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SEC

SERVICE DATE – JULY 29, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35171

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

Decided: July 28, 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.

By decisions served on December 16, 2008, and March 24, 2009, the Board granted the requests of Ashbro to hold this proceeding in abeyance while it negotiates to resolve the matter with Bercen, Inc., one of the adjacent property owners, and IC. In the March 24 decision, Ashbro was directed to file a report with the Board on the status of the negotiations by June 22, 2009.

On June 22, 2009, Ashbro submitted a letter stating that it was continuing to try to resolve the matter.¹ 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 the negotiations by October 27, 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 October 27, 2009.

¹ Ashbro re-filed its letter on July 2, 2009, including service on the correct parties and in accordance with the Board's filing requirements.

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

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

Anne K. Quinlan
Acting Secretary