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JAN 10 2005

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January 10, 2005

BY HAND

Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

JAN 11 2005

Part of
Public Record

Re: Docket No. AB-512X, *Sierra Pacific Industries – Abandonment Exemption – 2/2976*
In Amador County, CA, and
Docket No. AB-880X, *SierraPine – Discontinuance Exemption – In 2/2977*
Amador County, CA

Dear Secretary Williams:

I enclose for filing in this proceeding an original and ten copies each of (1) Petitioners' Motion For Leave To File Reply To Comments, (2) Petitioners' Reply to Comments and (3) Petitioners' Reply To The Amador County Transportation Commission's Request For Issuance of Public Use Condition Or Certificate Or Notice Of Interim Trail Use.

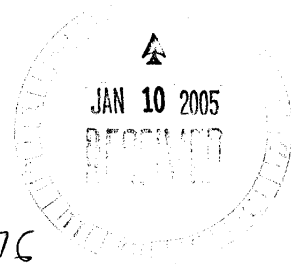
Sincerely,



Richard A. Allen

cc: All Parties of Record

Before the
Surface Transportation Board



STB Docket No. AB-512X 212976

SIERRA PACIFIC INDUSTRIES—ABANDONMENT EXEMPTION—
IN AMADOR COUNTY, CA

ENTERED
Office of Proceedings

JAN 11 2004

Part of
Public Record

STB Docket No. AB-880X

212977

SIERRAPINE—DISCONTINUANCE EXEMPTION—
IN AMADOR COUNTY, CA

**PETITIONERS' MOTION FOR LEAVE TO FILE
REPLY TO COMMENTS**

Sierra Pacific Industries and SierraPine (collectively, "Petitioners") hereby respectfully request, pursuant to 49 C.F.R. § 1110.9, that the Board waive its general rule at 49 C.F.R. § 1104.13(c) prohibiting a "reply to a reply," to permit Petitioners to file the accompanying reply to the four comments submitted on the merits of Petitioners' November 12, 2004 Petition for Exemption (the "Petition") to abandon and discontinue service over a 12-mile line of railroad between Martell and Ione, California. The comments are: (1) a letter from the Board of Supervisors of Amador County dated December 10, 2004; (2) a letter from the California Department of Transportation dated December 22, 2004; (3) a "Protest to Petition for Exemption" by the Amador County Transportation Commission dated December 21, 2004; and (4) a letter from the Martell Industrial Center, LLC dated January 7, 2005.

The Board has often granted waivers of its general rule permitting replies to replies when, as here, doing so would provide the Board a more complete record on which to render a decision, would not prejudice any party and would not delay the proceeding or the issuance of a decision. *See, e.g., Union Pacific Railroad Company – Abandonment Exemption – In Rio Grande and Mineral Counties, Co*, STB Docket No. AB-33 (Sub-No. 132X), slip op. at 3 (served June 22, 2004); *The New York City Economic Development Corporation – Petition for Declaratory Order*, STB Finance Docket No. 34429, slip op. at 5, n.4 (served July 15, 2004); *Tongue River Railroad Co.—Construction and Operation—Western Alignment*, Finance Docket No. 30186 (Sub-No. 3), slip op. at 3 (served March 11, 2003); *Salt Lake City Railroad Company, Inc. – Adverse Abandonment – Line of Utah Transit Authority in Salt Lake City, UT*, STB Docket No. AB-520, slip op. at 2, n.2 (served August 26, 1999).

In this case, the filing of Petitioners' reply to the comments will provide the Board a more complete record for deciding the Petition. Moreover, the reply should not prejudice any party or delay the proceeding or the Board's decision, which the Board has stated it will issue on or before March 2, 2005.

Respectfully submitted,



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*Attorneys for SierraPine and Sierra Pacific
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Dated: January 10, 2005

CERTIFICATE OF SERVICE

I certify that on January 10, 2005 I caused to be served a true copy of the foregoing "Petitioners' Motion for Leave to File Reply To Comments" by first class U.S. mail, postage pre-paid, upon:

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