

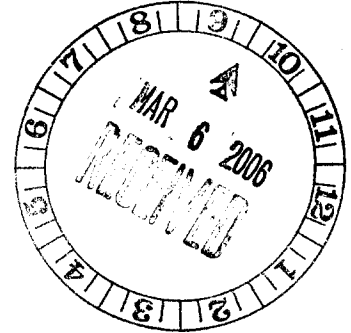
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LEONARD M. SINGER

March 3, 2006

BY FEDERAL EXPRESS

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20006



Re: *Surface Transportation Board Docket No. #34698.*

Dear Secretary Williams:

Enclosed for filing with your office are an original and ten copies of a Joint Status Report in *Petition of Bay Colony Railroad Corporation for Declaratory Order*, Finance Docket #34698.

Thank you for your cooperation in this matter.

Very truly yours,

Leonard M. Singer
Leonard M. Singer

cc: James E. Howard - by electronic mail - jehoward@worldnet.att.net

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket #34698

**PETITION OF BAY COLONY RAILROAD
CORPORATION FOR DECLARATORY ORDER**

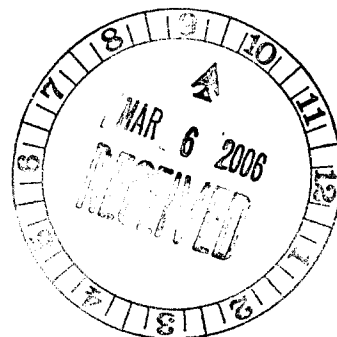
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Attorney for Massachusetts
Bay Transportation Authority

Dated: March 3, 2006



BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket #34698

JOINT STATUS REPORT AND REQUEST TO CONTINUE TO
HOLD PROCEEDING IN ABEYANCE

In a decision served on July 11, 2005, the Board granted the request of the Massachusetts Bay Transportation Authority ("MBTA") and the Bay Colony Railroad Corporation ("Bay Colony") to hold the above-captioned proceeding in abeyance in order to afford the parties an opportunity to discuss settlement of the issues. Thereafter in an order served on January 5, 2006 the Board granted the MBTA's request that its notice of termination of Bay Colony's operating authority over the Millis Industrial Track filed in Finance Docket #29963 be dismissed with prejudice. In that order, the Board directed the parties to report on the status of their negotiations of a Trackage Rights Agreement by March 6, 2006.

The Trackage Rights Agreement would supplement and amplify the terms and conditions governing the Bay Colony's operation over the Millis Industrial Track. If a Trackage Rights Agreement can be agreed upon, the parties contemplate that they will seek to dismiss Bay Colony's Petition for Declaratory Order and will file appropriate notices of exemption concerning the status of, and Bay Colony's operation on, the Millis Industrial Track.

The MBTA and Bay Colony request the Board to continue to hold this matter in abeyance in order to enable the parties to complete their negotiations. The MBTA has recently responded to Bay Colony's comments on the draft Trackage Rights Agreement. At present there remain only a few points to be resolved. Under the circumstances, the parties have reason to believe that their negotiations will conclude successfully and, in any event, will be concluded

within 60 days.

For the foregoing reasons, the parties request that the Board continue to hold this matter in abeyance.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY

By its attorney,

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March 3, 2006

BAY COLONY RAILROAD CORP.

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