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July 1, 2024

BY E-FILING

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

Re: ICC Finance Docket No.29963
Bay Colony Railroad Corporation - Modified Rail Certificate

Notice of Intent to Terminate Service

Dear Ms. Brown:

In a decision served June 21, 2024, the Board granted Bay Colony Railroad Corporation ("BCLR") after-the-fact authority to acquire and operate an easement for the 3.4-mile Millis Industrial Track that had been the subject of a modified rail certificate in this docket. *Bay Colony Railroad Corporation – Acquisition and Operation of Rail Line – In Norfolk County, Mass*, Docket No. FD 35746 (the "*June 21 BCLR Decision*"). The Board also confirmed that the 0.1-mile Dover Secondary remained subject the modified certificate in this docket, but that BCLR could terminate its modified certificate service. *Id.* In a companion decision, the Board granted Massachusetts Coastal Railroad, LLC ("Mass Coastal") the right to acquire from BCLR and to operate the same 3.4- and 0.1-mile rail lines. *Massachusetts Coastal Railroad, LLC – Acquisition and Operation Exemption – Bay Colony Railroad Corporation and Massachusetts Bay Transportation Authority*, Docket No. FD 35747 (the "*June 21 Mass Coastal Decision*"). The *June 21 BCLR Decision*, at p.10 and p. 11 (ordering paragraph 4), requires BCLR to provide notice of its termination of modified certificate operations on the Line (the combined 3.4-mile Millis Industrial track and the 0.1-mile Dover Secondary) at least seven days in advance of the planned termination.

Pursuant to the *June 21 BCLR Decision* and 49 C.F.R. §1150.24, BCLR hereby provides notice of its intention, effective July 11, 2024, to terminate modified certificate operations on the Line comprised of

- (1) The 3.4-mile Millis Industrial Track between Milepost 0.0 and Milepost 3.4 in Norfolk County, Massachusetts; and

- (2) The 0.1-mile Dover Secondary between Milepost 7.2 and Milepost 7.3, in Norfolk County, Massachusetts.

The Line is a portion of the rail lines owned by Massachusetts Department of Transportation ("MassDOT") and MBTA and operated by BCLR pursuant to Modified Rail Certificates issued by the Interstate Commerce Commission in *Bay Colony Railroad Corporation – Modified Rail Certificate*, ICC Finance Docket No. 29963 (ICC served June 29, 1982, and ICC served September 24, 1987).¹

Mass Coastal will begin providing common carrier service over the Line as authorized in the *June 21 Mass Coastal Decisions* immediately following BCLR's termination of service.

I hereby certify, in accordance with 49 C.F.R. 1150.24, that copies of this notice have been sent by email to MBTA, MassDOT and to Mass Coastal as shown on the following page.²

Respectfully,

CLARK HILL, PLC

/s/ Eric M. Hocky

Eric M. Hocky

Counsel for Bay Colony Railroad Corporation

EMH:e

¹ Following the termination of the modified certificate for the Line, BCLR will no longer hold a modified certificate to operate any of the lines covered by the Modified Certificate in Docket No. FD 29963.

² No persons have used the Line within the 6 months prior to the date of the date of this notice, and accordingly, there are no additional persons that are required to be served.

Cynthia T. Brown
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