

SERVICE DATE - OCTOBER 24, 2019

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: October 23, 2019

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. 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, 2017.¹

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.

On October 10, 2019, WWI filed a request for an extension of the due date for the currently due status report until November 8, 2019, and states that the Town consents to the extension. On October 18, 2019, NET's attorney filed a substitution of appearance and asked that the request for an extension be considered a joint request on behalf of NET and WWI. The request will be granted, and future status reports will be due every 90 days thereafter.

It is ordered:

1. NET and the Town must file a status report by November 8, 2019. Future status reports are due every 90 days thereafter.
2. This decision is effective on the date of service.

By the Board, Allison C. Davis, Director, Office of Proceedings.

¹ On November 14, 2018, NET and Wilmington Woburn Intermodal, LLC (WWI), filed a petition to substitute WWI as the petitioner. That petition remains pending.