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May 4, 2005

BY HAND

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

ENTERED
Office of Proceedings

MAY - 4 2005

Part of
Public Record

Re: Docket No. AB-512X, *Sierra Pacific Industries – Abandonment Exemption –
In Amador County, CA, and*
~~Docket No. AB-880X, *SierraPine – Discontinuance Exemption – In*~~
~~*Amador County, CA*~~ 2/39/9

Dear Secretary Williams:

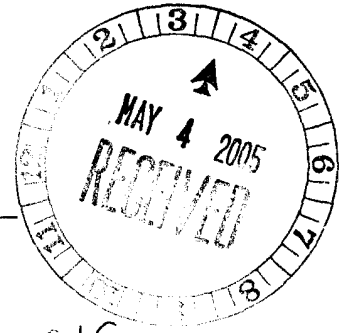
I enclose for filing in this proceeding an original and ten copies each of (1) a Motion To Make Exemptions Effective, filed by Sierra Pacific Industries ("SPI") and SierraPine, and (2) a Notice of Intent Not To File Offer of Financial Assistance executed by Martell Industrial Center, LLC.

Sincerely,

Richard A. Allen

cc: All Parties of Record

Before the
Surface Transportation Board



STB Docket No. AB-512X - 213919

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

~~STB Docket No. AB-880X~~

~~SIERRAPINE—DISCONTINUANCE EXEMPTION—
IN AMADOR COUNTY, CA~~

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**MOTION TO MAKE ABANDONMENT AND DISCONTINUANCE
EXEMPTIONS EFFECTIVE**

Sierra Pacific Industries (“SPI”) and SierraPine (collectively, “Petitioners”) respectfully request the Board to issue an order making the abandonment and discontinuance exemptions granted by the Board in a decision served February 25, 2005 effective immediately, subject to the conditions stated in that decision, in view of the accompanying Notice of Intent Not To File Offer of Financial Assistance executed by Martell Industrial Center, LLC (“MIC”).

In its February 25, 2005 decision, the Board granted Petitioners’ petition for exemptions to abandon and discontinue service over a 12-mile line of railroad between Martell, CA and Ione, CA in Amador County, CA (the “Line”), subject to certain

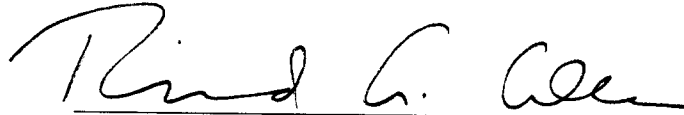
conditions concerning environmental mitigation, public use, trail use and offers of financial assistance ("OFAs"). Subsequently, MIC advised Petitioners that it was considering making an OFA and requested certain information from Petitioners. No other party has filed an OFA with respect to the Line or stated an interest in doing so. By decision served March 11, 2005, the Board extended the time within which MIC could submit an OFA to 45 days after Petitioners provided MIC the information it requested. That decision also provided: "The effective date of the exemption is postponed until 10 days after the due date for MIC's filing of its OFA."

As part of a settlement agreement on various matters recently concluded among MIC and Petitioners, MIC has agreed that neither MIC nor any party affiliated with MIC will submit an OFA to acquire or subsidize the Line. Pursuant to that agreement, MIC has executed a Notice of Intent Not to File Offer of Financial Assistance, which is being filed with this motion. The Notice recites MIC's settlement with Petitioners and states that "MIC hereby waives any right to submit such an OFA. MIC therefore has no objection to the Board's issuance of an order permitting the exemption granted by the Board's decision served on February 25, 2005 to become effective immediately."

The effectiveness of the exemptions was postponed solely to permit MIC to file an OFA, and MIC has now notified the Board of its intent not to do so (and indeed, has contractually waived its right to do so). Petitioners submit, therefore, that there no longer is any need to delay the effectiveness of the exemptions. Accordingly, Petitioners move the Board to issue an order making the exemptions effective immediately, subject, of

course, to the conditions in the Board's February 25, 2005 decision other than those relating to OFAs.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard A. Allen". The signature is fluid and cursive, with the first name "Richard" being more prominent than the last name "Allen".

Richard A. Allen
Scott M. Zimmerman
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*Attorneys for SierraPine and Sierra Pacific
Industries*

Dated: May 4, 2005

CERTIFICATE OF SERVICE

I certify that on May 4, 2005 I caused to be served a true copy of the foregoing
"Motion to Make Abandonment and Discontinuance Exemption Effective" by first class
U.S. mail, postage pre-paid, upon:

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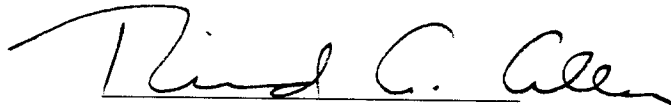
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