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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings

JUL 07 2006

Part of
Public Record

Finance Docket #34698



PETITION OF BAY COLONY RAILROAD
CORPORATION FOR DECLARATORY ORDER

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Dated: July 6, 2006

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JOINT STATUS REPORT

In a decision served on July 11, 2005, the Board granted the request of the Massachusetts Bay Transportation Authority ("MBTA") and the Bay Colony Railroad Corporation ("Bay Colony") to hold the above-captioned proceeding in abeyance in order to afford the parties an opportunity to discuss settlement of the issues. Thereafter in an order served on January 5, 2006 the Board granted the MBTA's request that its notice of termination of Bay Colony's operating authority over the Millis Industrial Track filed in Finance Docket #29963 be dismissed with prejudice. Thereafter, the Board directed the parties to report on the status of their negotiations of a Trackage Rights Agreement by July 7, 2006.

The parties hereby report that they have successfully negotiated a Trackage Rights Agreement which supplements and amplifies the terms and conditions governing the Bay Colony's operation over the Millis Industrial Track. Accordingly, they are filing herewith a Stipulation of Dismissal Bay Colony's Petition for Declaratory Order. They anticipate that appropriate notices of exemption concerning the status of, and Bay Colony's operation on, the Millis Industrial Track will be filed in the near future.

For the foregoing reasons, the parties request that the Board dismiss this matter pursuant to the Stipulation filed herewith.

MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY

By its attorney,

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