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SERVICE DATE – JUNE 16, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35304

SAN FRANCISCO BAY RAILROAD-MARE ISLAND—OPERATION EXEMPTION—
CALIFORNIA NORTHERN RAILROAD

Decided: June 15, 2010

On September 28, 2009, San Francisco Bay Railroad-Mare Island (S.F. Bay-Mare Is.), a noncarrier, filed a verified notice of exemption under 49 C.F.R. § 1150.31 to operate approximately 8 miles of unmarked rail line owned by the City of Vallejo (the City) and Lennar Mare Island, LLC (LMI), in Vallejo, CA.¹

The Board published the notice of exemption on October 14, 2009, and the exemption became effective on October 28, 2009. S.F. Bay R.R.-Mare Island—Notice of Exemption—Cal. N. R.R., FD 35304 (STB served Oct. 14, 2009).

On March 19, 2010, LMI filed a petition to revoke S.F. Bay-Mare Is.'s exemption, asserting that the notice contained false and misleading information relating to the ownership of the track and S.F. Bay-Mare Is.'s rights as to the track. On April 8, 2010, S.F. Bay-Mare Is. replied to the petition and LMI filed a response to that reply. On June 8, 2010, the City filed a request to intervene in the proceeding and to file an attached reply to S.F. Bay-Mare Is.'s reply.

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 LMI's revocation request.

This action will not significantly affect either 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 LMI's revocation request.

¹ This transaction is related to a concurrently filed notice of exemption for David Gavrich to continue in control of S.F. Bay-Mare Is. upon S.F. Bay-Mare Is.'s becoming a Class III rail carrier. David Gavrich—Continuance in Control Exemption—S.F. Bay R.R.-Mare Island, FD 35303 (STB served Oct. 14, 2009).

2. This proceeding will be completed by March 16, 2011.
3. This decision is effective on its service date.

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