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SEC

SERVICE DATE - JANUARY 3, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33971

JOINT PETITION FOR DECLARATORY ORDER - BOSTON AND
MAINE CORPORATION AND TOWN OF AYER, MA

Decided: January 2, 2001

In a decision served December 22, 2000, a declaratory order proceeding was instituted pursuant to a request of joint petitioners to address issues related to the construction and operation of a proposed car unloading facility, as well as the operation of an existing automobile unloading facility. This proceeding is being handled under the modified procedure with opening statements and replies due January 8, 2001, and January 28, 2001, respectively. The December 22 decision provided that opening statements and replies could be filed by the joint petitioners and by interested persons.

On December 21, 2000, the Littleton Electric Light & Water Departments, a division of the municipal government of the Town of Littleton, MA (Littleton), filed a petition to intervene in this proceeding. It seeks intervention noting that the proposed unloading facility would be located within the aquifer protection districts of the Towns of Ayer and Littleton. The petition to intervene will be granted. It is unopposed, and by the terms of the December 22 decision, Littleton is an interested person. Moreover, intervention is warranted because it would not unduly broaden the issues here. 49 CFR 1112.4.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The petition of Littleton to intervene is granted.
2. The parties and any interested person shall submit opening statements by January 8, 2001, and replies by January 28, 2001, respectively.

3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary