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BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. FD 36464

GRAFTON AND UPTON RAILROAD COMPANY --
VERIFIED PETITION FOR DECLARATORY ORDER

ENTERED
Office of Proceedings
February 16, 2021
Part of
Public Record

MOTION TO DISMISS PROCEEDING

Grafton and Upton Railroad Company (“GU”) hereby requests the Board to dismiss this proceeding. As explained more fully below, GU and the Town of Hopedale, Massachusetts (the “Town”) have engaged in mediation and discussions that have resulted in the resolution of the issues described in the Verified Petition for Declaratory Order filed by GU with the Board on November 23, 2020. These issues include matters raised by the Town in the litigation it filed in the Land Court in Massachusetts and the preemption issues raised by GU in the Verified Petition.

In order to afford GU and the Town time within which to reach an amicable resolution, the Board, at the request of GU, held this proceeding in abeyance pursuant to decisions entered on December 4, 2020 and January 28, 2021. The latter decision required GU to file a further status report on or before February 24, 2021.

Pursuant to a Settlement Agreement dated February 8, 2021, GU and the Town have resolved the issues raised by the Town in the Land Court litigation and by GU in the Verified Petition. In accordance with the Settlement Agreement, the Town and GU have filed a stipulation of dismissal with the Land Court. The Settlement Agreement also requires GU to

request the Board to dismiss this proceeding. Accordingly, the Board is respectfully requested to dismiss the proceeding.

Respectfully,

/s/James E. Howard

James E. Howard

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Attorney for Grafton and
Upton Railroad Company

Dated: February 15, 2021

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2021, I served a copy of the foregoing Motion to Dismiss on counsel for the Town of Hopedale, Massachusetts by email as follows:

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