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SERVICE DATE – FEBRUARY 21, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36660

BAYLANDS DEVELOPMENT, INC.—PETITION FOR DECLARATORY ORDER

Decided: February 21, 2025

On February 24, 2023, Baylands Development, Inc. (Baylands), a noncarrier, filed a petition for declaratory order requesting that the Board determine that a railroad spur (the Spur) is abandoned and no longer needed as part of the interstate rail network. The Spur, consisting of a 30-foot wide, approximately 2,000-foot long, railroad right-of-way, is located partially in the City and County of San Francisco, Cal., and partially in the City of Brisbane, San Mateo County, Cal. (Pet. 1-2.)

Due to pending state court litigation involving the interpretation and enforceability of an easement owned by 424 Jessie Historic Properties, LLC, on a portion of the Spur, the Board, by decision served on September 18, 2023, held this proceeding in abeyance, pending resolution of the related state court action. Baylands Dev., Inc.—Pet. for Declaratory Ord., FD 36660, slip op. at 5 (STB served Sept. 18, 2023). To ensure that the Board remained informed regarding the progress of the state court action, the parties were directed to submit any decision by the court regarding the merits of any of the claims in the case (or any other decision relevant to this matter) within 15 days of its issuance. Id.

Given the passage of time since the Board's last action in this proceeding, and not having received from the parties any subsequent decision or final disposition in the state court action to date, the parties will be ordered to provide, by March 7, 2025, a status report on the state court litigation and any other relevant developments. The Board's previous order holding this proceeding in abeyance and ordering the parties to submit any decision by the court regarding the merits of any of the claims in the case (or any other decision relevant to this matter) within 15 days of its issuance will remain in effect until further order of the Board.

It is ordered:

1. This proceeding will remain in abeyance until further order of the Board.
2. The parties are directed to file a status report, jointly, if possible, by March 7, 2025. Following the status report, the parties shall submit any decision by the court regarding the merits of any of the claims in the case (or any other decision relevant to this matter) within 15 days of its issuance.

3. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.