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SERVICE DATE - APRIL 19, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-170 (Sub No. 2X)

SUNSET RAILWAY COMPANY—ABANDONMENT EXEMPTION—  
IN KERN COUNTY, CA

Decided: April 18, 2005

Sunset Railway Company (SRY) and San Joaquin Valley Railroad Company (SJVR) (collectively, petitioners), jointly filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Service for SRY to abandon, and SJVR to discontinue service over, a 0.20-mile line of railroad, known as the Sunset Subdivision near Levee, between milepost 19.80 and milepost 20.00, in Kern County, CA. Notice of exemption was served and published in the Federal Register on March 21, 2005 (70 FR 13570-71). The exemption is scheduled to become effective on April 20, 2005.<sup>1</sup>

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 25, 2005. In the EA, SEA states that the California Office of Historic Preservation, Department of Parks and Recreation (SHPO), has not yet completed its assessment of the potential impact of this project on historic resources. Therefore, SEA recommends that a condition be imposed requiring that applicants retain their interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

SEA also states that the National Geodetic Survey (NGS) has identified geodetic station markers that may be affected by the proposed abandonment. Therefore SEA recommends that applicants be required to provide NGS with 90 days' notice prior to salvage activities to plan for their relocation.

Comments to the EA were due by April 11, 2005. No comments were received by that date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

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<sup>1</sup> While the notice embraced the proposed discontinuance in STB Docket No. AB-398 (Sub-No. 10X), San Joaquin Valley Railroad Company—Discontinuance of Service Exemption—in Kern County, CA, the environmental conditions discussed in this decision are imposed on the proposed abandonment.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that petitioners shall: (1) provide NGS with 90 days' notice prior to salvage activities to plan for the relocation of the geodetic station markers; and (2) retain their interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the NHPA.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Office of Proceedings.

Vernon A. Williams  
Secretary