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SEC

SERVICE DATE – LATE RELEASE APRIL 12, 2007

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: April 12, 2007

The Board will hold an oral argument on Thursday, April 19, 2007, in the 1st floor hearing room at the Board's new headquarters at 395 E Street, S.W., Washington, D.C., to explore what planned activities by New England Transrail, LLC (NET), would be part of rail transportation subject to the Board's jurisdiction. The oral argument will begin at 9:30 a.m. Please note that this is a change in the start time.

The Board announced this oral argument by notice served March 29, 2007, and established due dates for parties wishing to speak at the argument to advise the Board of their intent to participate and request a time allotment, and for submission of written testimony. Based on those submissions, the Board is issuing this decision to set the schedule of speakers for the argument. Because the invitation to participate was open only to parties of record as of March 29, 2007, Wilmington-Woburn Collaborative will not be allotted time to speak at the April 19 argument. In addition, NET has filed a response to the notice of intent to participate filed by the National Solid Wastes Management Association *et al.* (the "Coalition Parties"), arguing that the Coalition Parties requested an excessive amount of time and number of speakers, and the Coalition Parties have filed a statement in opposition to that NET argument. This issue has been addressed in the final time allotments, and requires no further discussion.

The schedule of appearances and the time provided for each party appear in the Appendix to this decision. The Board will have read the written submissions in advance of the hearing. Witnesses should not read their written submissions at the hearing, but instead should briefly summarize their key points, focusing on the questions posed by the Board in the March 29, 2007 decision and at the oral argument.

If a party wishes to enhance its presentation by using projector-adaptable visual displays and/or handouts, it may do so. Staff will be available to demonstrate the hearing room's projection system on April 18, 2007, from 2 p.m. to 4 p.m. Please call (202) 245-0424 to make arrangements.

Instructions for Attendance at Oral Argument

The STB requests that all persons attending the oral argument use the Patriots Plaza Building's main entrance at 395 E Street, S.W. (closest to the northeast corner of the intersection of 4th and E Streets). There will be no reserved seating, except for witnesses. The hearing room will be open to the public at 8:30 a.m. There is no visitor parking in the building.

Upon arrival, check in at the 1st floor security desk in the main lobby. Be prepared to produce valid photographic identification (driver's license or local, state, or federal government identification); sign in at the security desk; receive a hearing room pass (to be displayed at all times); submit to an inspection of all briefcases, handbags, etc.; then pass through a metal detector. Upon entering the hearing room, witnesses should check in with the Board Secretary. Persons choosing to exit the building during the course of the argument will be subject to the above security procedures if they choose to reenter the building. Hearing room passes will be collected from those exiting the argument.

Quiet laptops and tape recorders may be brought into the hearing room, but no provision will be made for the connection of personal computers to agency telephone lines. Cellular telephone use is not permitted in the hearing room; cell phones may be used quietly in the corridor surrounding the hearing room, or in the building's main lobby.

The Board's hearing room complies with the Americans With Disabilities Act, and persons needing such accommodations should call (202) 245-0245, or (202) 245-0352 by the close of business on April 17, 2007.

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

It is ordered:

1. Time for the oral argument is allotted as reflected in the Appendix to this decision.
2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary

**APPENDIX**  
**SCHEDULE OF APPEARANCES**

**April 19, 2007**

<b><u>Party</u></b>	<b><u>Time Allotted</u></b>
<b>Panel I:</b>	
New England Transrail, LLC (NET) – Opening statement	45 minutes <sup>1</sup>
New York, Susquehanna and Western Railway Corporation	20 minutes
Frank DeMasi	5 minutes
<b>Panel II:</b>	
Massachusetts Representative James R. Miceli	10 minutes
<b>Panel III:</b>	
Massachusetts Office of Attorney General	15 minutes
Massachusetts Department of Environmental Protection	15 minutes
New Jersey Department of Environmental Protection and New Jersey Meadowlands Commission (jointly)	20 minutes
<b>Panel IV:</b>	
Coalition Parties: National Solid Wastes Management Association; Solid Waste Association of North America; Massachusetts Municipal Association; Construction Materials Recycling Association; Integrated Waste Services Association; and New Bedford Waste Services, LLC	30 minutes
<b>Panel V:</b>	
Town of Wilmington, Massachusetts	15 minutes
Susan Cleaver	5 minutes
Raritan Baykeeper, Inc., and Hackensack Riverkeeper, Inc. (jointly)	10 minutes

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<sup>1</sup> NET may allocate its 45 minutes of time between opening and closing statements.

**Panel VI:**

John D. Fitzgerald on behalf of United Transportation  
Union—General Committee of Adjustment

3 minutes

**Panel VII:**

NET – Closing statement

See footnote 1