



May 12, 2006

Ms. Phillis Johnson-Ball  
Surface Transportation Board  
1925 K Street NW  
Washington, DC 20423

RE: **Finance Docket Number FD 34797 – New England Transrail, LLC d/b/a  
Wilmington & Woburn Terminal Railway – Construction, Acquisition, an Operation  
Exemption – In Wilmington and Woburn, MA**

Dear Ms. Johnson-Ball:

I am writing to express the opposition of ArQule, Inc. to the above named project. ArQule, Inc. is a biotechnology company located at 19 Presidential Way in Woburn, MA. We are engaged in the research and development of cancer therapeutics. Our mission is to research, develop, and commercialize broadly effective cancer drugs with reduced toxicities compared to conventional cancer chemotherapeutics.

Our facility is located on the road between the proposed New England Transrail facility and Interstate Rte. 93. If the proposed solid waste treatment facility is approved, Presidential Way would serve as the primary route for vehicular traffic to and from the facility.

ArQule is opposed to the siting of the New England Transrail, LLC project on the Woburn/Wilmington property, as described in the above referenced Docket. Our concerns are twofold:

- 1.) Approval of the project by the Surface Transportation Board alone as strictly a rail transportation project would permit New England Transrail to avoid an adequate assessment of its environmental impact and local, state and federal environmental regulation of the company's solid waste management activities.

The site where this activity is proposed has **unresolved ground contamination**. The extent of contamination, and the impact of this proposed action, is not fully understood. The site should remain inactive until the remediation of the contamination can be addressed as part of the site planning and development process.



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- 2.) In addition, the project will significantly increase local truck traffic, which will create excessive vibration, noise, and air quality issues that will have a significant impact on the operation of our business. We move large volumes of fresh air through our facility on a continuous basis to support our research laboratories. Engine exhaust fumes from, and dust raised by, the trucks, and odors from the cargo will affect our employees. We also have many precision instruments that will be affected by the vibrations caused by the significant increase in heavy vehicle traffic.

ArQule respectfully requests that you support the US Environmental Protection Agency and Massachusetts Department of Environmental Protection in their assertions of jurisdiction concerning the regulation of the operations within the proposed site. This would balance the interests of all of the stakeholders in this project. We look forward to the outcome of your regulatory review.

Sincerely,

Stephen Hill  
President  
ArQule, Inc