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BEFORE THE
SURFACE TRANSPORTATION BOARD



216969

Finance Docket #34698

PETITION OF BAY COLONY RAILROAD
CORPORATION FOR DECLARATORY ORDER

STIPULATION OF DISMISSAL
FILED BY BAY COLONY RAILROAD
CORPORATION

Leonard M. Singer
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Attorney for the Massachusetts Bay
Transportation Authority

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Attorney for Bay Colony Railroad Corp.

Dated: July 6, 2006

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Bay Colony Railroad Corporation ("Bay Colony"), with the assent of The Massachusetts Bay Transportation Authority ("MBTA"), hereby stipulates that the Board may dismiss the Petition for Declaratory Order it filed on May 2, 2005. The grounds for this stipulation are that a Colony and the MBTA have reached an agreement concerning the terms and conditions under which Bay Colony will operate over lines in which the fee interest is owned by the MBTA

Respectfully submitted,

Bay Colony Railroad Corporation

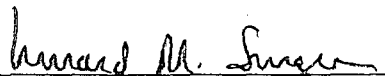
By its attorney,

James E. Howard
James E. Howard *By Law*
One Thompson Square, Suite 201
Charlestown, Massachusetts 02129
617-886-9322

Assented to:

Massachusetts Bay Transportation Authority

By its attorney,

A handwritten signature in cursive script, appearing to read "Leonard M. Singer", is written over a horizontal line.

Leonard M. Singer
101 Arch Street, Ninth Floor
Boston, Massachusetts 02110
617-737-7670

Dated: July 6, 2006