

NEW ENGLAND TRANSRAIL, LLC



46 Grand Cove, Edgewater, NJ 07020-7245

(201) 840-0766

Fax (201) 840-0887

e-mail: rklemptner@verizon.net

SENT ELECTRONICALLY TO ALL PARTIES

September 7, 2016

Victoria Rutson
Director
Office of Environmental Analysis
Surface Transportation Board
Washington, DC 20423

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

Dear Ms. Rutson:

The following information is being provided in response to your letter to John D. Heffner dated August 29, 2016

1. Phase II of the proposed project will be an addition onto the cross dock warehouse. Depending on market conditions, it will either be an lateral extension of the cross dock warehouse (i.e. running at the same depth off the track as the cross dock warehouse) in which case it will serve as a pure cross-dock warehouse, or be developed in the "L" shaped configuration as shown on the plan submitted as part of the Petition, in which case it will be used to hold goods and merchandise requiring longer dwell times (usually more than 30 days) than is normally the case with a pure cross-dock warehouse.

Development of Phase II will only occur with the consent of US EPA that the design and construction of the same will not impede the integrity of, or further testing or extraction required under, the area designated as the DAPL "Cap" on the plan submitted as part of the Petition.

2. During both Phase I and Phase II of the proposed project there will be only one round trip per day for the East side of the proposed project leading from the MBTA tracks and one round trip per day for the West side of the proposed project on the Boston & Maine tracks crossing Eames Street.

It is anticipated that there will be an average of 30 cars per day based on a total of 8,954 cars per year. It is assumed that the distribution will be relatively equal between the East side and West side of the facility.

There will be one or two locomotives coming from Pan Am Railways bringing rail cars to the proposed project site, depending on the size locomotive Pan Am Railways decides to deploy. The same locomotive(s) will serve both the East side and the West side of the proposed site. (See answer to question #3 for further detail).

Operations will occur between 11:00 PM and 6:00 AM.

3. To facilitate an explanation regarding the details of operations from the point of entry, the tracks have been numbered in the proposed plan attached hereto.

From the point of entry via train, the details of operations would be as follows:

East Side:

Inbound cars would be deposited by Pan Am Railroad on the most Eastside track available (Tracks A, B, C and/or D).

From there, NET would reposition cars:

- bound for the "Wallboard Warehouse" on track E switching into track F at the north end; and
- bound for liquids and bulk materials unloading on tracks H and J, where there will be loading racks to transload the products from these cars.

When cars have been transloaded, the empty cars will be moved onto the most Eastside tracks available (Tracks A, B, C and/or D) to be picked up by Pan Am Railroad.

West Side

Inbound cars will be deposited by Pan Am Railroad on the tracks within the current Boston & Maine right of way (Tracks N, O, P, Q-- note the extension of tracks O and P are not shown on the plan, since they are existing tracks, and the plan was intended to only show newly constructed tracks and switches).

From there, NET will reposition cars onto the two tracks (Tracks L and M) immediately adjacent to the cross-dock warehouse. Note that metal plates will be laced between adjacent cars on Tracks L and M to allow a forklift to access a car on Track M by running through an adjacent car on Track L).

When cars have been transloaded, the empty car will be moved onto one of the tracks in the Boston & Main right of way to be picked up by Pan Am Railroad.

4- East Side

The crossing at Eames Street would not be closed during any of the operations on occurring on the East side of the proposed project from the MBTA tracks, since Eames Street runs on an overpass over those tracks.

West Side

The crossing at Eames Street would be closed twice per day for up to four minutes each time, as Pan Am Railroad brings cars to and picks up cars from tracks in the Boston & Main right of way (Tracks N, O, P and Q). Closings would only occur between the hours of 11:00 PM and 6:00 AM.

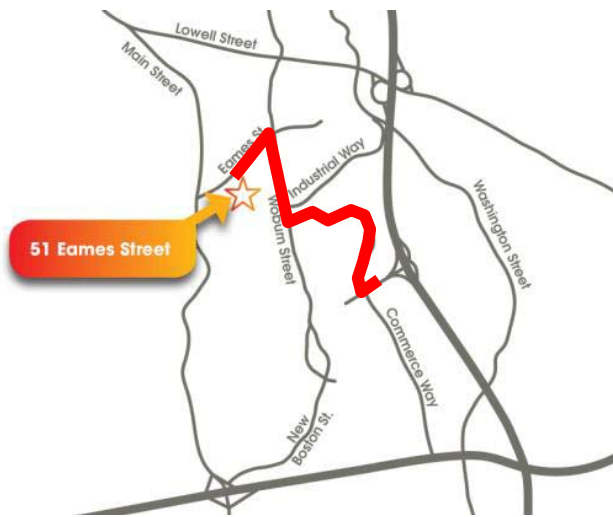
The tracks and switches will be designed so that once cars are dropped off on Tracks N, O, P or Q, all switching will occur from the southerly side of these tracks onto Tracks L and M, which are the loading tracks adjacent to the cross-dock warehouse, so as to avoid the need to cross Eames Street once Pan Am Railroad brings the cars to the proposed project site.

5. When Phases I and II are considered to be fully operational (assumed to be 2022 for purposes of the Traffic Study cited below), the proposed project will generate 400 roundtrip vehicle trips per day, which comprises 365 roundtrip truck trips and 35 employee vehicle trips based on a Traffic Impact and Analysis Study--

Proposed Redevelopment 51 Eames Street, Wilmington, Massachusetts dated July 22, 1016, conducted by Bayside Engineering.

6. With the exception of trucks making local deliveries in the towns of Wilmington, Tewksbury and the northwest corner of Woburn (north of I-95), all trucks will leave the facility via: Right turn onto Eames Street to the East; Right turn onto Woburn Street to the South; Left on Commerce Way to the East and circling to the South; Left onto the entrance to I-93. Access to the facility will reverse this routing. However, deliveries to the Woburn retail district and commercial establishments along Commerce Way and New Boston Road, will proceed as aforesaid to Commerce Way, but instead of turning right onto the I-93 entrance, will continue south along Commerce Way to New Boston Road.

As can be seen from the following aerial photo routing, the route is entirely within an industrial/commercial area, with the exception of 4 residences across from the industrial warehouses on the north side of the east end of Eames Street.



Traffic destined for local deliveries in Wilmington, Tewksbury and the northwest corner of Woburn will make a Left turn out of the facility along Eames Street and then make a Right or Left Turn onto Main Street (Rte 35). The Section of Eames Street to Main Street is all industrial, and Main Street is a major commercial corridor serving Wilmington and Woburn.

7. NET's principals examined a number of rail served alternative sites in the area, including one in Tewksberry, MA, North Billerica, MA. The Tewksberry site is near I-495, the outer beltway around the Boston metropolitan area (29 highway miles to the center of the Boston metropolitan area--more than twice the distance as the proposed project), and the developable area is too small less than half the size of the proposed project--due to extensive wetlands limitations) for development of a multi-commodity freight village terminal.

The North Billerica site is part of Iron Horse Park, which is also adjacent to Pan Am Railroad's headquarters. While some lumber and related products are currently offloaded at that site, it is more than double the road miles into the center of the region and is only accessible to the highway system via small residential roads that are not suited for truck traffic.

NET has from time to time inquired of local real estate brokers about the availability of suitable land for a multi-product rail transloading facility. While there are some isolated rail served warehouses in the area, there is not a tract of land of sufficient size of at least 30 acres of developable land (without extensive wetland and other limitations) at a feasible price in close proximity to highway entrances/exits, and close to the center of the Boston metropolitan area (i.e. within 15 road miles). Because of the overall real estate development pressures in the region, if such tracts exist they are priced out of the range for rail yard development. In fact, such pricing pressures are what caused the predecessor to Pan Am Railroad to relinquish its Somerville Yard near downtown Boston for development of office, retail, hotels and residences, and caused CSXT to sell its Beacon Yard in Boston to Harvard University for their campus expansion needs. See Letter from Stubbelbein & Co. attached.

8. Until NET can provide potential customers with a relatively firm opening date, it cannot obtain reliable estimates of the volumes which it expects to receive of any single commodity. In turn, NET cannot give a relatively firm opening date until it has a date on which it can commence construction, and it cannot determine such a date until it obtains its license from the Board. The OEA has recognized this fact-of-business in other environmental assessments.¹

NET has conducted an independent market study, which has determined that by its fifth year of operations, NET can expect to receive 8,954 cars per year.

Different categories of materials will be handled in different manners. The following is a sample of handling protocols for different types of materials:

¹ The OEA has recognized the difficulties and wide disparities when trying to anticipate volumes of rail traffic before and after a new terminal commences operations. In the Final Environmental Report prepared in FD 35802, Northwest Tennessee Regional Port Authority-Construction and Operation Exemption-In Lake County, TN, served March 30, 2016, the OEA stated "NWTRPA [the Petitioner], anticipates that rail traffic on the proposed rail line would initially be fewer than 1,000 carloads per year, and would eventually rise to more than 1,000 cars per year. This corresponds to approximately two round trips per week, for a total of four 10-car trains per week during the initial years of operations". See also U S Rail Corporation-Construction and Operation Exemption-Brookhaven Rail Terminal, FD 35141.

Wallboard and Dimensional Lumber

Rail cars containing wallboard and dimensional lumber will be positioned on Track F (see plan attached hereto). A forklift truck will take individual bundles of material (wrapped in plastic) off the rail car, one bundle at a time, working from one side of the car to the other so as to avoid the car from becoming unbalanced. The forklift will drive each bundle into the wallboard warehouse, plastic will be removed from the bundle, and the bundle will then be placed in an appropriate row, depending on dimension of the bundle. Bundles will be stacked several high in each row. Bundles will then be removed from the row on a FIFO basis and loaded onto trucks stationed within the warehouse for local delivery.

Tank Cars

Tank cars containing liquids will be positioned on a track adjacent to an unloading rack. The unloading rack will be located between Tracks G and H (see plan attached hereto). The tank car valves will be opened and connected to the receiving pipe and pump adjacent thereto, and a pressure valve opened on the tank car. Liquids will be pumped out of the rail car into pipes which will run from the unloading rack to the storage tanks. After unloading and moving the cars away from the loading rack tracks, the fully contained catchment basins (installed as part of these tracks) will be inspected to determine if any liquids have spilled into the basin during the unloading process, and, if so, the liquids will be removed and disposed of in accordance with all applicable laws and regulations.

Pipes will run from the storage tanks to a truck loading rack. Trucks will drive into a position at the truck loading rack. A valve will be opened on the truck and liquids will be pumped from the tank into the truck. When the truck has been filled and driven away, the pavement and fully enclosed catchment basins under the rack will be inspected to determine if any liquids have spilled into the basin during the loading process, and, if so, the liquids will be removed and disposed of in accordance with all applicable laws and regulations.

Hopper Cars

Hopper cars containing dry bulk materials (i.e. sand, aggregate, grains, flour, plastics) will be positioned on Tracks H and J (see plan attached hereto). If handling pumpable materials, such as grains, flour and plastics, the material will be pumped from the hopper car with a portable pump positioned next to the rail car, and directly into a truck stationed next to the portable pump. If handling materials which must be stockpiled, such as sand, aggregate or salt, the same will arrive in bottom discharging hopper cars. A portable conveyor with an unloading tray will be positioned under the hopper car discharge flange, which will receive and convey the material to a stockpile to be located nearby. The material will then be loaded by a front end loader either onto a portable conveyor to be discharged into a dump truck or directly into the dump truck.

Box Cars

Box cars will be positioned on Tracks L and M (see plan attached hereto). The doors of railcars on Track M will be aligned with the doors of the railcars on Track L, the doors will be opened, and a metal plate will be positioned between the doors of the railcars on Tracks M and L. A fork lift will drive from the cross-dock warehouse, the floor of which will be at the same level as the floor of the railcars, into the railcars (crossing from a railcar on Track L into a railcar on Track M, as necessary), and move pallets or bags of materials from the railcars to rows in the warehouse, and to be stacked accordingly. Pallets and bags of materials will then be moved by forklift from the floor of the warehouse onto a truck positioned on one of the enclosed truck loading doors on the opposite side of the warehouse.

9. Depending on the quality of the existing track to be rehabilitated of the 10,838 feet of new and rehabilitated track, at least 9,800 feet of new track will be constructed. The amount of new track may increase if the quality of existing track is not capable of being rehabilitated.
11. NET will expect to clear approximately 6 acres of shrubs and weeded growth. The far larger densely wooded Conservation Restriction Area contains a greater array of trees but no development, construction or clearing will occur within this area. Attached is a report prepared by Nicholas D'Agastino of Stantec Engineers of a tree count of the trees in the three vegetative areas which would be developed.

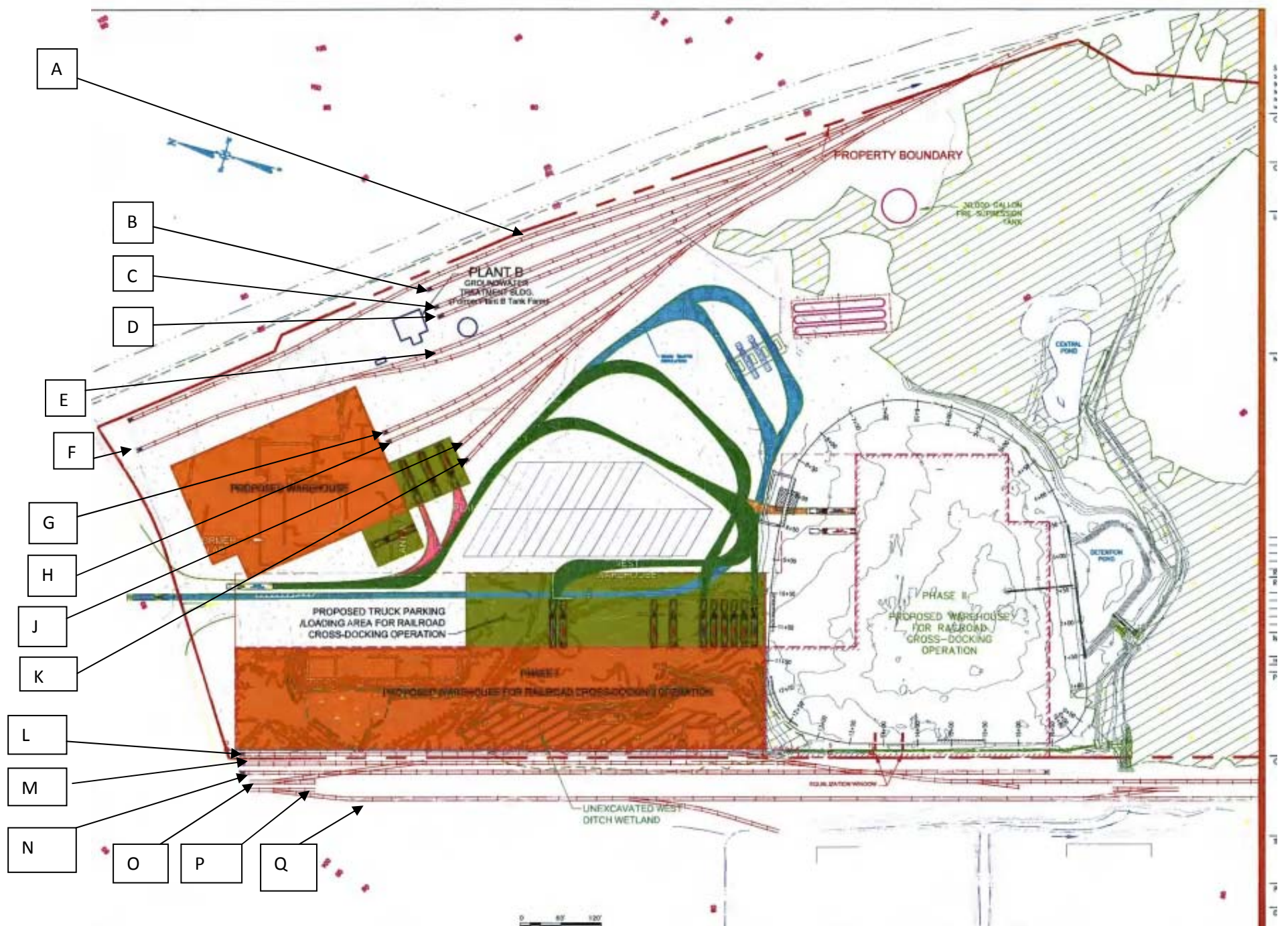
If you have any questions or require further details in connection with the foregoing, please give me a call directly at (201) 840-0766 or e-mail me at rklempner@verizon.net.

Very truly yours,



Ronald A. Klempner
Managing Principal
New England Transrail, LLC

cc: Ms. Danielle Gosselin
 danielle.gosselin@stb.dot.gov
 Ms. Elizabeth Diller
 elizabeth.diller@icfi.com
 Robert W. Jones, III
 rjones1259@aol.com
 John D. Heffner
 John.Heffner@strasburger.com



THE
STUBBLEBINE
COMPANY



September 1, 2016

To Whom It May Concern:

We are a Commercial Real Estate brokerage and consulting firm which has been serving the northern portion of the Boston metropolitan market for over 29 years specializing in selling and leasing Industrial and Commercial properties. As such, we are extremely familiar with almost every site that is available for potential development opportunities in this area.

Other than the project under contract between Olins Corp. and New England Transrail, LLC at **51 Eames Street, Wilmington, MA**, there are definitely no sites available for potential development opportunities which contain the criteria required for a viable multi-commodity rail freight village within 15 road miles of downtown Boston that contain at least 30 developable acres that have access to rail service and that are less than 2 miles from an interstate highway exit/entrance without traversing residential only roads.

Without question, **51 Eames Street, Wilmington** is an extremely unique opportunity for your company.

Best regards,

David Stubblebine
Principal
617 592 3391

James Stubblebine
Principal
617 592 3388

One Cranberry Hill
Lexington, Massachusetts 02421
Phone (781) 862-6168
Fax (781) 862-6212



**[WARNING - NOT VIRUS SCANNED] FD 34797 (Sub-No. 1), New England
Transrail, LLC**

Ronald Klemptner to: Danielle.Gosselin

09/07/2016 11:25 AM

Cc: Vicki.Rutson, "Diller, Elizabeth", "Heffner, John D.", "Robert Jones"

History: This message has been forwarded.

Dear Ms. Gosselin:

Attached is a letter responding to Ms. Rutson's letter to John D. Heffner dated August 29, 2016, providing the information requested therein, with the following attachment to the letter:

- NET Track Labelling (to be read in connection to the response for reference purposes)

- Stubbelbine Letter

- Olin Property- Tree Removal Estimate

I have also attached a file labelled NET Petition Electronic Maps, as requested in Ms. Rutson's letter.

Please feel free to call me directly with any questions or further requests>

Ronald A. Klemptner

Managing Principal

NEW ENGLAND TRANSRAIL, LLC

(201) 840-0766



0907'6 L Rutson r OEA Response.doc 083016 NET Track Labelling.doc Stubbelbine letter.pdf

Message from "D'Agostino, Nicholas" <Nicholas.D'Agostino@stantec.com> on Thu, 1 Sep 2016 -----
----- 0400- 19:23:54

<Ronald Klemptner" <rklemptner@verizon.net" :To

<Robert Jones" <RJones1259@netransrail.com" :cc

Olin Property - Tree Removal Estimate :Subject

Ron

Per your request, I visited the Olin Property on September 1, 2016 to determine the approximate number of large trees with a circumference greater than 36 inches (11.5 inches to diameter) at 5 feet above the ground surface.. There are three areas where tree removal for the proposed development will be required.

- Northeast corner of the Property between the Entrance Gate moving east to the property line and then south along the east side of the property to Plant B; an area of 36,000 square feet. There are 33 large trees that range in circumference from 36 inches to 108 inches. The trees were mostly oaks with a few pines.
- Proposed Warehouse on west side of the property from the entrance to the containment area. An area of 134,000 square feet. There were about 54 large trees that had circumference ranging between 36 inches to 84 inches. The majority of the trees were oak, maple, and pines
- Proposed Tracks that run from Plant B to the south along the east side of the property to the MBTA tracks and includes the proposed water tank and propane tanks which encompasses an area of 114,700 square feet. There were about 80 large trees

that had a circumference that ranged from 36 inches to 84 inches. The majority of the trees were oak and maple, with some very large diameter pines (27 inches).

The total was about 166 very large trees, mostly hardwoods. Let me know if you need anything else.

Nicholas C. D'Agostino, P.E.

Senior Associate, Geotechnical Engineer

Stantec

5 Burlington Woods Drive Suite 210 Burlington MA 01803-4542

Phone: (978) 577-1440

Cell: (401) 829-5912

Fax: (978) 692-4578

Nicholas.D'agostino@stantec.com

The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

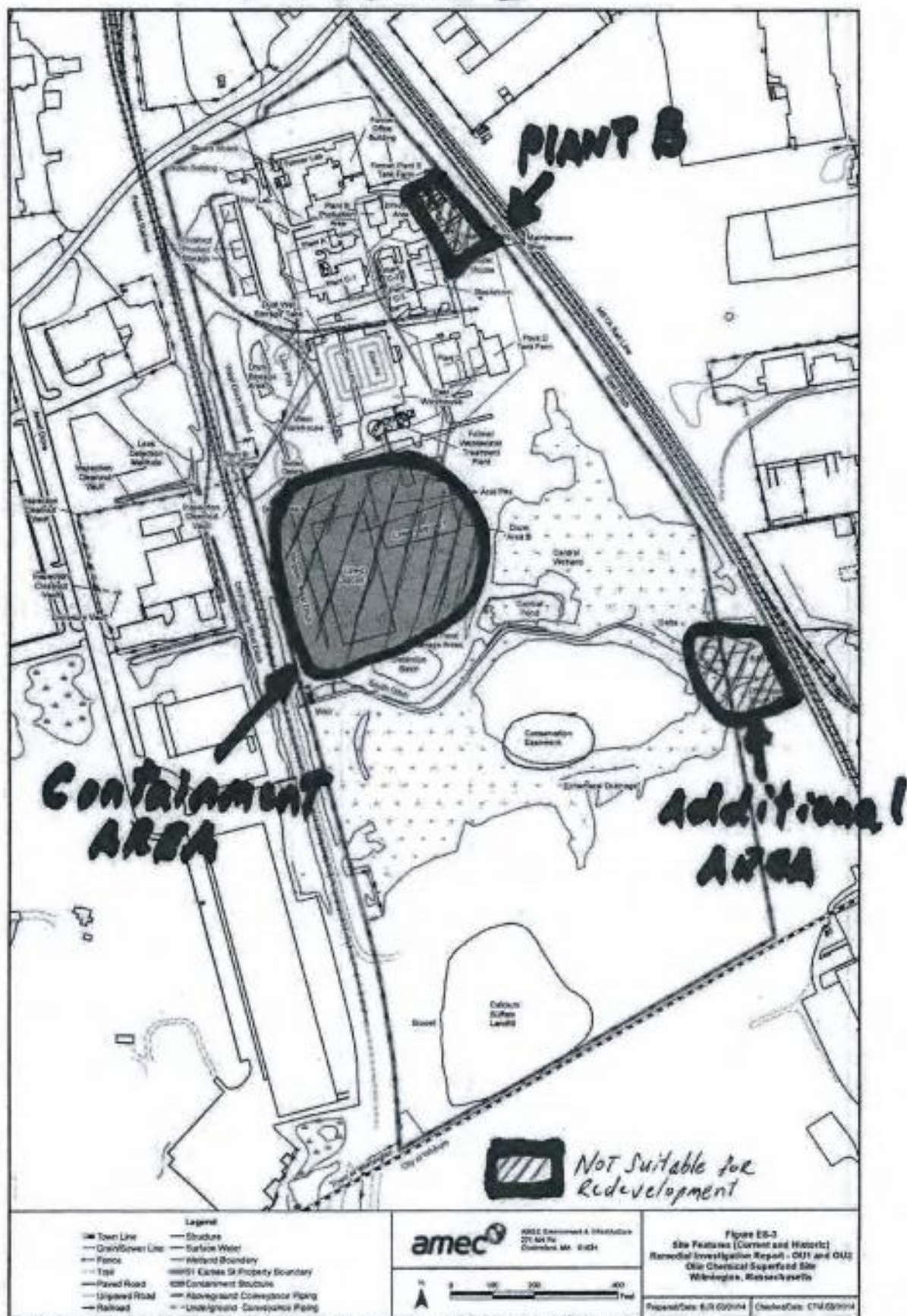


Please consider the environment before printing this email. 083016 NET Petition Electronic Maps.pdf

ATTACHMENT 1



FIGURE 1



Attachment A

Locator Maps



NET Radius Map (25 Miles, 50 Miles, 75 Miles)

