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July 27, 2018

VIA E-FILE AND FIRST-CLASS MAIL

246134

Ms. Cynthia T. Brown
Chief of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
July 27, 2018
Part of
Public Record

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

Town of Wilmington Objection to NET's Petition for Substitution of Parties

Dear Ms. Brown:

On behalf of the Town of Wilmington, we are filing the above noted objection.

As we discussed with the Surface Transportation Board staff today, we are having difficulty gaining access to log into STB's e-filing system. We therefore are e-filing this document under as "other submissions" and are enclosing a hard copy for the Board with this letter.

Thank you.

Very truly yours,

Daniel R. Deutsch

Enclosure

cc: Danielle Gosselin, Esq. (e-mail only)
Jeffrey Hull, Town Manager, Wilmington
Service List

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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, MASSACHUSETTS**

**OBJECTION OF TOWN OF WILMINGTON
TO NET'S PETITION FOR SUBSTITUTION OF PARTIES**

The Town of Wilmington ("Wilmington") is an active party in this docket and is the situs of the project proposed by Petitioner New England Transrail, LLC ("NET"). Wilmington respectfully objects to NET's Petition for Substitution of Parties ("Substitution Petition"), on the basis that the Petition does not meaningfully disclose the capabilities and contemplated role of the new business partner and new principals that would now finance and co-manage an "NET" facility, if and as permitted by the Board.

The bona fides and role of a new co-petitioner, and its principals, is not a trifling matter here. Although NET initiated this sub-docket in 2016, it filed with the Board for a rail-based project at the same Superfund Site in 2005. After the Board rejected its notice of exemption as procedurally improper, NET filed a petition for exemption for that solid waste processing facility. NET's 2016 filing for a commodity-transloading facility likewise took the form of a petition for exemption. The project now at issue implicates a host of complex environmental issues and has been undergoing environmental impact review by the STB's Office of Environmental Assessment. That process has involved extensive substantive comments from Wilmington, the Environmental Protection Agency, and other interested parties. The proposed project therefore is unlike the project in *Montreal, Maine and Atlantic Railway, LLC* –

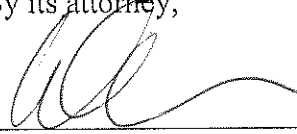
Acquisition and Operation Exemption, et al., whose petition for substitution of parties NET cites to support its Substitution Petition.

With its exemption petitions, NET was required to disclose the background and relevant credentials of the individuals who would finance and manage the large rail-based facility. NET now should be required to disclose such information for the additional entities and principals whom it proposes to finance (fully finance, it appears) and actively manage the facility. That information is necessary for the Board and OEA to fairly consider the project. STB and the interested parties are entitled to gauge whether the newly proposed project's management has the capacity and experience to develop and operate such a large and environmentally-challenged project in accordance with whatever permit and conditions STB ultimately might impose. Who would have authority, and be capable, to make decisions about the plan of operation, construction, and maintenance of a facility? Who would have authority, and be capable, to modify the facility or its operations going forward?

Wilmington respectfully and earnestly asks that the review of NET's present project proposal not be burdened by the numerous false starts, omissions of information, and lack of clarity that hobbled STB's review of the original proceeding in this docket.

We therefore request that the Board (1) defer action on the Substitution Petition, and (2) direct NET to re-submit its Substitution Petition with meaningful, detailed disclosures of the proposed management roles, credentials, and capabilities of the entities and individuals who would participate in the financing, management, and operation of the proposed facility (including WWI, GFI, and their principal officers).

Respectfully submitted,
TOWN OF WILMINGTON
By its attorney,



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July 27, 2018

CERTIFICATE OF SERVICE

I, Daniel R. Deutsch, hereby certify that a copy of Objection of the Town of Wilmington To NET's Petition for Substitution of Parties dated July 27, 2018, was sent via mail to the following parties of record in this proceeding.

John D. Heffner
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Washington, DC 20036-5439

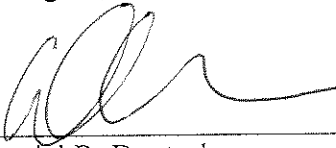
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