

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: December 20, 2005

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. NET seeks expedited consideration of its petition.

Several interested parties have filed requests to extend the due date for replies to NET's petition from December 27, 2005,² to as late as January 27, 2006.³ The parties requesting an extension assert that more time is needed to assess NET's petition and the material that accompanied it, that the proposed transaction warrants closer analysis than can be accomplished in 20 days, and that the extension will better enable interested parties to prepare comments in light of the intervening holidays.

¹ NET's petition states that it intends to operate a total of 7,500 feet of trackage upon completion of the proposed project, but it does not distinguish between the trackage to be acquired and that which would be newly constructed.

² Pursuant to 49 CFR 1104.13, interested parties may file replies to a petition for exemption within 20 days after the petition has been filed. In this case, the due date for replies is December 27.

³ Specifically, the National Solid Wastes Management Association requests an extension until January 26, the Massachusetts Department of Environmental Protection requests an extension until January 27, and James R. Miceli, Member of the House of Representatives of the Commonwealth of Massachusetts, requests an extension until "at least January 20, 2006."

NET states that it would not object to an extension of the reply comment period until January 6, 2006, but opposes any extension beyond that date, asserting that a longer extension would unreasonably delay the Board's evaluation of NET's petition.

Because of the public interest in NET's petition and the holiday period during which substantive comments otherwise would have to be prepared and filed, an extension of the reply comment period is warranted. Moreover, in light of the extensive environmental review to be conducted by the Board before a decision on the merits would be served, an extension beyond January 6, 2006, would neither affect the overall processing of this matter nor unduly prejudice the petitioner. Accordingly, the requests for an extension of the due date for filing replies in this proceeding are reasonable and an extension will be granted until January 27, 2006.

It is ordered:

1. Replies to NET's petition for exemption are due by January 27, 2006.
2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary