

Daniel R. Elliott
Daniel Elliott PLLC
2000 Pennsylvania Avenue, NW
Suite 7000
Washington, DC 20006
danelliottiii@outlook.com

April 22, 2021

Alan Anacheka-Nasemann, SPWS
Department of the Army
US Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751
alan.r.anacheka-nasemann@usace.army.mil
(Via Email)

Re: File No. NAE-2017-01406

Dear Mr. Anacheka-Nasemann:

The purpose of this letter is to advise you of a proceeding at the United States Surface Transportation Board ("STB") in Finance Docket No. 36493, that may have an impact on the permitting process in SUDBURY-HUDSON ELECTRIC LINE/RAIL TRAIL project, File No. NAE-2017-01406, involving Eversource Energy ("Eversource") and the Massachusetts Department of Conservation and Recreation. The STB is a federal independent government agency that has exclusive jurisdiction over the freight rail industry.

As you are aware from your examination of this project, Eversource presently is seeking to construct an underground transmission line along a railroad right-of-way in Sudbury, MA. Massachusetts Bay Transportation Authority ("MBTA") and Eversource entered into an option agreement for a subsurface transmission line easement on this rail line in Hudson, Stow, Marlborough, and Sudbury, MA. The project would result in a new 115 kv electric transmission line along the rail right-of-way for approximately 8.63 miles.

On March 11, 2021, Protect Sudbury Inc. ("Protect Sudbury") petitioned the STB for a declaratory order ("Petition") to eliminate uncertainty pursuant to this agency's authority under 5 U.S.C. § 554(e) and 49 U.S.C. § 1321, finding (1) that a line of railroad in Sudbury owned by MBTA is not abandoned and remains subject to the jurisdiction of the STB and (2) MBTA cannot encumber the line of railroad in such a manner that unduly interferes with the reactivation of rail service. (https://dcms-external.s3.amazonaws.com/DCMS_External_PROD/1615497310325/301743.pdf) In other words, if the rail line remains subject to the jurisdiction of the STB, Protect Sudbury is arguing that MBTA cannot encumber it with the transmission line if it prevents reactivation of rail service thereon.

Protect Sudbury is a non-profit organization located in Sudbury. Protect Sudbury's mission is to preserve and protect the environment, landscape, health, safety, historic resources, and property values

of Sudbury. Its primary objective is to prevent all power lines along the MBTA rail line that runs through the town and to prevent above-ground power lines anywhere in Sudbury.

If you have any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

/s/ Daniel R. Elliott

cc: Tammy Turley, Chief, Regulatory Division, USACE, Concord, MA, Tammy.R.Turley@usace.army.mil
Bettina Washington, THPO, Wampanoag Tribe of Gay Head (Aquinnah), Aquinnah, MA; bettina@wampanoagtribe.net
David Weeden, THPO, Mashpee Wampanoag Tribe, Mashpee, MA; David.Weeden@mwtribe-nsn.gov
John Brown, THPO, Narragansett Tribe, Charlestown, RI, tashtesook@aol.com
Brona Simon, SHPO, MA Historical Commission, Boston, MA; brona.simon@sec.state.ma.us
Diana Warren, Sudbury Historical Commission, Sudbury, MA; dewwarren@gmail.com
Peter Breton, Hudson Historical Commission, Hudson, MA; pbreton@yahoo.com
Vivian Kimball, VHB, Watertown, MA; VKimball@VHB.com
John T. Eddins, ACHP, Washington, DC; jeddins@achp.gov
Henry Hayes, Town of Sudbury, Sudbury, MA, HayesH@sudbury.ma.us