



Town of Sudbury

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October 6, 2021

ENTERED
Office of Proceedings
October 18, 2021
Part of
Public Record

Honorable Martin J. Oberman, Chairman
Surface Transportation Board
395 E Street SW
Washington, DC 20423



Subject: Docket No. FD-36493 Protect Sudbury Inc. Petition for Declaratory Order

Dear Chairman Oberman:

The Town of Sudbury, MA ("Sudbury") understands that the Surface Transportation Board (the "Board") has received a Petition for a Declaratory Order from Protect Sudbury, Inc. ("PSI") requesting a determination that the railroad line in the Town of Sudbury owned by the Massachusetts Bay Transportation Authority ("MBTA") is not abandoned.

In response, the Town of Sudbury requests that, should the Board determine the line is abandoned, that it will also issue a concurrent notice of interim trail use/rail banking - pursuant to 16 USC section 1247(d) for a line of railroad that was part of branch line called the Central Massachusetts Railroad Division of the B&M and now considered a portion of the Mass Central Rail Trail and runs in Sudbury from milepost B23/N81 to B27/N86, a distance of approximately 4.40 miles in Middlesex County, MA, in the above-entitled proceeding.¹ Sudbury understands that the line is now owned and operated by the Massachusetts Bay Transportation Authority ("MBTA"), and that the MBTA has not consummated the abandonment of the line.

As required by the Board's rules at 49 CFR section 52.29(a)(3), Sudbury submits the following Statement of Willingness to Assume Financial Responsibility.

In order to establish interim trail use and rail banking under 16 USC 1247(d) and 49 CFR 1152.29, the Town of Sudbury is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the MBTA. The property, known as a branch line of the Central Massachusetts Railroad Division of the B&M, and now considered a portion of the Mass Central Rail Trail, runs from milepost B23/N81 to B27/N86 in Sudbury, a distance of approximately 4.40 miles in Middlesex County, MA.

The Town of Sudbury acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is

¹ In the alternative, should the Board determine the line is not abandoned, but that the proposed construction of an electric utility line along the line would unduly interfere with reactivation of rail service, the Town makes the same request, that the Board issue a concurrent notice of interim trail use/rail banking.

FILING FEE WAIVED

Honorable Martin J. Oberman, Chairman
Surface Transportation Board

Oct. 6, 2021

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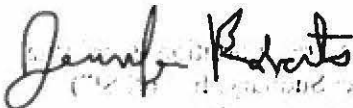
being served on the MBTA on the same date it is being served on the Board. As the Town of Sudbury is a local government entity, we respectfully request a waiver of the filing fee pursuant to 49 CFR section 1102.2(e)(1).

Enclosed is the original and one copy of this letter. Please time and date stamp the additional copy of this letter and return to this office.

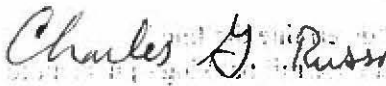
Thank you for your assistance. If you have any questions, please advise Sudbury Town Manager Henry L. Hayes, Jr. at 978-639-3381 or at townmanager@sudbury.ma.us.

Sincerely,

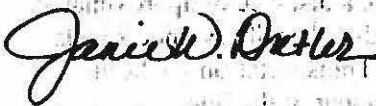
Sudbury Select Board



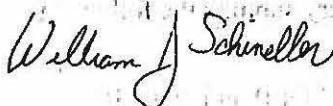
Jennifer Roberts, Chair



Charles Russo, Vice-chair



Janie Dretler, Member



William Schineller, Member

cc: Daniel Elliot, Esq.
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