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SEC

SERVICE DATE – MARCH 24, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35171

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

Decided: March 23, 2009

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 asks 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.

On December 8, 2008, Ashbro filed a letter requesting that the Board hold this proceeding temporarily in abeyance while it negotiates with Bercen, Inc., one of the adjacent property owners, and IC to resolve this matter. In a decision served on December 16, 2008, the Board granted this request and held the proceeding in abeyance. Ashbro was directed to file a report with the Board on the status of negotiations by February 17, 2009.

On March 10, 2009, Ashbro filed a letter stating that they were continuing to try and resolve the matter with the parties. Accordingly, because this effort is consistent with the Board's preference for private-sector negotiation and resolution of disputes, the Board will continue to hold this proceeding in abeyance to give the parties time to negotiate a resolution of the issues raised by Ashbro. Ashbro will be directed to file a report with the Board on the status of negotiations by June 22, 2009.

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

It is ordered:

1. This proceeding will continue to be held in abeyance pending further order of the Board.
2. Ashbro is directed to file a report with the Board on the status of the negotiations by June 22, 2009.

3. This decision is effective on the date of service.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary