



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF FILING AND PUBLIC HEARING

D.P.U. 19-39

May 29, 2019

Petition of Grafton & Upton Railroad Company to the Department of Public Utilities for Authority to Exercise the Power of Eminent Domain to Acquire Property in Hopedale Massachusetts, pursuant to G.L. c. 160, § 83.

On March 15, 2019, the Grafton & Upton Railroad Company (“GURR” or “Company”) filed a petition, pursuant to G.L. c. 160, § 83, with the Department of Public Utilities (“Department”) seeking authority to exercise the power of eminent domain to acquire certain property consisting of a 155-acre parcel of real property located at 364 West Street in Hopedale, Massachusetts (“Property”). GURR seeks authority to acquire the Property for the purposes of conducting certain rail operations that it states are critical and essential to the ability to GURR to build a new transloading yard with additional tracks in order to provide rail service that meets the demands of customers. GURR states that it would use this added yard and track space to transload commodities from railcars to trucks, to store railcars, to switch cars moving to and from the transloading yards, to maintain equipment, and to conduct other necessary activities. The Company represents that the Property is owned by Charles E. Morneau and H.R. Nagel, Trustees of the One Hundred Forty Realty Trust u/d/t September 1, 1981, c/o Charles Morneau of 31 Conant Road, Lincoln, Massachusetts 01773, under a deed recorded in the Worcester District Registry of Deeds in Book 7322 Page 181. The Company states that the Property contains wetlands. The Hopedale Town Maps indicate that the Property is near the Hopedale boundaries with the Towns of Mendon, Milford, and Upton. The Department has docketed this petition as D.P.U. 19-39.

Please note that any questions of valuation of or damage to landowners’ property are beyond the jurisdiction of the Department and are not the subject of this proceeding.

The Department will conduct a public hearing to receive comments on the Company’s petition at Hopedale Junior/Senior High School, 25 Adin St, Hopedale, MA 01747 on Wednesday, July 17, 2019, from 7:00 p.m. to 9:00 p.m.

A copy of the petition and accompanying exhibits are available for inspection during regular business hours at the following locations: (1) Grafton & Upton Railroad Company, 42 Westboro Road, North Grafton, Massachusetts 02110; (2) the Bancroft Memorial Library, 78 Hopedale Street, Hopedale, Massachusetts 01747; and (3) the Department’s offices, One South Station, 5th Floor, Boston, Massachusetts 02110. In addition, the filing is also available on the Department’s website at <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber>

(enter "19-39"). To request materials in accessible formats (braille, large print, electronic files, audio format), contact the Department's ADA coordinator at DPUADACoordinator@mass.gov or 617-305-3500.

Any person who desires to file written comments shall file an original and two (2) copies of such written comments with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, no later than 5:00 p.m. on **July 16, 2019**, and serve one copy on counsel for the Company, Sandra R. Austin, Attorney-at-Law, 24 Bolton Street, Marlborough, Massachusetts, 01752.

Any person who desires to participate in the evidentiary phase of this proceeding must file a written petition to intervene or to participate in the proceeding with: Mark Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts no later than the close of business (5:00 p.m.) on **July 31, 2019**. A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10. A petition to intervene also should be filed with counsel for the Company Sandra R. Austin, Attorney-at-Law, 24 Bolton Street, Marlborough, Massachusetts, 01752.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to dpu.efiling@mass.gov and the hearing officer [jennifer.cargill@mass.gov]; or (2) on a CD-ROM. The text of the e-mail or CD-ROM must specify: (1) the docket number of the proceeding (D.P.U. 19-39); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department's website.

For further information regarding the Petition, please contact counsel for the Company, Sandra R. Austin, Attorney-at-Law, 24 Bolton Street, Marlborough, Massachusetts, 01752, 508-281-2299. For further information regarding this Notice, please contact Jennifer Cargill, Hearing Officer, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, 617-305-3500.

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. Contact the Department's ADA coordinator at DPUADACoordinator@mass.gov or (617) 305-3500.