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SERVICE DATE – LATE RELEASE APRIL 5, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35475

PORT OF IVORY, LLC—OPERATION EXEMPTION—LINE OF RAILROAD IN TULARE
COUNTY, CAL.

Decided: April 5, 2011

Port of Ivory, LLC (Port), a limited liability company and noncarrier, filed a verified notice of exemption under 49 C.F.R. § 1150.31 to operate about 1,500 track feet of existing railroad trackage inside an existing industrial facility it owns in Tulare County, Cal. Notice of the exemption was served and published in the Federal Register on March 18, 2011 (76 Fed. Reg. 15,047).¹

On March 29, 2011, the San Joaquin Valley Railroad Company (SJVR) filed a petition to reject the notice of exemption, alleging that the notice contains significant false and misleading information rendering it void ab initio.

By letter filed on April 4, 2011, Port requests that the Board hold this proceeding in abeyance for 10 days starting April 5, 2011 (or until April 15, 2011). Port states that it and SJVR have commenced discussions to resolve their differences and asks to hold the proceeding in abeyance to facilitate a resolution. Port indicates that SJVR's counsel has authorized Port to state that SJVR concurs in the request.

The request to hold this proceeding in abeyance is reasonable and will be granted. Accordingly, this proceeding will be held in abeyance until April 15, 2011. The parties are directed to notify the Board on the status of the negotiations on or before April 15, 2011.

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

It is ordered:

1. This proceeding will be held in abeyance until April 15, 2011.

¹ A protective order was served on March 25, 2011.

2. The parties are directed to notify the Board on the status of the negotiations on or before April 15, 2011.

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