

SERVICE DATE – MARCH 31, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 34797 (Sub-No. 1)

NEW ENGLAND TRANSRAIL, LLC, d/b/a WILMINGTON & WOBURN TERMINAL
RAILWAY—CONSTRUCTION, ACQUISITION AND OPERATION EXEMPTION—IN
WILMINGTON AND WOBURN, MASS.

Decided: March 31, 2025

On June 24, 2016, New England Transrail, LLC (NET), filed a petition seeking an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 to construct or rehabilitate 10,838 feet of track, acquire 5,727 feet of existing track, and operate as a rail carrier over the combined 16,565 feet of track located in Wilmington and Woburn, Mass. NET's proposed project would be located on land that is currently owned by Olin Corporation (Olin). NET has an option to purchase the land, as well as an adjacent parcel. (NET Pet. 4.) The Olin property includes a Superfund site, (*id.* at 12), which is the subject of ongoing negotiations between Olin and the Environmental Protection Agency (EPA), (*see, e.g.*, NET Status Report 2, Jan. 28, 2022). The Board instituted a proceeding on September 20, 2016, and the Board's Office of Environmental Analysis issued a Notice of Availability of Final Scope of Study for the Environmental Impact Statement on November 2, 2017.

On December 11, 2018, NET and the Town of Wilmington, Mass. (the Town), filed a joint motion to hold this proceeding in abeyance, which was granted on December 14, 2018. That order directed the parties to file a status report by March 14, 2019, and every 90 days thereafter.¹

On January 20, 2023, the periodic reporting requirement was suspended given the pace of developments, and the parties were ordered to report within 60 days after a final consent agreement between Olin and EPA regarding remediation of the Olin property is lodged in federal court or within 60 days of when NET and the Town learn that Olin and EPA are unable to reach a consent agreement. On December 5, 2023, NET notified the Board that Olin and the EPA had entered into a consent decree. NET further noted that remedial design activities would commence and discussions with the Town in conjunction with the redevelopment of the site were continuing.

Given the passage of time since the last update, NET and the Town will be directed to provide another status report by April 10, 2025, regarding the progress of issues since the last

¹ The schedule for filing status reports was modified in decisions served on April 14, 2019, and October 24, 2019, but status reports continued to be due every 90 days.

status update, including NET's plans for property development and any significant steps that have occurred or are scheduled to occur. In those status reports, the parties may suggest, based on their expectations for significant developments in the proceeding, a schedule for providing any future status reports the Board may order. If the parties wish, they may consult with each other and file a single, joint report.

It is ordered:

1. NET and the Town are directed to file a status report or reports as described above by April 10, 2025.

2. This decision is effective on the date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.