

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34365

NEW ENGLAND TRANSRAIL, LLC—ACQUISITION AND OPERATION
EXEMPTION—LINES OF BOSTON AND MAINE RAILROAD COMPANY

Decided: August 5, 2003

By notice filed on June 19, 2003, as clarified on July 2, 2003, New England Transrail, LLC, d/b/a the Wilmington and Woburn Terminal Railroad Co. (New England Transrail), a noncarrier, invoked the class exemption at 49 CFR 1150.31 to allow it to acquire and operate, from Boston and Maine Railroad Company (B&M), segments of a line of railroad extending from milepost 13.25 on the Massachusetts Bay Metropolitan Transportation Authority (MBTA) Boston-Concord main line in Woburn, MA (on which B&M retains the right to conduct freight service), to a junction with B&M at about milepost 14 on B&M's Wilmington-Woburn-West Medford branch located at a junction south of Eames Street in Wilmington, MA. New England Transrail also stated in the notice that it proposed to construct a half-mile of new track to connect the Wilmington-Woburn-West Medford branch at a point just south of Eames Street to the MBTA main line in Woburn. Notice of the exemption was served and published in the Federal Register on July 10, 2003 (68 FR 41208-09). The exemption was scheduled to become effective on June 26, 2003. However, by decision served on June 26, 2003, the Board granted New England Transrail's request to delay the effective date of the exemption until July 11, 2003.

On June 26, 2003, and July 10, 2003, respectively, the Town of Wilmington and the City of Woburn filed petitions to stay the effective date of the exemption. By decision served on July 10, 2003, the petitions for stay were denied.

By letter filed on July 14, 2003, New England Transrail requests that the notice of exemption be withdrawn. Based on information provided by B&M, New England Transrail states that there was an error in its notice of exemption and that it will refile when there is a further agreement with B&M. New England Transrail's request will be granted.

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

It is ordered:

1. New England Transrail's request to withdraw its notice of exemption is granted.
2. The notice served and published in the Federal Register in this proceeding on July 10, 2003, is vacated.
3. This proceeding is dismissed.
4. This decision is effective on the service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary