

SURFACE TRANSPORTATION BOARD TO HOLD APRIL 19 ORAL ARGUMENT IN "NEW ENGLAND TRANSRAIL" CASE

The Surface Transportation Board has announced that the agency will hold an **April 19, 2007** oral argument in the case entitled **New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway--Construction, Acquisition and Operation Exemption--in Wilmington and Woburn, MA, STB Finance Docket No. 34797.**

The STB will hold the **Thursday, April 19** oral argument at **10:00 a.m.** in the STB's hearing room on the **1st Floor** of the agency's headquarters at **Patriots Plaza, 395 E Street, S.W., Washington, D.C.**

The oral argument will explore what planned activities would be part of rail transportation subject to the STB's jurisdiction. The proceeding involves a proposal by New England Transrail, LLC (NET) to acquire, construct and operate a rail line and related facilities in Wilmington and Woburn, Massachusetts. NET proposes to receive by truck at the site, and provide rail transportation for, a variety of commodities, including sand and gravel, plastics resins, liquids, municipal solid waste (MSW) and construction and demolition debris (C&D). NET asserts that all of its proposed activities and operations at the site would either constitute rail transportation or be integrally related to such transportation, and would therefore be subject to STB jurisdiction. A number of parties disagree, maintaining that NET's proposed activities involving C&D and MSW would not be part of rail transportation.

This hearing should assist the Board in determining the extent to which NET's planned activities would constitute transportation by rail carrier and thus lie within the Board's exclusive regulatory jurisdiction. Following that determination, should NET wish to proceed, the Board still would need to conduct a detailed environmental review (in addition to the ongoing investigation and study of the site being undertaken by the U.S. Environmental Protection Agency under the Superfund law), before determining whether to approve the proposed rail construction and operations, subject to such environmental mitigation conditions as the Board ultimately might deem necessary to protect the public health and environment.

The STB announced the oral argument in its "[Notice](#)" issued to the public on **March 29, 2007 in STB Finance Docket No. 34797**. That decision is available for viewing and downloading via the agency's Web site at <http://www.stb.dot.gov>. A printed copy of the STB's decision also is available for a fee by contacting **ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706, telephone (202) 306-4004**, or via asapdc@verizon.net.

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