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SERVICE DATE – LATE RELEASE FEBRUARY 22, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35171

ASHBRO, INC.—PETITION FOR DECLARATORY ORDER—WILSON SPUR TRACK IN  
DENHAM SPRINGS, LA

Decided: February 22, 2010

On August 1, 2008, Ashbro, Inc. (Ashbro) filed a petition for declaratory order, asking that the Board terminate Illinois Central Railroad Company's (IC) use and access to the portion of the Wilson Spur that crosses Ashbro's property. Ashbro also asked for a determination that the shippers and/or property owners adjacent to the line have no right to use the portion of the Wilson Spur located on Ashbro's property.

By decisions served on December 16, 2008, March 24, 2009, July 29, 2009, and November 9, 2009, the Board granted the requests of Ashbro to hold this proceeding in abeyance while it negotiated to resolve the matter with Bercen, Inc., one of the adjacent property owners, and IC. In the November 9 decision, Ashbro was directed to file a report with the Board on the status of the negotiations by February 8, 2010.

On February 8, 2010, Ashbro submitted a letter requesting that the Board dismiss without prejudice its petition for declaratory order. Accordingly, the motion to dismiss will be granted, and this proceeding will be discontinued.

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

It is ordered:

1. The petition for declaratory order is dismissed without prejudice, and this proceeding is discontinued.
2. This decision is effective on its service date.

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