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SERVICE DATE – DECEMBER 30, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 34797

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

Decided: December 29, 2015

On November 6, 2015, the Environmental Protection Agency (EPA) submitted a letter to the Board's Office of Environmental Analysis stating that the facts no longer support continuing to defer the Board's environmental review process in this case. By decision served on December 14, 2015, the Board accepted this letter into the record and established a January 4, 2016 deadline for comments in response to EPA's submission.

By letters filed December 23, 2015, the Town of Wilmington (the Town) and the Massachusetts Department of Environmental Protection (MassDEP) separately request extensions of the comment deadline, citing the intervening year-end holidays. The Town requests an extension until January 18, 2016, and MassDEP requests an extension until February 4, 2016, or, in the alternative, January 20, 2016.

On December 28, 2015, New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway (NET), filed a response to the requests for extension. NET states that it is amenable to a one-week extension of the January 4, 2016 deadline, but believes that the project should move forward after many years of delay.

A 10-day extension of time to file comments on EPA's November 6, 2015 letter will reasonably account for the intervening year-end holiday period and will not unduly delay this proceeding. Therefore, the comment deadline will be extended to January 14, 2016.

It is ordered:

1. Comments in response to EPA's November 6, 2015 submission are due by January 14, 2016.
2. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.