

**BAKER BOTTS LLP**

219131

THE WARNER  
1299 PENNSYLVANIA AVE., NW  
WASHINGTON, D.C.  
20004 2400

TEL +1 202 639 7700  
FAX +1 202 639 7890  
www.bakerbotts.com

AUSTIN  
DALLAS  
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HONG KONG  
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**WASHINGTON**

April 19, 2007

Jeffrey Bauer  
TEL +1 (202) 639-7721  
FAX +1 (202) 585 4076  
jeffrey.bauer@bakerbotts.com

Via Hand Delivery

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
395 E. Street, SW  
Washington, D.C. 20423

RE: New England Transrail, LLC  
FD-34797



Dear Secretary Williams:

Enclosed for filing in the record in Finance Docket Number 34797 are an original and ten (10) copies each of the Supplemental Verified Statement of Robert W. Jones, III. Please time-stamp the extra copies and return it to our messenger.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey M. Bauer". The signature is stylized with a large, looping "J" and "B".

Jeffrey M. Bauer

**ENTERED**  
**Office of Proceedings**

**APR 19 2007**

**Part of**  
**Public Record**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**Finance Docket No. 34797**

**New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway—Petition  
For An Exemption From 49 U.S.C. § 10901 To Acquire, Construct And Operate As A Rail  
Carrier On Tracks and Land In Wilmington and Woburn, Massachusetts**

**Verified Statement of  
Robert W. Jones, III**

My name is Robert Jones, and my business address is 24 River Road, Suite 19, Clifton, NJ, 07014. I am a managing member of New England Transrail, LLC ("NET"). I have been involved in NET's proposal to build and operate a terminal railroad facility ("NET Facility") on the property at 51 Eames Street, Wilmington, Massachusetts since the project was first conceived. As a managing member, I have been personally involved in discussions with a number of other carriers and potential shippers of various commodities.

2. During the course of this proceeding, there have been mischaracterizations, whether deliberate or inadvertent, about NET and the activities proposed to be undertaken at the NET Facility. I hereby submit this Verified Statement in an attempt to clarify those issues in the record.

3. In the fall of 2003, NET hired Thomas Egan, a railroad consultant with over forty years of rail industry experience, including experience in Class I railroad mechanical departments, operations departments, inter-carrier agreements, government relations, sales, marketing, and service design, to assist NET in designing its rail carrier operations.

4. NET will own or lease a fleet of railcars. NET has entered into discussions with rail car leasing companies for such equipment as needed based on volume and cycle-time projections. NET will solicit proposals once the Board grants NET authority to operate.

5. NET will acquire and operate the locomotives necessary to classify and transport its railcars around the NET Facility and necessary to transport commodities onto the national rail system and to interchange with other carriers on either the MBTA line or the B&M line.

6. NET will hire the appropriate crew members who will operate the railroad.

7. As a rail carrier, NET will maintain a railroad police security force.

8. NET crew members and employees will be eligible for membership in the Brotherhood of Locomotive Engineers and Trainmen ("BLET") or other appropriate railroad workers union.

9. NET will establish training manuals (including, but not limited to, Operating Rule Book, General Orders and Bulletins, Safety Rule Book, Roadway Worker Safety Plan, and Employees Handbook) and crew members and employees will receive training in Federal Railroad Administration safety and emergency procedures.

10. As a rail carrier, NET will contribute to the Railroad Retirement Fund.

11. NET will provide common carrier services available to the general public on equal terms on demand.

12. NET will establish tariffs and post rates.

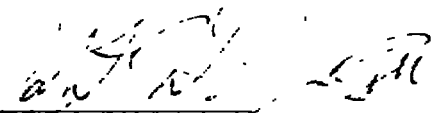
13. NET is not affiliated in any way with shippers, manufacturers, or purchasers of commodities. Instead, it would operate as a full-service common carrier railroad. At NET's rail facility, NET expects to receive and transload a wide range of commodities.

14. In its written statement dated April 16, 2007, the National Solid Waste Management Association ("NSWMA") raised a number of questions that NET should be asked to address. NET's responses to these questions are set forth in Exhibit A.

15. During the fall of 2005, NET met with representatives of both the Massachusetts Department of Environmental Protection ("MADEP") and the Massachusetts Attorney General. That meeting (and follow-up telephone conferences and correspondence) led NET to propose a comprehensive arrangement pursuant to which NET would agree to comply with all applicable health and safety regulations of the Commonwealth of Massachusetts. There were three exceptions to NET's proposal. NET would not comply with the "site assignment" requirement nor would it comply with the "waste ban" regulations. In addition, noise standards that would be applicable to the NET Facility would be federal standards applicable to railroad operations. A copy of the October 14 2005 letter tendering this proposal to the MADEP was attached to The Written Statement of NET and is already a part of the record in this proceeding.

16. Unfortunately, MADEP subsequently chose not to continue its negotiations with NET, a fact which is reflected in the December 6 2005 letter from NET's counsel. That letter is also a part of the record in this case.

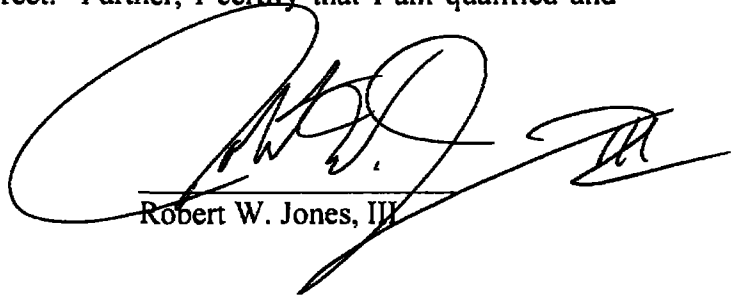
Respectfully submitted,

  
Robert W. Jones, III

**VERIFICATION**

I, Robert W. Jones, III, verify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on April 18, 2007.



Robert W. Jones, III

## **Exhibit A**

### **Responses of NET to Questions Raised by NSWMA**

- 1. Is NET proposing to extract metals and wood on its own initiative, or at the direction of a shipper?**

NET is not proposing to “extract” any metal or wood from the material it transloads, in the sense of permanently removing those items from the C&D material to be loaded onto railcars for transportation to a landfill. Rather, large pieces of metal and wood will be set aside temporarily as a part of the loading operations, and then loaded separately into the railcars going to the landfill. The purpose of setting large pieces aside temporarily during the loading process is to facilitate the safe and efficient loading of the rest of the C&D material, as well as the orderly loading of the large pieces of metal and wood into rail cars for shipment to the landfill.

- 2. If extraction will occur under a shipper's direction, what financial incentive will NET be provided for the extraction?**

As explained in the answer to question 1, no permanent “extraction” of metal or wood will occur. Any large pieces of metal or wood that are temporarily set aside as a part of the loading operations will ultimately be loaded into rail cars for shipment to the landfill. NET will not own the metal or wood; title will remain in the shipper. NET will prevent damage to its rail cars and will be able to load the rail cars with more material than would otherwise be the case.

- 3. If extraction will occur under NET's direction, what contractual right will NET have to extract these materials from incoming shipments?**

As explained in the answers to questions 1 and 2, no permanent “extraction” of metal or wood will occur. NET’s right to temporarily set aside large pieces of metal and wood as a part of its loading operations arises from its status as the owner and operator of the transloading facility.

- 4. Who will be identified as the shipper of the extracted metals and wood products when they leave the NET facility? If not NET, will any affiliate or principal of NET, or any company in which an NET principal has an ownership interest (an Affiliate)?**

As explained in the answers to questions 1, 2 and 3, no permanent “extraction” of metals or wood will occur. Instead, large pieces of metal or wood will be temporarily set aside as a part of the loading operations and then loaded into rail cars for shipment to the landfill. Neither NET nor any of its principals (or any of their affiliated companies) will be the shipper or have any ownership interest in the metals or wood; title will remain in the shipper.

5. **What contracts will be used for the sale of extracted materials? Will those contracts differ from the shipping papers used for the incoming wastes? If there will be separate contracts, either written or oral, will NET or an Affiliate be a party to those contracts?**

As explained in the answers to questions 1, 2, 3 and 4, no permanent "extraction" of metal or wood will occur. There will be no sales contracts involving NET or any of its principals (or any of their affiliated companies) relating to any metal or wood. The large pieces of metal and wood that are temporarily set aside as a part of NET's loading operations will not be sold by NET or any of its principals (or any of their affiliated companies).

6. **Who will choose the facilities that will receive the extracted materials? Will NET or any Affiliate have any direct contractual relationship with those facilities?**

As explained in the answers to questions 1, 2, 3, 4 and 5, no permanent "extraction" of metal or wood will occur. The large pieces of metal and wood that are temporarily set aside as part of the loading operations will be loaded into rail cars for shipment to the landfill. Neither NET nor any of its principals (or any of their affiliated companies) will have a direct contractual relationship with the facilities where the metal and wood are eventually delivered. As a common carrier, NET will deliver commodities (waste or otherwise) to any site selected by its shippers.

7. **Will NET or any Affiliate have any ownership interest in any facility receiving materials from the facility?**

Neither NET nor any of its principals (or any of their affiliated companies) will have any ownership interest in any facility receiving materials from the NET Facility.

8. **Will NET or any Affiliate profit from the extraction process? If not, who will receive the value of the extracted metals, the wood fuel, and the reduced waste disposal costs?**

As explained in the answers to questions 1, 2, 3, 4, 5, and 6, no permanent "extraction" of metals or wood will occur. If a landfill offers reduced disposal rates on loads that include large pieces of metal or wood, those reduced rates will be passed onto NET's shippers.

9. **Who will own the extracted commodities at the facility once they are separated from the incoming waste stream?**

As explained in the answers to questions 1, 2, 3, 4, 5, 6, and 8, no permanent "extraction" of metals or wood will occur, and they will not be "separated" from the incoming waste stream except for a brief period while large pieces are temporarily set aside and the remainder of the C&D material is loaded. Ownership of any metal or wood that is temporarily set aside as part of the loading operations will remain the property of the shipper at all times.

## CERTIFICATE OF SERVICE

I do hereby certify that on this 19th day of April, 2007, I served a copy of the Motion for Leave to Supplement the Record, by causing a copy to be delivered by first class mail, postage prepaid, to each person listed on the STB Service list for Finance Docket No. 34797.



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Jeffrey M. Bauer