



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 10-101/102/103/104/105/110/127/128/129/130

February 10, 2011

Petitions of CSX Transportation, Inc. for authority to acquire by eminent domain certain land in Worcester MA pursuant to G.L. c. 160, § 83 and Petition of Leroy & Co., Inc. to change location of proposed taking pursuant to G.L. c. 160, § 81.

NOTICE OF DISMISSAL OF PETITIONS

CSX Transportation, Inc. ("CSX") is a railroad corporation proposing to expand its existing rail yard facilities in the City of Worcester ("project"). In connection with the project, CSX originally filed with the Department a total of nine petitions for authority to acquire by eminent domain certain land in the vicinity of the rail yard ("eminent domain petitions"). The nine CSX eminent domain petitions were consolidated for hearing and decision with a petition to change the location of the proposed taking filed by Leroy & Co., Inc. ("Leroy"), one of the affected property owners.

On February 3, 2011, CSX and Leroy & Co. ("Leroy") filed a Joint Notice of Withdrawal of Petitions and Discovery Requests ("Joint Withdrawal") with respect to dockets D.P.U. 10-104 and D.P.U. 10-110. CSX and Leroy state in the Joint Withdrawal that CSX has been able to acquire the property at issue in these dockets by agreement with Leroy (Joint Withdrawal at 2). Accordingly, CSX no longer seeks to acquire the property by eminent domain (D.P.U. 10-104) and Leroy no longer seeks an order changing the location of the proposed taking (D.P.U. 10-110) (*id.*). The petitions docketed as D.P.U. 10-104 and D.P.U. 10-110 are hereby dismissed. 220 C.M.R. 1.04 (4) (a).

M. Kathryn Sedor
Presiding Officer