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John F. McHugh
Attorney at Law
6 Water Street, Suite 401
New York, NY 10004



Phone: (212) 483-0875
Fax: (212) 483-0876

ENTERED
Office of Public Recordings

Of Counsel
W. Patrick Quast
P.O. 444
20 Harrison St.
Waldwick, N.J. 07463,
201-444-5990
Fax 201-444-5094

Part of
Public Record

January 3, 2006

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
Mercury Building, Room 700
1925 K Street, N.W.
Washington, D.C. 20423

Re; Commercial Railroad Services, Inc. Notice of exemption

FD 34819

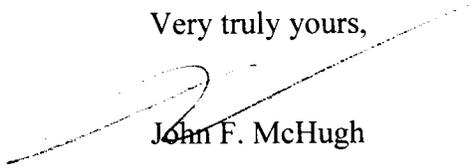
Dear Secretary Williams:

Enclosed please find the original and ten copies of a Notice of Exemption by Commercial Railroad Services, Inc. This is accompanied by the declaration of James F. Saccoccio and the caption summary. Also enclosed please find a disk containing all documents but exhibit A to Mr. Saccoccio's declaration, in electronic form. Also enclosed is our check for \$1,500 for the filing fee.

Also enclosed please find an extra copy and a self addressed return envelope and I would appreciate receiving a stamped copy for my records.

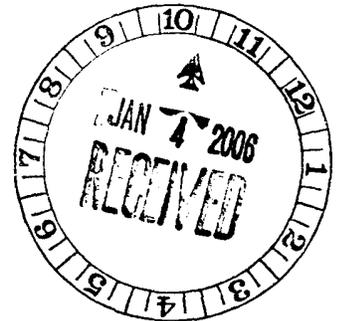
Thank you for your attention to this matter.

Very truly yours,


John F. McHugh

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34819



**COMMERCIAL RAILROAD SERVICES, INC.
-NOTICE OF EXEMPTION-**

EXEMPTION

a. Commercial Railroad Services, Inc, 471 Allens Avenue, Providence, R.I. 02905, a non carrier, hereby files this notice of exemption pursuant to 49 CFR 1150.31 to commence the operation of common carrier rail service on tracks leased from the Providence and Worcester Railroad in Providence, RI.

b. Commercial Railroad Services, Inc. is represented by:

John F. McHugh, Esq.
6 Water Street
New York, N.Y. 10004
212-483-0875

c. Commercial Railroad Services, Inc. has an agreement with the Providence and Worcester Railroad wherein it has the right to utilize the tracks here in issue and the adjacent railway owned lands for the transloading of cargo.

d. The name of the rail service operator will be Commercial Railroad Services, Inc. The operation will be over lines leased from the Providence and Worcester Railroad.

e. Commercial Railroad Services, Inc. will be a common carrier as its transloading services will be open to the public in general. It will operate approximately

2,000 feet of track. The track in issue constitutes a former industrial spur known as the Roger Williams Park-Port of Providence line and the property in issue is known as the South Providence Station. It lies between Alens Avenue and Rt. 95. The line is located in an industrial area. The railway operation will conduct transloading of waste products on the site serving an existing and fully licensed transfer facility. The conversion of this facility to a rail carrier will cause no change in the existing operation of the track or the adjacent property or of the cargos being handled.

1. The address of the line owner which last provided service on the track is Providence and Worcester Railroad, 75 Hasmond Street, Worcester, Massachusetts, 01610.

2. The operation of the tracks and property as a common carrier open to the general public will commence no sooner than eight days from the date this notice is filed but could await the signing of an interchange agreement with the Providence and Worcester Railroad.

3. The existing track does not have mile post designations but ends at Allen's Avenue and extends toward the Amtrak N.E. Corridor line approximately 1,000 feet on two tracks joined by a switch located about two car lengths from Allen's Ave.

3. Total miles, about 1/3.

f. The route, is entirely in the city of Providence, R.I.

See site plan attached as Exhibit A.

g. Applicant certifies that its projected revenues will not exceed those which would qualify it as a Class III carrier.

8. This operation does not anticipate displacement of any railroad employees. Thus, no labor protection is required.

9. As this noticed action will not change the existing operations on the premises, there will be no increase in traffic on access roads or on the rail lines.

Dated, New York, N.Y.
January 3, 2006

Respectfully Submitted

VERIFICATION

John F. McHugh being an attorney duly admitted to practice in the State of in the District Courts of the Second and various other Circuits and before this Board, verifies under penalty of perjury that he is the duly appointed representative of Commercial Railroad Services, Inc. and has reviewed the information set forth in this Notice of Exemption and has compared it with the documents provided by the client and knows that the information herein accurately describes the operation and financial results contemplated by applicant as set forth in those documents to the best of his knowledge and belief.

Dated, January 3, 2006

John F. McHugh

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34819

**COMMERCIAL RAILROAD SERVICES, INC.
-NOTICE OF EXEMPTION-**

DECLARATION OF JAMES SACCOCCIO

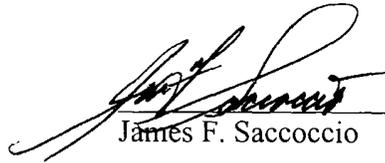
James F. Saccoccio declares under penalty of perjury this ____ day of December, 2005 at Providence Rhode Island as follows:

1. I am the Vice President of Commercial Railroad Services, Inc. and Coastal Recycling Group and as such am fully familiar with the facts asserted herein.
2. The rail line that the applicant will be operating is owned by the Providence and Worcester Railroad and is leased to Coastal Recycling, Inc. Coastal operates a recycling facility adjacent to and on the leased property which is a registered facility recognized by the State of Rhode Island and it fully complies with all local land use regulations, See Exhibit A.
3. The transaction in issue here is not designed to defeat any local licensing regulations, as they have all been fully complied with, and this facility has been operating without any controversy for several years. Its registration is under review for automatic renewal and there is no plan to either terminate that process or to expand the facility nor change its operation in any way. The facility is located in an area of heavy industry and no residential uses are near it. Indeed it is next to Route 95 and an oil storage depot.

4. The Providence and Worcester Railroad has agreed to this transaction as it relieves it of any liability attendant to our switching cars on the leased track and clarifies our mutual obligations related to the movement of cars into and out of our facility. It will also clarify the legal status of our employees engaged in railroad activity.

5. I am aware of no person, governmental authority or firm which has objected to our operation nor am I aware of any reason why any could object to our change of status to that of a rail carrier. We understand that notwithstanding such status, local and state mandated, generally applicable environmental, health and safety regulations, other than licensing, will continue to apply to our operations. We fully comply now with such local regulations and intend to continue to do so. Therefore no current nor future environmental effect is possible.

Dated, Providence, R.I.
December 23, 2005


James F. Saccoccio 12/23/05

A

Joseph J. Shamoon, AICP
Director



David N. Cicilline
Mayor

Joseph J. Shamoon, AIA
Planning Official

Department of Inspection and Standards
"Building Pride In Providence"

December 30, 2005

Joseph Saccoccio, Vice President
Coastal Recycling Group
100 Adams Avenue
Providence, Rhode Island 02905

100 W. 30 Thurbers Avenue

Dear Mr. Saccoccio:

Upon inspection of your facility on December 23, 2005, I find the property to be in compliance with Use Code #77.4 and #72.

Further there are no outstanding violations of the City of Providence Zoning Ordinance and the Rhode Island state Building Code.

Joseph J. Gasale, ABO
Chief of Structures and Zoning

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 34819

COMMERCIAL RAILROAD SERVICES, INC. -NOTICE OF EXEMPTION-

Caption Summary

Commercial Railroad Services, Inc. has filed a notice of exemption, pursuant to 49 CFR 1150.31 to commence operations as a class III rail common carrier over lines leased from the Providence and Worcester Railroad Company at the end of the Roger Williams Park - Port of Providence branch of said railroad, ending near Allen's Avenue in that city. Such tracks lie between Allen's Avenue and Route 95 and include a total length of track being about 2,000 feet consisting of two parallel tracks and a switch with a short lead. Petitioner intends to commence operations as a common carrier eight days after the filing of this notice or after such other arrangements have been completed whichever is later. Petitioner's representative is John F. McHugh, 6 Water Street, New York, N.Y. 10004, 212-483-0875. No other class exemptions are being used by the petitioner.

Dated, New York, N.Y.
January 3, 2006

John F. McHugh
6 Water Street
New York, N.Y. 10004
212-483-0875