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219203

April 30, 2007

VIA ELECTRONIC MAIL

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

**RE: STB Finance Docket Number: 34797
Post-Hearing Statement of the Town of Wilmington, and Request for Leave
to File Post-Hearing Statement**

Dear Secretary Williams.

Enclosed for filing, please find:

1. Post-Hearing Statement of Town of Wilmington Regarding Jurisdictional and Related Matters in New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway Petition for an Exemption from 49 U S C § 10901 to Acquire, Construct and Operate as a Rail Carrier on Tracks and Land in Wilmington and Woburn, Massachusetts;
2. Request for Leave to File Post-Hearing Statement; and
3. Certificate of Service

Thank you for your consideration and cooperation in this matter. Copies of this letter and its enclosures are being sent simultaneously to counsel for the interested parties, as indicated on the attached certificate of service. Please contact me with any questions concerning this filing.

Very truly yours,

/s/ Daniel R. Deutsch

Daniel R. Deutsch

DRD.das



Honorable Vernon Williams
April 30, 2007
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Enclosures as stated

cc. Service List
Town of Wilmington
Attn: Michael A. Cairn, Town Manager
Paul R. DeRensis, Esq.

DWL1B 210966v1
880423

2/19/2003

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34797

**REQUEST OF TOWN OF WILMINGTON
FOR LEAVE TO FILE A POST-HEARING STATEMENT
REGARDING JURISDICTIONAL AND RELATED MATTERS
IN NEW ENGLAND TRANSRAIL, LLC, d/b/a
WILMINGTON & WOBURN TERMINAL RAILWAY
PETITION FOR AN EXEMPTION FROM 49 U.S.C.
§ 10901 TO ACQUIRE, CONSTRUCT AND OPERATE
AS A RAIL CARRIER ON TRACKS AND LAND
IN WILMINGTON AND WOBURN, MASSACHUSETTS**

The Town of Wilmington hereby respectfully requests that the Surface Transportation Board grant it leave to file a brief Post-Hearing Statement in the form attached hereto. The purpose of this filing is to respond to assertions made by the petitioner New England Transrail, LLC ("NET") and by other parties at the Board's April 19, 2007 hearing on jurisdictional and related issues.

NET's counsel and director made opening and closing presentations, and distributed supplemental verified statements, at that hearing. NET's presentations and colloquies with the Board lasted approximately three hours. For logistical reasons, undersigned counsel for Wilmington was unable to remain at the hearing for the final minutes of NET's closing, and in any event had no opportunity to respond to certain statements made in that closing.

A substantive reply concerning those and other comments, inconsistencies and omissions in NET's presentation would assist this Board in its deliberations on the issues before it. Among other statements made by NET were erroneous assertions concerning the siting of the proposed

facility relative to ground water contamination and remedial structures, as well as purported communications with Wilmington officials

Accordingly, the Town of Wilmington requests leave to file the attached Post-Hearing Statement of approximately six pages

Respectfully submitted,

TOWN OF WILMINGTON,
By its attorneys,

/s/ Daniel R Deutsch

Paul R. DeRensis
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Date: April 30, 2007.

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8804/23

CERTIFICATE OF SERVICE

I, Daniel R. Deutsch, hereby certify that on April 30, 2007, I served the foregoing Post-Hearing Statement of Town of Wilmington Regarding Jurisdictional and Related Matters in New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway Petition for Exemption from 49 U.S.C. § 10901 to Acquire, Construct and Operate as a Rail Carrier on Tracks and Land in Wilmington and Woburn, Massachusetts by causing a copy thereof to be delivered via first class mail, postage prepaid, to

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