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SERVICE DATE – LATE RELEASE MAY 30, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36301¹

OAKLAND GLOBAL RAIL ENTERPRISE, LLC—ACQUISITION EXEMPTION—RAIL
LINE IN ALAMEDA COUNTY, CAL.

Docket No. FD 36302

OAKLAND BULK & OVERSIZE TERMINAL, LLC—ACQUISITION EXEMPTION—RAIL
LINE IN ALAMEDA COUNTY, CAL.

Docket No. FD 36303

CITY OF OAKLAND, CAL.—ACQUISITION EXEMPTION—FORMER OAKLAND ARMY
BASE, ALAMEDA COUNTY, CAL.

Decided: May 30, 2019

By decision served on March 15, 2019, in Docket No. 36168, the Board made certain jurisdictional determinations regarding trackage located at the former Oakland Army Base (OAB) in Oakland, Cal. Oakland Glob. Rail Enter., LLC—Pet. for Declaratory Order, FD 36168, slip op. at 6-10 (STB served Mar. 15, 2019). In that decision, the Board also ordered the City of Oakland, Cal. (the City), Oakland Global Rail Enterprise, LLC (OGRE), and Oakland Bulk & Oversize Terminal, LLC (OBOT) to seek authority under 49 U.S.C. § 10901 for their prior acquisitions of certain track at the OAB or explain to the Board why such authority is not required. Id. at 11. In accordance with the Board's order, on May 14, 2019, the City, OGRE, and OBOT filed verified notices of exemption under 49 C.F.R. § 1150.31 in these three dockets. The exemptions are scheduled to become effective on June 13, 2019.

The City has petitioned the Board to reconsider its jurisdictional determinations in the March 15, 2019 decision. (See City of Oakland Pet. for Reconsideration, Apr. 4, 2019, Oakland Glob. Rail Enter., LLC—Pet. for Declaratory Order, FD 36168.) While the Board considers the petition for reconsideration, the effective dates of the exemptions in Docket Nos. FD 36301, FD 36302, and FD 36303 will be postponed until further order of the Board.

¹ These proceedings are not consolidated. A single decision is being issued for administrative purposes.

It is ordered:

1. The effective dates of the exemptions in Docket Nos. FD 36301, FD 36302, and FD 36303 are postponed until further order of the Board.

2. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.