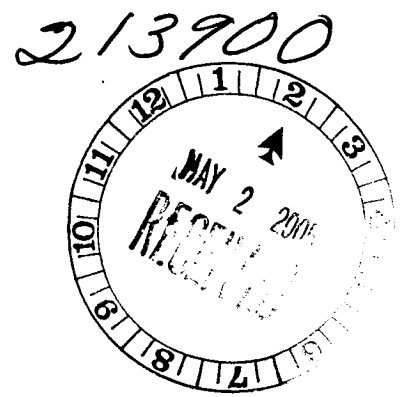




BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 29963

BAY COLONY RAILROAD CORPORATION --
MODIFIED RAIL CERTIFICATE

ENTERED
Office of Proceedings

MAY 2 - 2005

Part of
Public Record

PETITION OF BAY COLONY RAILROAD
CORPORATION TO DISMISS "NOTICE OF
TERMINATION OF OPERATING AUTHORITY"
FILED BY MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY

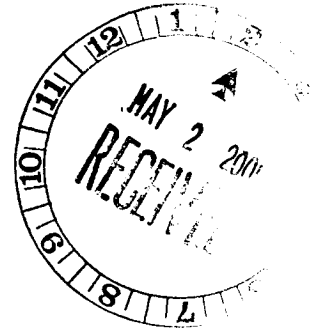
James E. Howard
One Thompson Square, Suite 201
Charlestown, Massachusetts 02129
Tel: 617-886-9322

Attorney for Bay Colony Railroad Corp.

Dated: April 29, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 29963



BAY COLONY RAILROAD CORPORATION --
MODIFIED RAIL CERTIFICATE

PETITION OF BAY COLONY RAILROAD
CORPORATION TO DISMISS "NOTICE OF
TERMINATION OF OPERATING AUTHORITY"
FILED BY MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY

Bay Colony Railroad Corporation ("Bay Colony") hereby requests the Board to dismiss the "Notice of Termination of Operating Authority" filed by the Massachusetts Bay Transportation Authority (the "MBTA") on April 13, 2005 in order to enable Bay Colony to continue to provide freight rail service on the Millis Industrial Track in Norfolk County, Massachusetts. The basis and justification for dismissal of the Notice are set forth in the Petition of Bay Colony Railroad Corporation for Declaratory Order, which is being filed simultaneously with this Petition, in Finance Docket No. 34698.

Respectfully submitted,

Bay Colony Railroad Corporation

By its attorney,

James E. Howard
One Thompson Square, Suite 201
Charlestown, Massachusetts 02129
Tel.: 617-886-9322

Dated: April 29, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing "Petition of Bay Colony Railroad Corporation to Dismiss 'Notice of Termination of Operating Authority' Filed by Massachusetts Bay Transportation Authority" to be served by sending copies this 29th day of April, 2005 by Federal Express to the following:

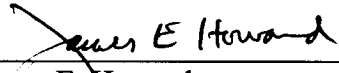
David H. Anderson
288 Littleton Road
Suite 23
Westford, MA 01886

Jonathan Broder
Vice President and General Counsel
Consolidated Rail Corporation
2001 Market St.
Philadelphia, PA 19104

John Scarfi
Traffic Manager
GAF Corp.
1361 Alps Road
Wayne, NJ 07470

John Tresca
Tresca Brothers Sand & Gravel
66 Main St.
Millis, MA 02054

Michael Lanham
Plant Manager
GAF Corp.
60 Curve St.
Millis, MA 02054



James E. Howard