

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 34853

DOREMUS AVE RECYCLING AND TRANSFER, LLC
-- OPERATION EXEMPTION --

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. 10901 and 49 CFR 1150.31

NOTICE OF OPERATION OF RAIL LINE
INFORMATION REQUIRED BY 49 CFR 1150.33

Submitted By:

John D. Heffner
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Counsel for Petitioner

Dated: March 22, 2006

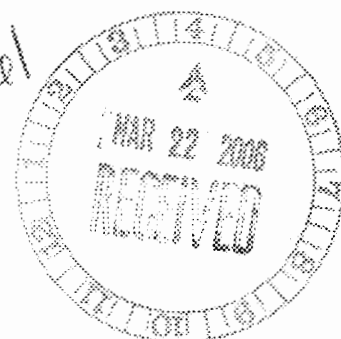
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Name and Address of Applicant 49 CFR 1150.33(a)

Doremus Ave. Recycling and Transfer, LLC
2730 Transit Road
West Seneca, NY 14224

Applicant's Representative 49 CFR 1150.33(b)

John D. Heffner
John D. Heffner, PLLC
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036
(202) 263-4180

Statement of Agreement(s) 49 CFR 1150.33(c)

N.A. Doremus Ave. Recycling and Transfer, LLC
("DART"), is a four year old entity that is currently building
and will operate a rail-served waste transfer station at the

corner of Doremus Ave. and Wilson Ave. in Newark, NJ.

The trackage to be operated consists of approximately 12,000 feet of track and associated facilities in the City of Newark, NJ. There are no mileposts.

The railroad plans to commence operations on or about April 1, 2006.

Operator of the Property

49 CFR 1150.33(d)

In all cases anticipated by this Notice, and as described in the transaction summary provided below, DART will hold itself out to provide common carrier rail freight service over the subject rail facilities.

Brief Summary of Transaction

49 CFR 1150.33(e)

Doremus Ave. Recycling and Transfer, LLC ("DART"), is a four year old entity that is currently building and will operate a rail-served waste transfer station at the corner of Doremus Ave. and Wilson Ave. in Newark, NJ. The facility is fully permitted by the New Jersey Department of Environmental Protection, is part of the Essex County, New Jersey, Waste Management Plan, and DART has entered into a host fee agreement with the City of Newark. DART's tracks will connect with those of the Conrail Shared Asset Operation and, through it, with the rest of the national rail system. As part of this project, DART is constructing approximately 12,000 feet of railroad trackage

and switches to serve its facility. DART is presently a noncarrier. Once this facility is fully constructed and operational and this exemption becomes effective, DART will hold itself out to customers as a class III short line carrier. In addition to handling waste by rail, DART hopes to attract a broad variety of freight to its facility including customers seeking intermodal transportation.

Concurrently with this filing, DART's owner, Gordon Reger, is submitting a notice of exemption allowing him to continue in control, directly or indirectly, of two other class III short line railroads. That proceeding has been assigned Finance Docket No. 34852.

This transaction qualifies for a class exemption under 49 CFR 1150.31 et seq., because it involves the common carrier operation by a newly established class III short line rail carrier.

Map

49 CFR 1150.33(f)

A map depicting the area to be served is attached as Exhibit A.

Certificate of Carrier Classification

49 CFR 1150.33(g)

DART hereby certifies that the projected annual railroad operating revenues will be less than \$5,000,000, within the Board's ceiling for classification as a class III railroad.

A certificate complying with the provisions of 49 CFR 1150.33(g) is attached as Exhibit B to this notice.

Labor Protection

Under 49 U.S.C. 10901 labor protective conditions do not apply and will not be imposed. In any event, no employees will be adversely affected.

Caption Summary

49 CFR 1150.34

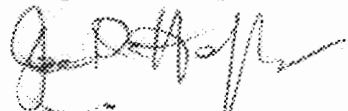
A caption summary in the prescribed form is attached as Exhibit C to this Notice.

Environmental and Historic Preservation Data 49 CFR 1105

Pursuant to 49 CFR 1105.6(c)(2), the proposed transaction is exempt from environmental review under 49 CFR 1105(c)(2)(i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 1105.7(e)(4) or (5).

In addition, this transaction is exempt from historic review under 1105.8(b)(1). Under this section, a sale, lease or transfer of a rail line is exempt if rail operations will continue. Further Board approval is required for the parties to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J.D. Heffner', with a stylized flourish at the end.

John D. Heffner
John D. Heffner, PLLC
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Washington, D.C. 20036
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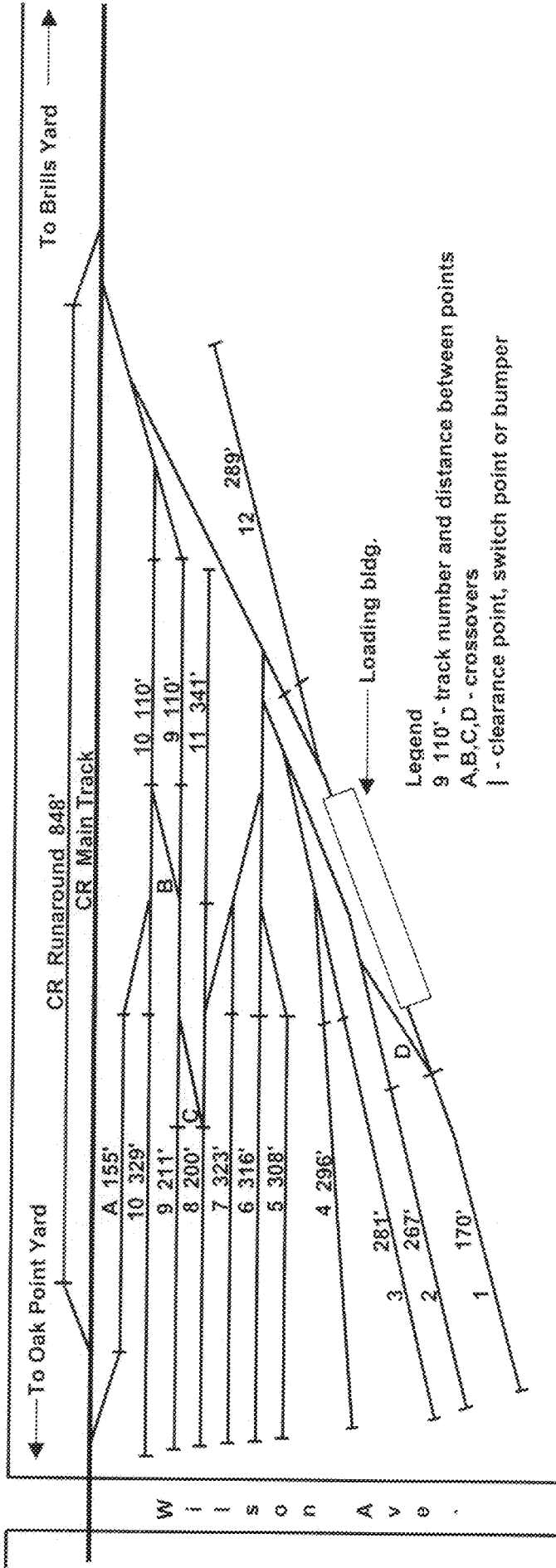
Counsel for Petitioner

Dated: March 22, 2006

EXHIBIT A



Doremus Ave.



Legend

9 110' - track number and distance between points

A,B,C,D - crossovers

| - clearance point, switch point or bumper

EXHIBIT B

CERTIFICATION

I, Jeffrey P. Lehrbach, an officer of the Doremus Ave. Recycling and Transfer, LLC. ("DART") hereby certify under penalty of perjury that the projected annual railroad operating revenues of DART, in the aggregate, will not exceed \$5,000,000, and that Dart will be a Class III rail carrier as set forth at 49 CFR 1201 (1-1) (a). Further, I certify that I am qualified and authorized to make this certification on behalf of DART.



Jeffrey P. Lehrbach

EXHIBIT C

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-- OPERATION EXEMPTION --

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PURSUANT TO 49 U.S.C. 10901 and 49 CFR 1150.31

NOTICE OF OPERATION OF RAIL LINE
INFORMATION REQUIRED BY 49 CFR 1150.31

Doremus Ave. Recycling and Transfer, LLC ("DART"), a newly-created class III short line railroad, has filed a Verified Notice of Exemption under 49 CFR 1150.31 to operate the following railroad property which it is constructing on land it owns to serve a newly built waste transfer station.

The trackage to be operated consists of approximately 12,000 feet of track and associated railroad property located at the corner of Doremus Ave. and Wilson Ave. in the City of Newark, NJ. DART certifies that its proposed annual railroad operating revenues will not exceed those that would qualify it as a Class III

rail carrier and that its annual railroad operating revenues are not projected to exceed \$5 million.

The parties propose to consummate this transaction on or about April 1, 2006.

This transaction is related to another transaction docketed as FD No.34852, Gordon Reger - Continuance in Control Exemption for which a notice of exemption under 49 CFR 1180.2(d)(2) is being filed contemporaneously with this notice.

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

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34853, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1925 K Street, N.W., Washington, D.C. 20423-0001. In addition, a copy of each pleading must be served on:

John D. Heffner, Esq.
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1920 N Street, N.W.,
Suite 800
Washington, D.C., 20036
Telephone: (202) 263-4180

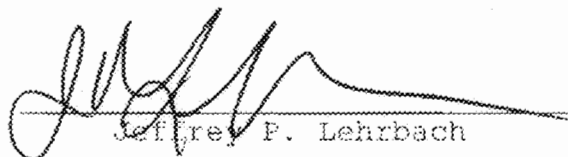
(seal)

Vernon A. Williams
Secretary

VERIFICATION

STATE OF NEW YORK)
) SS
CITY OF BUFFALO)

Jeffrey P. Lehrbach, being duly sworn according to law,
hereby deposes and states that he is authorized to make the
Verification, has read the foregoing document, and knows the
facts asserted therein are true and accurate as stated, to the
best of his knowledge, information and belief.


Jeffrey P. Lehrbach

Subscribed and sworn to before me, a Notary Public, in and for
the City of Buffalo in the State of New York this 22nd day of
March, 2006.


Notary Public

My Commission expires:

May 5, 2007

LINDA K. MIDDAGH
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 5/5/2007