

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

305050

Finance Docket No. 36623

ENTERED
Office of Proceedings
July 26, 2022
Part of
Public Record

RAIL LINE ABUTTING LANDOWNERS. -
PETITION FOR DECLARATORY ORDER

MOTION FOR LEAVE TO FILE A REBUTTAL

Rail Line Abutting Landowners (“Landowners”) respectfully move the Surface Transportation Board (“STB” and “Board”) for leave to file a rebuttal in the above-captioned proceeding. On June 22, 2022, the Landowners filed their petition for declaratory order. The Landowners simply asked the STB to provide a ruling on the status of a rail line in Massachusetts. On July 12, 2022, Massachusetts Bay Transportation Authority (“MBTA”) filed a response to the petition, arguing, among other things, that the STB should deny the declaratory order request as premature and that a state court action by the Landowners would be time barred. However, MBTA did state it would be receptive to a declaratory ruling that the STB does not have jurisdiction over the corridor

First, the Landowners would like to express in their rebuttal their agreement with MBTA regarding its receptiveness to a declaratory order by the Board regarding the status of the line at issue. The Landowners would also like to address the state law timeliness issue raised by MBTA to clarify the statute of limitations applicability here if the case does end up in state court. Finally, the Landowners would like to address the MBTA premature filing argument regarding this petition. While the Landowners understand that a reply to a reply is not permitted under 49 C.F.R. § 1104.13(c), they believe this filing will only be helpful to the Board and will not

prejudice the other party. Therefore, the Landowners ask the STB to accept its rebuttal being filed simultaneously herewith into the record.

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June 26, 2022

CERTIFICATE OF SERVICE

In accordance with 49 C.F.R. § 1104.12, I hereby certify that on June 26, 2022, I served a copy of this Motion for Leave to File a Rebuttal on counsel known to represent the following parties by the most expedient method, including email and first-class mail:

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