting Landowners – Verified Petition for Declaratory Order**

Dear Ms. Brown:

Massachusetts Bay Transportation Authority (“MBTA”) hereby replies to the Rail Line Abutting Landowners’ (the “Landowners”) November 15, 2022 Status Update. MBTA disagrees with the Landowners that “the contesting of MBTA’s property interests in state court . . . defeats MBTA’s past assertion regarding ripeness” of the Landowners’ petition for declaratory order in the present proceeding. Status Update, 1.

The state court quiet title action reportedly initiated by the self-proclaimed “Harmed Landowners” does not ripen this presently-unripe declaratory order proceeding. Rather, if the involved state court were to deny the Harmed Landowners’ request for quiet title relief – an outcome MBTA believes will occur, based on governing precedent supporting MBTA’s decades-old fee title interests – then Board action would no longer be unripe; such action would be moot in the presence of MBTA’s affirmed ownership interest in the corridor. Furthermore, as the Board itself likely has surmised, the state court would not need a jurisdictional finding from the Board to rule on the merits of the Harmed Landowners’ property claims.

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Respectfully submitted,

/s/ *R. A. Wimbish*

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cc: All parties of record