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ENTERED
Office of Proceedings
March 29, 2024
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Public Record

March 29, 2024

BY E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Re: ICC Finance Docket No.29963
Bay Colony Railroad Corporation - Modified Rail Certificate

Notice of Intent to Partially Terminate Service

Dear Ms. Brown:

Pursuant to 49 C.F.R. §1150.24, Bay Colony Railroad Corporation ("BCLR") hereby provides notice of its intention, effective May 28, 2024 (or such earlier or later date as the Board confirms authority of Massachusetts Coastal Railroad, LLC ("Mass Coastal") to operate the line under its own modified rail certificate) to terminate service over the 25.4-mile Plymouth Branch line of railroad between Milepost 1.7 in South Braintree and Milepost 27,1 (the "Subject Line") in Plymouth, Massachusetts.¹ The Subject Line was acquired from Penn Central by Massachusetts Bay Transportation Authority ("MBTA"). *See Application of Bay Colony Application for a Modified Certificate of Public Convenience and Necessity*, ICC Finance Docket No. 29963 (filed June 11, 1982).

The Subject Line is a portion of the rail lines owned by Massachusetts Department of Transportation ("MassDOT") and MBTA, and operated by BCLR pursuant to a Modified Rail Certificate issued by the Interstate Commerce Commission in *Bay Colony Railroad Corporation - Modified Rail Certificate*, ICC Finance Docket No. 29963 (ICC served June 29, 1982).²

¹ This notice represents a partial termination of service of the lines covered by the modified rail certificate issued in ICC Finance Docket No. 29963 and does not cover any other lines under the modified rail certificate that remain in operation.

² BCLR intends to continue to hold the modified rail certificate for the Subject Line until Mass Coastal is authorized to operate under its own modified rail certificate in Docket No. FD 36745.

BCLR has not provided freight service over the Subject Line for a number of years since MBTA refurbished the Subject Line and instituted passenger service on the Subject Line. Notwithstanding, BCLR (and MBTA) kept the Subject Line subject to the Modified Rail Certificate to maintain the availability of freight service over the Subject Line.

Mass Coastal previously filed to assume BCLR's Modified Rail Certificate for the Subject Line. See *Notice of Modified Rail Certificate*, Docket No. FD 36745 (filed December 15, 2023). Notice of the proposed transfer and BCLR's cessation of its service rights was provided to both MassDOT and to MBTA on December 4, 2023, and accepted / approved by MBTA on December 6, 2023. No objection was raised as to the proposed transfer; however, the Board's staff has indicated to both BCLR and Mass Coastal the staff's belief that the proper procedure would be for BCLR to terminate its Modified Rail Certificate with respect to the Subject Line, and for Mass Coastal to file for a new modified rail certificate (instead of a transfer). Accordingly, BCLR is filing this notice of intent to partially terminate service and Mass Coastal is contemporaneously filing an *Amended Notice for Modified Rail Certificate* in Docket No. FD 36745.

BCLR and Mass Coastal do not want there to be a break in the availability of the Subject Line for freight service. Accordingly, BCLR does not wish its partial termination of service to be effective until the Board issues Mass Coastal a modified rail certificate for the Subject Line. The regulations generally require that a notice of intent to terminate service be given at least 60 days before it becomes effective. 49 CFR §1150.24. BCLR requests that if the Board were to authorize Mass Coastal prior to the 60th day following this notice, the Board waive the 60-day notice requirement given that (as shown in the Mass Coastal *Amended Notice*) the appropriate state agencies were given notice of the proposed cessation of service by BCLR in December 2023, more than 60 days ago, and there were no shippers that were required to be served.³

I hereby certify, in accordance with 49 C.F.R. 1150.24, that copies of this notice have been sent by email to MBTA, MassDOT and to Mass Coastal as shown on the following page.

Respectfully,

CLARK HILL, PLC

/s/ Eric M. Hocky

Eric M. Hocky

Counsel for Bay Colony Railroad Corporation

EMH:e

³ No persons have used the line within the 6 months prior to the date of the date of this notice.

Cynthia T. Brown
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