

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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ENTERED  
Office of Proceedings  
November 15, 2022  
Part of  
Public Record

Finance Docket No. 36623

RAIL LINE ABUTTING LANDOWNERS. -  
VERIFIED PETITION FOR DECLARATORY ORDER

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**STATUS UPDATE**

Petitioners Rail Line Abutting Landowners ("Landowners") hereby respectfully submit this status update to inform the Surface Transportation Board ("STB") about recent relevant events related to this proceeding. First, on or about, October 31, 2022, Eversource Energy began construction of the underground transmission line in the railroad right-of-way at issue in this proceeding. Second, on November 1, 2022, Harmed Landowners filed a case in Massachusetts Land Court regarding title of the railroad right-of-way at issue in this proceeding.

Specifically, Harmed Landowners filed a complaint in the Trial Court of Massachusetts, Land Court Department, Central Branch, Hudson and Sudbury. *Harmed Landowners, et al v. Massachusetts Bay Transportation Authority*, 2022 MISC 000574 (Roberts). The complaint seeks to quiet title with respect to the land in the right-of-way based on a defective taking.

While Landowners believe that this matter has been ripe since its filing, the contesting of MBTA's property interests in state court certainly defeats MBTA's past assertion regarding ripeness in its Reply to the Petition. Accordingly, Landowners respectfully urge the STB to issue a ruling on the question whether this line has been abandoned in an expedited manner to clarify

any possible federal rail abandonment question subject to its exclusive jurisdiction, so the state court proceeding can move forward without interruption.

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November 15, 2022

## CERTIFICATE OF SERVICE

In accordance with 49 C.F.R. § 1104.12, I hereby certify that on November 15, 2022, I served a copy of this Status Update on counsel known to represent the following parties by the most expedient method, including email and first-class mail:

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/s/ Daniel R. Elliott