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SEC

SERVICE DATE - NOVEMBER 2, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33679

SIERRAPINE--LEASE AND OPERATION
EXEMPTION--SIERRA PACIFIC INDUSTRIES

Decided: October 28, 1999

On November 16, 1998, SierraPine, a noncarrier, filed under 49 CFR 1150.31 a verified notice of exemption from the provisions of 49 U.S.C. 10901. SierraPine sought to lease and operate approximately 12 miles of rail line, known as the Amador Branch, that is owned by Sierra Pacific Industries¹ and located between milepost 0.0 at Ione and milepost 12.0 at Martell, in Amador County, CA.² Notice of the exemption was served and published in the Federal Register (63 FR 68505) on December 11, 1998.

On August 10, 1999, SierraPine filed a petition seeking to revoke its exemption, which became effective on November 23, 1998, stating that it initially erred in concluding that the operations contemplated by the lease fell within the Board's jurisdiction. SierraPine asserts that its operations are confined to switching to which the Board's jurisdiction does not attach. See 49 U.S.C. 10906.

The petition to revoke raises issues that require further consideration by the Board. By this decision, the Board is instituting a proceeding under 49 U.S.C. 10502(d) to consider SierraPine's petition. At this time, there does not appear to be a need for the parties to submit additional evidence.

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

It is ordered:

1. Under 49 U.S.C. 10502(d), a proceeding is instituted to consider the SierraPine's petition to revoke its exemption.

¹ See Sierra Pacific Industries--Acquisition and Operation Exemption--Amador Central Railroad Company, STB Finance Docket No. 33378 (STB served Apr. 9, 1997).

² The Amador Branch includes a yard and repair shops at Martell, as well as additional spur trackage at the Sierra Pacific mill and a particle board plant located at milepost 11.6.

2. The proceeding will be completed by August 2, 2000.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary