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PAN AM RAILWAYS  
IRON HORSE PARK  
NO. BILLERICA, MA 01862



LEGAL DEPARTMENT  
(978) 663-1029

ENTERED  
Office of Proceedings  
MAR 7 - 2008  
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Public Record

March 5, 2008

Atty Anne Quinlan, Acting Secretary  
Surface Transportation Board  
395 E Street. S W.  
Washington. DC. 20423-0001

RE Boston & Maine Corporation and Springfield Terminal Railway Company –  
Abandonment and Discontinuance of service – Over the Canal Branch – Hartford  
County, Connecticut – Docket No AB 32 (Sub No 101X) and  
Docket No AB 355 (Sub No 35X)

**Reply to State of Connecticut Request to Accept Late-Filed Petition**

Dear Atty Quinlan

The State of Connecticut through the Office of the Attorney General has requested that the board accept their late filed petitions for Public Use Condition and Interim Trial Use Condition Please be informed that the Boston & Maine Corporation and the Springfield Terminal Railway Company, the applicants in the above referenced abandonment, object to such a request

The Verified Notice of Exemption under 49 CFR 1152 Subpart F was filed with this board on or about January 3, 2008 The notice was published on January 25, 2008 Said notice states unequivocally that all trail use/rail banking requests under 49 CFR 1152 29 must be filed by February 4, 2008 In addition the notice further states that all requests for public use condition under 49 CFR 1152 28 must be filed by February 14.

2008 On February 1, 2008 the board published an Environmental Assessment in this matter A Decision was published on February 25, 2008.

It is clear that the State of Connecticut did not file a timely request for a public use condition or a trial use condition The State had adequate time to file these requests before the mandated deadlines They failed to do so In addition the State of Connecticut waived their right of first refusal for portions of the property that were offered to them The State of Connecticut made their requests after a decision had been recorded in this matter. To allow such a request would be burdensome to the applicants in this matter as they have taken the proper measures in conveying the property

As such the applicants pray that the board deny the State of Connecticut's request to accept a Late-Filed petition

I have enclosed ten (10) copies of this reply to the board for proper filing

Sincerely,



Michael Q Geary  
Staff Attorney  
Pan Am Railways

Enclosures 10 copies

## CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of this Reply to State of Connecticut Request to accept Late-Filed Petition to be served upon the following individuals via regular mail, postage pre-paid, delivery this 5<sup>th</sup> day of March, 2008

Alan N Ponanski  
Assistant Attorney General  
Office of the Attorney General  
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Hartford, Connecticut 06141-0120

  
Michael Q Geary