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SERVICE DATE – MARCH 7, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-170 (Sub-No. 1X)

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

Decided: March 6, 2006

Sunset Railway Company (SRY) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 16.3-mile line of railroad, known as the Sunset Subdivision, extending between milepost 20.0, west of Levee, and milepost 36.3, at Taft, in Kern County, CA.<sup>1</sup> Notice of the exemption was served and published in the Federal Register on December 21, 2004 (69 FR 76521-22). The notice stated that, if consummation had not been effected by the filing of a notice of consummation by December 21, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.<sup>2</sup>

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. By letter filed on February 17, 2006, Union Pacific Railroad Company (UP), on behalf of SRY,<sup>3</sup> requests a 6-month extension of time, commencing from the date of this request, for SRY to file its notice of

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<sup>1</sup> The exemption also embraced STB Docket No. AB-398 (Sub-No. 9X), San Joaquin Valley Railroad Company—Discontinuance Exemption—in Kern County, CA, in which San Joaquin Valley Railroad Company (SJVR) was granted an exemption to discontinue service over the line. On May 20, 2005, counsel for SJVR advised the Board that, as of May 19, 2005, SJVR had canceled its tariffs and discontinued rail service over the 16.3-mile line.

<sup>2</sup> By decision served on January 18, 2005, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that SRY: (1) retain its 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; and (2) notify the U.S. Department of Commerce, National Geodetic Survey (NGS) 90 days prior to salvage activities to plan for the relocation of the 13 geodetic station markers identified on the line.

<sup>3</sup> According to UP, it has an ownership interest in SRY.

consummation.<sup>4</sup> According to UP, approximately 53% of the real estate on the subject line is reversionary and additional time is needed to properly salvage the rail and other track materials. UP, on behalf of SRY, has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

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

It is ordered:

1. The request filed by UP, on behalf of SRY, for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before August 17, 2006.
3. This decision is effective on its date of service.

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

Vernon A. Williams  
Secretary

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<sup>4</sup> In its letter, UP notes that the State Historic Preservation Office has informed SRY that the section 106 process has been completed. In addition, UP states that, by letter dated February 15, 2006, it notified NGS that SRY plans to salvage the line. This information will be considered by SEA and will be addressed in a subsequent decision.