

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35356

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

Decided: March 25, 2010

On February 24, 2010, ABC & D Recycling, Inc. (ABC & D), filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate 773 feet of track, located at milepost 12.8, in the Town of Ware (the Town), in Hampshire County, MA. The trackage is currently 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). ABC & D’s exemption is scheduled to become effective on March 26, 2010 (30 days after filing of the notice), and the deadline for filing a motion to stay the effective date was March 19, 2010.

On March 19, 2010, ABC & D and the Massachusetts Department of Transportation (MassDOT) jointly filed a request that the effective date of ABC & D’s exemption be postponed until April 2, 2010, and the deadline for filing a motion to stay the exemption’s effective date be postponed until March 26, 2010.¹ ABC & D and MassDOT state that the extension of time is necessary to allow ABC & D to provide information to MassDOT.²

Good cause exists to grant the extension of time. Therefore, the request of ABC & D and MassDOT will be granted.

¹ In their request, ABC & D and MassDOT seek a “one-week” extension of the respective deadlines. However, they ask that the effective date of the exemption be postponed until April 3, 2010, an extension of 8 days. Because April 3, 2010, falls on a Saturday, and because it appears that the parties inadvertently requested this date, the effective date of ABC & D’s exemption will be postponed until April 2, 2010.

² Also on March 19, 2010, the Town filed a petition to reject and/or dismiss ABC & D’s notice, and to stay the effective date of ABC & D’s exemption. This petition will be addressed in a subsequent decision.

It is ordered:

1. The request for an extension of time to postpone the effective date of the exemption and the deadline for filing a motion to stay the exemption is granted.
2. The effective date of the exemption is postponed until April 2, 2010.
3. The deadline for filing a motion to stay the effective date of ABC & D's exemption is postponed until March 26, 2010.
4. This decision is effective on its date of service.

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