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Vernon Williams, Secretary
United States Surface Transportation Board
Washington, D.C. 20433

RE: New England Transrail, LLC D/B/A Wilmington and Woburn Railway -- Petition for Exemption from 49 USC 10901 to Acquire, Construct and Operate as a Rail Carrier on Tracks and Land in Wilmington and Woburn, Massachusetts

Dear Mr. Williams:

This office is general counsel to US Rail Corporation, a Class III short line railroad with operations in Ohio. Our client generates a large part of its revenue from hauling solid waste materials. The purpose of this letter is to comment in support of the above captioned petition.

Like many short line railroads, a major focus of our client's service is to identify commodities suitable for rail transportation into and out of its local markets; conduct or arrange for the transloading of those commodities onto or off of rail cars; and to assemble and switch cars for long-haul carriers. Suitable transloading sites are a critical component for our services and we are continuously seeking financing entities willing to invest the capital for their development. An integrated national rail system relies on all of its components for its success, whether these components are long-haul rail lines, regional carriers, switching yard or local transloading facilities.

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Our research indicates that solid waste in Northeast region of the United States is that region's major outbound component for export. Because of the high volumes and dense bulk, loads of solid waste are ideally suited for rail transportation. In order to attract this commodity, railroads must be able to locate suitable transloading facilities (meeting the appropriate local health and safety requirements) in order to interface with local customers. Without transloading facilities such as the one proposed in this petition, the entire system will suffer because this rail traffic will not be generated for long-haul carriers or other short lines at the destination end.

In passing the Interstate Commerce Commission Termination Act of 1995, Congress did not distinguish between waste and other commodities when defining transportation activities to include the lifting, storage and handling of materials despite efforts by some members of Congress to do so. The Board should not draw that distinction either.

Rail transportation of solid waste has considerable environmental, social and fiscal benefits over long-haul trucking of this commodity to distant landfills, including: (i) reduced air emissions; (ii) improved highway safety and reduced road congestion; and (iii) decreased damage to roadway caused by over-the-road long haul trucking.

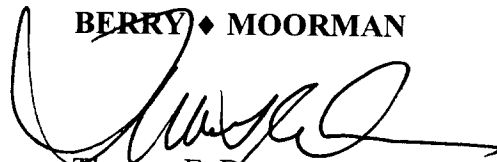
In addition to pointing out some of the benefits generated by the New England Transrail project, we also caution that, should projects such as the this transloading facility be inordinately delayed, or otherwise bogged own in "red tape", it is likely that capital sources will be discouraged from investing in the rail industry. The damage from such a loss of access to capital for operations and expansion of the railroad industry (particularly Class III railroads) is incalculable.

For this and the other foregoing reasons, we urge you to expeditiously approve the above captioned application without delay. Please do not let competing interests or parochial local concerns cloud the issues and abuse your administrative process; but rather allow the Board to continue to develop and improve a nationally integrated rail system.

Thank you for your consideration.

Sincerely,

BERRY ♦ MOORMAN



Thomas E. Dew

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cc: US Rail Corporation