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SERVICE DATE – LATE RELEASE APRIL 1, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35356

ABC & D RECYCLING, INC.
—LEASE AND OPERATION EXEMPTION—
A LINE OF RAILROAD IN WARE, MA

Decided: April 1, 2010

On February 24, 2010, ABC & D Recycling, Inc. (ABC & D), a noncarrier, filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate 773 feet of track in the Town of Ware (the Town), in Hampshire County, MA. The line is owned by the O'Riley Family Trust and operated by Massachusetts Central Railroad Corporation. Notice of the exemption was served and published in the Federal Register on March 12, 2010 (75 FR 11991). On March 19, 2010, the Town filed a petition to reject and/or dismiss ABC & D's exemption notice, and to stay the effective date of ABC & D's exemption. By pleading filed on March 26, 2010, ABC & D has requested that its notice of exemption be withdrawn without prejudice. ABC & D states that, upon further consideration, further discussions with interested parties are in order.

ABC & D's request for withdrawal will be granted and the proceeding will be dismissed without prejudice. Because ABC & D's request for withdrawal is being granted, the Town's petition will be dismissed as moot.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. ABC & D's request for withdrawal is granted and the proceeding is dismissed without prejudice.
2. The Town's petition to reject and/or dismiss ABC & D's exemption notice, and to stay the effective date of ABC & D's exemption is dismissed as moot.
3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.