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SEC

SERVICE DATE – MARCH 3, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34797

NEW ENGLAND TRANSRAIL, LLC, d/b/a
WILMINGTON & WOBURN TERMINAL RAILWAY
– CONSTRUCTION, ACQUISITION AND OPERATION EXEMPTION –
IN WILMINGTON AND WOBURN, MA

Decided: March 2, 2006

By petition filed on December 5, 2005, New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway (NET), seeks an exemption pursuant to 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to acquire in part, to construct in part, and to operate as a rail common carrier a total of approximately 7,500 feet of trackage located in Wilmington and Woburn, MA.¹ NET states that, upon commencement of rail operations, it would receive at its facility, and would provide rail transportation for, a variety of commodities, including, among others, sand and gravel, plastic resins and liquids, municipal solid waste, and construction and demolition debris.

In a decision served on December 20, 2005, responding to the requests of various interested parties, the Board extended the due date for replies to January 27, 2006. In accordance with that decision, the Board has received reply comments raising a variety of issues.

NET's petition for exemption presents issues that require consideration by the Board. By this decision, the Board is instituting a proceeding under 49 U.S.C. 10502(b). The issues raised by the parties will be addressed in a subsequent decision.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted.

¹ NET states that it intends to operate a total of 7,500 feet of trackage, but it is unclear how much of this trackage would be acquired and refurbished and how much would be newly constructed.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary