

Vermont Railway's Press Release relating to today's Court case is not only disingenuous, it is also false. Vermont Railway states, " U.S. District Judge William Sessions rejected the Town of Shelburne's request for a preliminary injunction on the construction of Vermont Railway's new Shelburne Transload Facility in federal court today." That assertion is not only misleading, it is false. What happened in Court today was that the Court rejected Vermont Railway's attempt to convince the Court to rule on the motion for a preliminary injunction from a legal perspective without the introduction of evidence. Instead, the Court clearly held that it was premature for Vermont Railway to assert pre-emption and that even if preemption were applicable that the exceptions to pre-emption might very well be applicable. The Court did not rule on the motion for a preliminary injunction. Instead, the Court determined that discovery was necessary, demonstrating that the determination of preemption was fact-based. Accordingly, and as proof that Vermont Railway's Press Release is simply false, the Court will schedule an evidentiary hearing on the motion in approximately sixty days.

Vermont Railway's attempt to divert the public's attention away from what actually happened at today's hearing is reflective of not only their continued myopic grandiosity, but also that their public relations campaign has been and continues to be disingenuous. While its regrettable that VRS would distribute a Press Release that, at best, mischaracterizes what happened in Court, it is something that Shelburne residents have learned is Vermont Railway's style.

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