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 GRANTED Office of Proceedings	DECISION ID NO.: <u>52591</u>
	DECIDED DATE: <u>5/13/2025</u>
	SERVED DATE: <u>5/13/2025</u>
	APPROVED: <u><i>[Signature]</i></u> Acting Director
	☒ Motion to withdraw in both dockets granted.

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April 30, 2025

309508

BY E-FILING

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

ENTERED
Office of Proceedings
April 30, 2025
Part of
Public Record

Re: **New England Transrail, LLC d/b/a Wilmington & Woburn
Terminal Railway-Construction, Acquisition and Operation
Exemption-in Wilmington and Woburn, Massachusetts**
Docket No. FD 34797
Docket No. FD 34797 (Sub No. 1)

Dear Ms. Brown:

New England Transrail ("NET") and Wilmington Woburn Intermodal, LLC ("WWI"), through undersigned counsel, hereby move to withdraw the pending Petitions in this Docket and in Sub-docket No.1.

On June 24, 2016, NET filed a petition for exemption seeking authority to construct or rehabilitate, and operate as a rail carrier, over approximately 16,565 feet of track located on property in Wilmington and Woburn, Massachusetts. The property was owned by Olin Corporation ("Olin") at the time of the filing. The property includes a superfund site, the cleanup of which has been the subject of ongoing review and negotiations between Olin and the U.S. Environmental Protection Agency ("EPA"). The Board instituted a proceeding on September 20, 2016.

In November 2018, NET petitioned to substitute WWI as the Petitioner. WWI is a joint venture between NET and commercial developer GFI Partners. That petition is still pending with the Board in Sub-docket No. 1. Nevertheless, WWI is joining in this motion.

On December 11, 2018, NET and the Town of Wilmington ("Town") filed a joint motion to hold this proceeding in abeyance which was granted on December

14, 2018. Since that time, the only activity in the Docket and Sub-docket have been status reports filed by NET and Town advising the Board of the status of discussions between NET and the Town as well as the status of the discussions between Olin and the EPA regarding the remediation of the property. In connection therewith, Olin has submitted certain remedial design work plans to the EPA pursuant to the Consent Decree, and those work plans remain subject to EPA review and oversight.

WWI (and, by extension, NET as an investor in it) closed on the purchase of the Olin property at 51 Eames Street, Wilmington, MA on October 18, 2024, following the execution of a Prospective Purchaser Agreement ("PPA") between WWI and EPA. WWI's proposed redevelopment of the Olin property includes the construction of a 195,400 square foot warehouse facility in Phase 1. Phase 2 of the redevelopment is proposed as a future addition to the warehouse to serve as the permanent cap on the containment area. In the PPA, WWI agrees that it will coordinate and cooperate with Olin to ensure that the construction of the project will be consistent with the requirements of EPA's cleanup plan for the site and consistent with EPA's Consent Decree with Olin and the three other parties responsible for the contamination.

As noted in the Joint Status Report filed with the Board on April 10, 2025, as plans have advanced, NET and WWI have determined that they will no longer seek an exemption for construction, acquisition and operation of a rail line subject to the Board's jurisdiction in connection with the development of the property. Accordingly, NET requests that the Board accept NET's withdrawal of the petition and close the primary Docket.¹ Withdrawal of the petition in the primary Docket moots the petition in Sub-Docket 1 to substitute WWI as the petitioner instead of NET, and accordingly, NET requests that the Board accept withdrawal of the petition to substitute and close Sub-Docket No. 1 as well.

Please let us know if the Board has any questions concerning this request.

Sincerely,

CLARK HILL PLC

/s/ Eric M. Hocky

Eric M. Hocky

*Counsel for New England Transrail and
Wilmington Woburn Intermodal, LLC*

¹ NET also requests that Board terminate any pending environmental review as well.

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EMH/e

cc: Danielle Gosselin, OEA (by email)
Adam Assenza, OEA (by email)
Mark R. Reich, Esq., Counsel for Town (by email)
Roger L. Smerage, Esq., Counsel for Town (by email)
Attached Service List for this Docket and Sub-Docket No. 1

REVISED CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April, 2025, a copy of the foregoing motion to withdraw and close docket was sent by email or U.S. first class mail to the following Parties of Record in Docket No. 34797 and Sub-Docket No. 1:

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/s/ Eric M. Hocky

Eric M. Hocky