

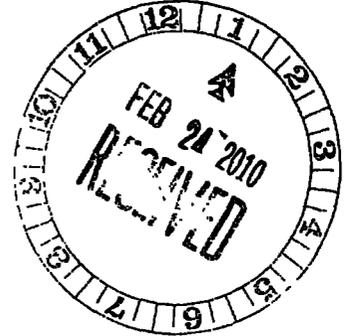
LEONARD M. SINGER

226495

February 23, 2010

BY FEDERAL EXPRESS

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, Southwest
Washington, DC 20024



Re: STB Finance Docket # 35356
ABC & D Recycling, Inc..

Dear Ms. Brown:

Please find enclosed for filing an original and 10 copies of ABC & D Recycling Inc.'s Verified Notice pursuant to 49 CFR 1150.31; a check in the amount of \$1800 for the filing fee and a CD containing the text of the Notice in Adobe Acrobat format and the Federal Register caption summary in both MS Word 2003 and Adobe Acrobat format.

I also enclose an extra copy of the Notice which I ask you to date stamp and return to me in the enclosed self-addressed stamped envelope.

Please contact me if you have any questions regarding this filing. Thank you very much for your cooperation.

FILED

FEB 24 2010

**SURFACE
TRANSPORTATION BOARD**

Very truly yours,

Leonard M. Singer

Leonard M. Singer

ENTERED
Office of Proceedings

FEB 24 2010

Part of
Public Record

**Law Office of Leonard M. Singer
101 Arch Street, Ninth Floor
Boston, Massachusetts 02110**

Telephone: 617-737-7670

Facsimile : 617-395-2625

LeonardMSinger@gmail.com

www.leonardmsinger.com

FEE RECEIVED

FEB 24 2010

TRANSPORTATION BOARD

226495

BEFORE THE SURFACE TRANSPORTATION BOARD



STB FINANCE DOCKET NO. 35356

ABC & D RECYCLING, INC.

LEASE AND OPERATION EXEMPTION OF A LINE
OF RAILROAD IN WARE, MASSACHUSETTS

ENTERED
Office of Proceedings

FEB 24 2010

Part of
Public Record

VERIFIED NOTICE OF EXEMPTION
FOR LEASE AND OPERATION OF A RAIL LINE
PURSUANT TO 49 USC 10901 AND 49 CFR 1150.31

FEE RECEIVED

FEB 24 2010

SURFACE
TRANSPORTATION BOARD

FILED

FEB 24 2010

SURFACE
TRANSPORTATION BOARD

Submitted by:

Leonard M. Singer
Office of Leonard M. Singer
101 Arch Street, Ninth Floor
Boston, Massachusetts 02110
617-737-7670
LeonardMSinger@gmail.com

Counsel for ABC & D Recycling, Inc.

BEFORE THE SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 35356

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

VERIFIED NOTICE OF EXEMPTION
FOR LEASE AND OPERATION OF A RAIL LINE
PURSUANT TO 49 USC 10901 AND 49 CFR 1150.31

Pursuant to 49 CFR 1150.31 et seq. ABC & D Recycling, Inc., a non-carrier, hereby files this Verified Notice of Exemption to operate railroad trackage in Ware, Massachusetts owned by O'Riley Family Trust and currently operated by the Massachusetts Central Railroad Corporation (MCER). The trackage is located at milepost 12.8 on the Massachusetts Central Railroad.

ABC & D Recycling, Inc. started doing business in or about 2006, engaging primarily in the business of handling construction and demolition debris. In connection with those activities it obtained and continues to hold all required state and local permits. ABC & D Recycling, Inc. has obtained new financing and is implementing a new business plan and business strategy. This Verified Notice of Exemption is filed in furtherance of those transactions.

Name and Address of Applicant 49 CFR 1150.33(a)

ABC & D Recycling, Inc.
198 East Street
Post Office Box 269
Ware, Massachusetts 01082-9336

Applicant's Representative

49 CFR 1150.33(b)

Leonard M. Singer
Office of Leonard M. Singer
101 Arch Street, Ninth Floor
Boston, Massachusetts 02110
617-737-7670
LeonardMSinger@gmail.com

Statement of Agreements

49 CFR 1150.33(c)

An agreement has been reached pursuant to which ABC & D Recycling, Inc. leases and will operate the railroad trackage in Ware, Massachusetts owned by O'Riley Family Trust.

Operator of the Property

49 CFR 1150.33(d)

ABC &D Recycling, Inc. will hold itself out to provide and will provide common carrier rail freight service over the subject property.

Brief Summary of the Transaction

49 CFR 1150.33(e)

This exemption involves the operation by ABC & D Recycling, Inc., a non-carrier which will become a Class III short line railroad carrier upon this exemption taking effect, of certain property owned by the O'Riley Family Trust which is currently being operated by the Massachusetts Central Railroad Corporation.

(1) Name and address of incumbent Railroad

Massachusetts Central Railroad Corporation
2 Wilbraham Street
Palmer, Massachusetts 01069

The property is being leased to ABC & D Recycling, Inc. by the O'Riley Family Trust.

(2) Proposed time schedule for consummation of transaction

The property has already been leased to ABC & D Recycling Inc. It will become a

railroad carrier and assume common carrier obligations immediately upon the effectiveness of the exemption sought herein.

(3) Mileposts of the subject property

The subject property is located at milepost 12.8 on the Massachusetts Central Railroad.

(4) Total route miles

ABC & D Recycling, Inc. leases and seeks to operate trackage comprising a total of 773 feet.

Map of the area to be served

49 CFR 1150.33(f)

A map indicating the area to be served, including origins, termini, stations, cities, counties, and states, is attached as Exhibit A.

Certificate of Carrier Classification

49 CFR 1150.33(g)

A certificate complying with 49 CFR 1150.33(g) is attached as Exhibit B.

Transactions Imposing Interchange Commitments

49 CFR 1150.33(b)

Not applicable, there are no such commitments.

Disclosure Concerning Solid Waste

ABC & D Recycling, Inc. has and intends to continue to handle construction and demolition debris. It obtained and continues to hold, free from any challenge whatsoever, all state and local permits necessary in order to handle construction and demolition debris. It understands that if it wishes to handle solid waste, as that term is defined in the Clean Railroads Act of 2008 it must (1) obtain all state and local permits necessary in order to handle such solid waste or (2) obtain a land-use exemption from the Board for any permits that it is unable to

obtain from state or local government.

Caption Summary

49 CFR 1150.34

The caption summary is attached hereto as Exhibit C.

Environmental and Historic Reports

This transaction does not involve any structures that are more than 50 years old.

Notice to Employees

Not required. The projected annual revenue of the carrier to be created by this transaction does not exceed \$5 million.

RELIEF REQUESTED

ABC & D Recycling, Inc. requests that the Director of the Board's Office of Proceedings publish notices in the Federal Register of the filing of this Notice of Exemption and that the exemption become effective.

Respectfully Submitted:

Leonard M. Singer
Office of Leonard M. Singer
101 Arch Street, Ninth Floor
Boston, Massachusetts 02110
617-737-7670
LeonardMSinger@gmail.com

Counsel for ABC & D Recycling, Inc.

VERIFICATION

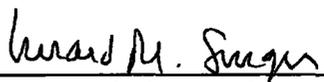
I, Patrick J. Hannon, being duly sworn, hereby depose and say that I am authorized to make this Verification, that I have read the foregoing document and the attachments thereto, and that I know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information and belief.


Patrick J. Hannon

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

Personally appeared before me, a notary public in the Commonwealth of Massachusetts, Patrick J. Hannon, who identified himself to me by means of a Massachusetts driver's license, and acknowledged the foregoing to be his free act and deed and the free act and deed of ABC & D Recycling, Inc., on February 23, 2010.


My Commission Expires: 11/12/10



Snow Pond

Williams

Lower Canal Dam

Ware River Reservoir WARE

UPPER CHURCH

WARREN RD

PRENVILLE RD

32
9

32

9

EVA

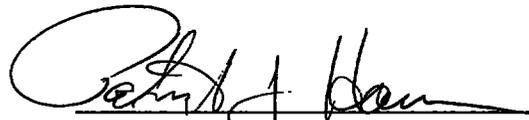
EXHIBIT B

CERTIFICATION

I, Patrick J. Hannon, certify that I am the Manager of ABC & D Recycling, Inc. and that its projected revenues will not exceed those that would qualify it as a Class III carrier.

I further certify that the foregoing statement made by me is true, and I am aware that if the foregoing statement be willfully false, I am subject to punishment.

Sworn to on February 23, 2010.



Patrick J. Hannon

EXHIBIT C

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 35356

ABC & D RECYCLING, INC.

**LEASE AND OPERATION EXEMPTION OF A LINE
OF RAILROAD IN WARE, MASSACHUSETTS**

ABC & D Recycling, Inc. has filed a Verified Notice of Exemption under 49 CFR 1150.31 to operate railroad property owned by O'Riley Family Trust currently operated by the Massachusetts Central Railroad Corporation located at milepost 12.8 in Ware, Massachusetts.

Comments must be filed with the Board and served on Leonard M. Singer, 101 Arch Street, Ninth Floor, Boston Massachusetts. The telephone number of ABC & D Recycling, Inc.'s representative is 617-737-7670.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 USC 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated:

By the Board

Cynthia T. Brown

Chief, Section of Proceedings

[Seal]