



**WATER SUPPLY CITIZENS
ADVISORY COMMITTEE**
to the Mass. Water Resources Authority

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301799

March 23, 2021

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E. Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
March 23, 2021
Part of
Public Record

**Re: STB Docket No. FD 36472, CSX Corporation and CSX Transportation, Inc., et al.—
Control and Merger—Pan Am Systems, Inc., Pan Am Railways, Inc., Boston and
Maine Corporation, Maine Central Railroad Company, Northern Railroad, Pan Am
Southern LLC, Portland Terminal Company, Springfield Terminal Railway
Company, Stony Brook Railroad Company, and Vermont & Massachusetts
Railroad Company**

Dear Ms. Brown:

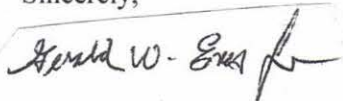
The Water Supply Citizens Advisory Committee (WSCAC) to the Massachusetts Water Resources Authority is responding to the above referenced filing. Formed in 1978, WSCAC is an independent committee funded by the MWRA. Our purpose is to advise the MWRA and the Massachusetts Department of Conservation and Recreation on water conservation and watershed protection strategies.

On March 23, the MWRA filed a letter recommending that this proposed merger be "Significant" rather than "Minor." WSCAC agrees with the MWRA and requests that the Application be rejected and re-submitted as Significant. Our rationale is as follows:

- The CSX purchase of PanAM includes the Worcester Mainline of which 7.6 miles are located within the Wachusett Watershed. The location of the tracks runs immediately adjacent to and directly over the Wachusett Reservoir. The MWRA Waterworks System provides drinking water to 3.0 million people by transferring water from the Quabbin Reservoir to the Wachusett Reservoir prior to treatment.
- The risk of a derailment due to speed or track irregularities could cause a release of hazardous materials into the reservoir. The potential contamination would affect the public health of 3.0 million people in addition to a negative economic impact beyond Massachusetts. A train carrying contaminated soils derailed in the watershed in 2017. If these soils had entered the reservoir, the impact could have been significant. CSX has not followed up with the MWRA regarding implementation of safety measures that would minimize the risk of a derailment in the watershed.
- WSCAC has for several years been increasingly concerned about the threat to drinking water that this rail line has. With the merger's legal agreement having been granted a protective order under this docket, and many details of rail transport generally being exempt from public notification requirements, WSCAC feels that this merger having a "Minor" designation would be a detriment to the public interest of oversight of threats to a major public drinking water supply.

We believe this level of potential risk should not be considered a Minor filing as requested by the applicants. As this filing has potential consequences for Greater Boston and well beyond the region, we request a Significant filing to address the possible impacts of this proposed Control and Merger between CSX Transportation, Inc. and Pan Am Systems Inc.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald W. Eves", followed by a stylized flourish.

Gerry Eves, WSCAC Chair



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Railroad Company**

I certify that I have served copies of this document upon all parties of record in this proceeding, by email.

Water Supply Citizens Advisory Committee by:

Alexandra F. Dewey

March 23, 2021

Date

Subject: FW: [EXTERNAL] FW: Surface Transportation Board - Docket Number: FD_36472
Attachments: WSCAC STB letter.pdf

From: Lexi Dewey [<mailto:info@wscac.org>]
Sent: Tuesday, March 23, 2021 2:53 PM
To: jenny.ronis@vermont.gov; redelman@mooneygreen.com; alarocca@steptoe.com; rculliford@panamrailways.com; brodar@atda.org; jgilbert@fletcher-sippel.com; allison.b.greenstein@doj.nh.gov; aubrey@shermundunn.com; jbartos@geclaw.com; rwimbish@fletcher-sippel.com; ediehl@smart-union.org; dan@m4cg.com; fred.laskey@mwra.com; abird@geclaw.com; ediehl@smart-union.org; wmullins@bakerandmiller.com; jmcinerney@barkanmeizlish.com
Cc: info@wscac.org
Subject: Surface Transportation Board - Docket Number: FD_36472

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Company, Stony Brook Railroad Company, and Vermont & Massachusetts
Railroad Company

Attached please find the Water Supply Citizens Advisory Committee's letter dated March 23, 2021, which was filed today with the Surface Transportation Board in connection with the above proceeding.

Lexi Dewey
Executive Director
WSCAC
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Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law, M.G.L. c. 66 § 10.