

The Commonwealth of Massachusetts

MASSACHUSETTS SENATE

SENATOR MICHAEL O. MOORE

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233938

ENTERED

Office of Proceedings

March 18, 2013

Part of

Public Record

March 8, 2013

Honorable Daniel R. Elliott III, Chairman
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Diana Del Grosso, et al. -Petition for Declaratory Order; Finance Docket No. 35652

Dear Chairman Elliott:

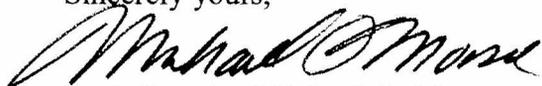
As a member of the Massachusetts State Senate serving the Second Worcester District, I am keenly aware of the vital role that the Nation's railroads play in sustaining our economy, and that the trans-loading of freight shipments is a most valuable service. However, when it appears that a third party is using a railroad to try to escape local permitting and other regulatory requirements, there is an unwarranted abuse of the privilege of preemption which railroads enjoy under the regulatory scheme administered by your agency.

In a proceeding pending before the Board involving a rail facility in the Second Worcester District, namely, Finance Docket No. 35652, Diana Del Grosso, et al. -- Petition for Declaratory Order, a subsidiary of Dana Companies, Grafton Upton Rail Care LLC, is bagging wood chips which it has unloaded from railroad cars for further movement by trucks. Furthermore, there is reported to be a noticeably large presence of Dana Company trucks, truck tankers and rail tankers at this facility to a degree which would seem to warrant further investigation to determine to what extent, if any, the Dana Company activities at this facility are truly under the control or supervision of the railroad, the Grafton & Upton Railroad Company.

I have met and spoken with Petitioners, have visited their neighborhood and can attest to the legitimacy of their concerns regarding this ongoing controversy. I support their decision to protect their health, safety and quality of life and to invoke their constitutional right to petition a federal board to determine whether or not their claims have merit.

I ask that you, the Vice Chairman and the Commissioner look carefully into this situation and render a decision in accordance with the evidence that will have been adduced.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael O. Moore". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

State Senator Michael O. Moore
Second Worcester District

cc: Honorable Ann Begemann, Vice Chairman
Honorable Francis P. Mulvey, Commissioner