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January 26, 2006

Jeffrey Bauer  
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Via Hand Delivery

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K. Street N.W.  
Washington, D.C. 20423

RE: Comments Supporting Petition for Exemption filed  
by New England Transrail, LLC  
FD-34797



Dear Secretary Williams:

Enclosed for filing are an original and ten (10) copies of the comments of Mr. Frank S. DeMasi in support of the Petition for Exemption filed by New England Transrail, LLC, Finance Docket Number 34797. Please time-stamp the extra copy and return it to our messenger.

We are hereby requesting that the following individual be added to the official service list:

Mr. Frank S. DeMasi  
26 MacArthur Road  
Wellesley, MA 02482

ENTERED  
Office of Proceedings

JAN 26 2006

Part of  
Public Record

Thank you in advance for your consideration.

Sincerely,

  
Jeffrey M. Bauer

BEFORE THE  
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34797

COMMENTS OF FRANK S. DEMASI, DEFENSE ACQUISITION PROFESSIONAL (RETIRED 2002)  
FORMERLY ASSIGNED AS SUPERVISORY INDUSTRIAL SPECIALIST DEFENSE CONTRACT  
MANAGEMENT AGENCY AT DISTRICT EAST 495 SUMMER STREET BOSTON MASSACHUSETTS  
ON THE NEW ENGLAND TRANSRAIL, LLC D/B/A WILMINGTON & WOBURN RAILWAY--  
PETITION FOR AN EXEMPTION FROM 49 U.S.C. SECTION 10901 TO ACQUIRE, CONSTRUCT AND  
OPERATE AS A RAIL CARRIER ON TRACKS AND LAND IN WILMINGTON AND WOBURN,  
MASSACHUSETTS

*Frank S. DeMasi*

FRANK S. DE MASI  
26 MACARTHUR ROAD  
WELLESLEY, MA 02482

ENTERED  
Office of Proceedings

JAN 26 2006

Part of  
Public Record

January 11, 2005

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

Re: Formal Comments by Frank S. DeMasi, 26 MacArthur Road. Wellesley MA 02482  
New England Transrail, LLC d/b/a Wilmington & Woburn Railway--Petition for an Exemption from 49  
U.S.C. Section 10901 To Acquire, Construct and Operate As A Rail Carrier On Tracks and Land In  
Wilmington and Woburn, Massachusetts  
FD-34797

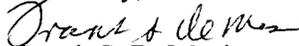
Dear Secretary Williams:

Enclosed please find my comments on the New England Transrail, LLC d/b/a Wilmington & Woburn  
Railway--Petition for an Exemption from 49 U.S.C. Section 10901 To Acquire, Construct and Operate As A  
Rail Carrier On Tracks and Land In Wilmington and Woburn, Massachusetts, Finance Docket No. 34797.

I am a Defense Acquisition Professional (RETIRED 2002) formerly assigned as supervisory Industrial  
Specialist, Defense Contract Management Agency at District East 495 Summer Street Boston Massachusetts,  
and also a member of the Regional Transportation Advisory Council (RTAC) Freight Committee and follow  
and advocate for freight transportation issues through that venue. I am making these comments, however, in my  
[personal capacity] as an informed freight transportation advocate and concerned citizen of the Commonwealth  
of Massachusetts for its declining industrial and rail freight transportation infrastructure.

Please note that the following also has some bearing on and is also being submitted to be considered as  
part of your deliberations on the Declaratory Order, National Solid Waste Management Association, et al,  
Finance Docket Number 34776.

Sincerely,

  
Frank S. DeMasi

BEFORE THE  
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34797

COMMENTS OF FRANK S. DEMASI, DEFENSE ACQUISITION PROFESSIONAL (RETIRED 2001)  
FORMERLY ASSIGNED AS SUPERVISORY INDUSTRIAL SPECIALIST DEFENSE CONTRACT  
MANAGEMENT AGENCY AT DISTRICT EAST 495 SUMMER STREET BOSTON MASSACHUSETTS  
ON THE NEW ENGLAND TRANSRAIL, LLC D/B/A WILMINGTON & WOBURN RAILWAY--  
PETITION FOR AN EXEMPTION FROM 49 U.S.C. SECTION 10901 TO ACQUIRE, CONSTRUCT AND  
OPERATE AS A RAIL CARRIER ON TRACKS AND LAND IN WILMINGTON AND WOBURN,  
MASSACHUSETTS

Frank S. DeMasi, (BS Mechanical Engineering, Department of Defense Certified Acquisition Professional, Logistics and Manufacturing – retired 2002) at the interest in enhancing efficient modes of freight transportation which minimize environmental and economic impacts in the region submits the following comments to the Surface Transportation Board (STB) in connection with the New England Transrail, LLC d/b/a Wilmington & Woburn Railway--Petition for an Exemption from 49 U.S.C. Section 10901 To Acquire, Construct and Operate As A Rail Carrier On Tracks and Land In Wilmington and Woburn, Massachusetts. These comments have some bearing on and are being submitted to be considered in connection with the Petition of the National Solid Waste Management Association (NSWMA), et al., for a Declaratory Order, Finance Docket No. 34776 filed on October 27, 2005.

Since retiring from a 34 year successful career as a Department of Defense Certified Acquisition Professional I have exercised my interest and advanced my knowledge in and advocating for enhancing efficient modes of freight transportation to minimize environmental, national security, emergency response preparedness, and economic impacts in the region by volunteering as the Town of Wellesley Massachusetts Representative to and Freight Committee Co-Chairman of the Regional Transportation Advisory Council for the Boston MPO in Eastern Massachusetts. I have also provided testimony supporting freight rail at several state transportation hearings of the Massachusetts Legislature's Joint Transportation Committee, Executive Office of Transportation State Transportation Plan, and Massachusetts Transportation Finance Commission. Formerly I was a Managing Production Engineer, Logistics Specialist Manager, Administrative Contracting Officer, and Chief of the Contract Administration Office, Defense Contract Management Agency at 495

Summer Street, Boston Massachusetts, where I managed specialized Transportation Personnel involved in arranging freight transportation of a wide range of goods and materials for the Armed Services in the Department of Defense. These activities involved me in the management of all modes of freight transport including sea, rail, truck and air. The rapid decline of freight rail capability, performance, and access, in the Boston Metro Region became vividly apparent to me during my administration of production contracts with the Department of Defense contractors in our area of responsibility in Massachusetts and New England. Contractors under my unit's surveillance and support were engaged in receiving and shipping millions of dollars of goods and materials to and from Massachusetts and New England. Beginning in the 1990's until my retirement from the Defense Department in 2002 virtually all of the freight moved on Government Bills of Lading via rail and sea were shifted from and transported by truck because of the lack of adequate rail and port infrastructure and service in that region.

The subsidized advent of the interstate highway system over the last half-century contributed to the decline of railroad freight transportation, in general. In particular, railroads, which owned extensive parcels of land in Eastern Massachusetts used for transfer terminals and other support functions, with skyrocketing real estate values in the Boston metropolitan area saw greater profits in selling off these parcels for real estate development than in their transportation functions. These sales eventually hindered the railroads' ability to transfer freight between rails and trucks for local deliveries, which furthered the decline in rail freight. This trend continues with the current commercial/retail/residential development of a vital former Boston and Maine (now Guilford Industries) Rail Yard across from downtown Boston in Somerville, Massachusetts, abandonment of the Mystic Warf Branch Rail connections to the docks and terminals located on the Mystic River and Chelsea Creek and the sale of land occupied by the Beacon Park Rail Yard (CSX) at Allston (Boston) Massachusetts for institutional development by Harvard University, which will limit the transfer functions of that yard.

The Federal Highway Administration projects that if we do not change our transportation system freight transported by long haul truck will increase 66% in the next dozen years over Massachusetts' already congested levels as measured in 1998. On a national average, trucks generate 10 times sooty particulates and hydrocarbons on a per ton per mile basis than rail freight, and almost 3 times the nitric oxides and carbon

monoxide. Based on data compiled by the US EPA and American Association of State Highway and Transportation Officials, the health impact costs from medical bills and loss of earnings due to illness or premature death from this increased source of air pollution from long-haul trucking based on 1997 dollars equals 2 ½ cents per ton for each 10-miles traveled. Assuming that on average a long-haul truck traveling to or from Massachusetts hauls 20 tons of freight that equates to a hidden cost of 5 cents per mile borne by the Massachusetts residents.

Other hidden costs of long haul trucking are: pavement wear and tear, 18 cents per mile; congestion costs, 5 cents; accident costs, 27 cents; excess user costs, 8 ½ cents; and noise impacts, 8 ½ cents. These costs are based on constant highway driving and average national conditions, and do not take into account the higher costs encountered in eastern Massachusetts with greater stop-and-go traffic which increase air pollution, more overpasses and elevated roadways which increases pavement wear and tear, and higher construction and labor costs.

If we are not to suffer greater air pollution, larger hidden costs borne by all of us, and reduced quality of life from time-consuming congestion, we must foster changes to our freight transportation system. A critical aspect for the revitalization of rail freight in the Boston metropolitan area as part of a healthy and robust national rail freight system is development of rail terminals necessary to allow an interface between long-haul rail transportation to transload freight for local truck deliveries or pick ups to serve local markets.

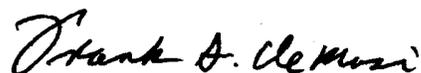
NET's proposed development of a rail freight terminal in Wilmington, Massachusetts is the type of facility which will be required to revitalize rail freight transportation in the Boston metropolitan area. The Wilmington terminal will handle a wide range of in-bound and out-bound products and materials, from lumber, steel, paper and other bulk commodities inbound. Since eastern Massachusetts' major export is waste products, waste will be a major component of the terminal's outbound freight. Vested interests in the solid waste industry, with businesses tied to long-haul trucking or local garbage burning incinerators has opposed the Wilmington project for fear that it will undercut their markets and pricing. Rail freight presents an overwhelming pricing advantage over trucking because of rail's inherent transportation efficiencies, and will save Massachusetts and its municipalities tens of millions of dollars per year in waste disposal costs; and will save Massachusetts, its

municipalities and residents even more money from reduced impacts from air pollution, congestion, highway accidents, excess user costs, pavement wear and tear, and noise.

Provided that a rail facility follows the appropriate health and safety rules and regulations which are enforced in a non-discriminatory manner and which do not unduly impede rail transportation, there is no legitimate policy or legal reason to differentiate between transloading of solid waste and other commodities, and, based on this proviso, the STB must not make exclude transloading of solid waste from its exclusive jurisdiction.

Consequently, to enhance freight transportation, in general, and national security and emergency response preparedness; in particular, the STB should grant NET's Petition expeditiously.

Respectively submitted,

A handwritten signature in black ink, reading "Frank S. DeMasi". The signature is written in a cursive style with a large initial 'F' and 'D'.

Frank S. DeMasi

CERTIFICATE OF SERVICE

I do hereby certify that on this 26 day of January, 2006, I served a copy of the foregoing comments of Mr. Frank S. DeMasi in support of New England Transrail's Petition for Exemption by causing a copy to be delivered by first class mail, postage prepaid, to:

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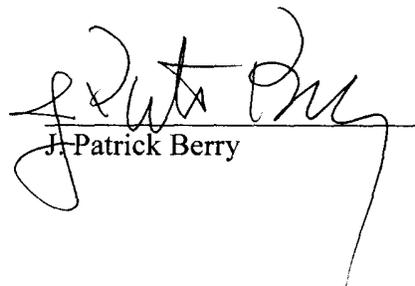
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J. Patrick Berry