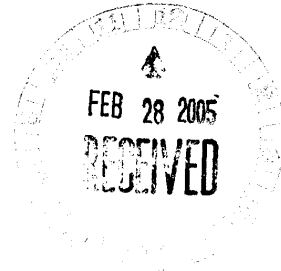


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February 18, 2005

ENTERED
Office of Proceedings

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

FEB 20 2005

Part of
Public Record

**Re: New England Transrail, LLC, , d/b/a Wilmington &
Woburn Terminal Railway-Petition for Exemption From 49
U.S.C. §10901 to Construct and Operate as a Rail Carrier on
Lands Acquired From Olin Corporation
FD NO. 34391**

Honorable Sir:

I represent New England Transrail, LLC (NET) and request that the response of the Town of Wilmington to New England Transrail's Reply to its petition be disregarded pursuant to the 49 CFR §1104.13(c). If this request is granted, the balance of this letter should be disregarded.

Unlike the usual "not in my back yard" opponents of such projects, Wilmington seeks this land for its own purposes as was fully admitted in the local press cited in our reply. It lacks good faith. Wilmington disingenuously asserts that it does not believe NET, the SEA or that State Licensed Professionals or Engineers will comply with the law or with their professional obligations. Its new ally, the Construction Materials Recycling Association, which seeks to maintain its monopoly on moving waste by truck, accuses the SEA of a "bald faced lie" in its finding that NET's activity "would result in a modest beneficial impact".

Contrary to Wilmington's assertion in its Reply1[1], SEA sought information on and took a hard look at NET's activities and construction plans before completing environmental review by issuing its Post Environmental Assessment on December 22, 2004. Further, contrary to Wilmington's claim in its Reply2[2], grinding of material does not fabricate, manufacture, nor add value to the material, it merely facilitates a more efficient and safer transportation. As to the "bald faced lie", transportation by rail is well established to be environmentally beneficial, Freight Rail's Potential to Reduce Traffic Congestion, Wendell Cox, Texas Public Policy Institute, (2003), Freight-Rail Bottom Line Report, American Association of State Highway and Transportation Officials (2000) and See Exhibit A.

I certify that I have mailed a copy of this letter on February 18, 2005 to the party listed below.

Thank you for your consideration of these comments.

Very truly yours,

John F. McHugh

Cc: Deutch Williams
99 Summer Street
Boston, MA 02110-1213

1[1] Wilmington asserts on p. 3 of its Reply that NET claimed "that SEA did not need it [information on activities and construction plans] before issuing its Environmental Assessment."

2[2] Wilmington claims on p. 2 of its Reply that "grinding of construction waste material transforms and gives value to otherwise miscellaneous debris."