

Office of Proceedings



Public Notice

February 16, 2006



215824

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 "K" St., N.W., Room 504
Washington, D.C. 20423-001

Re: Request for Extension of time to file Notice of Consummation – Proposed Abandonment of a portion of the Sunset Subdivision near between Levee, Milepost 18.3 and Taft at Milepost 36.3, for a total Distance of 18 miles in Kern County, California; STB Docket No. AB-170(Sub-No. 1X)

Dear Mr. Williams:

The Sunset Railway Company ("SRY") is jointly owned by Union Pacific Railroad Company ("Union Pacific") and in accordance with 49 C.F.R. Section 1152.29 (e) (2) requests an extension of time to file a Notice of Consummation with respect to the above-referenced abandonment. On May 20, 2005, the San Joaquin Valley Railroad Company ("SJVR") advised the Board that as of May 19, 2005 it had cancelled its tariffs and discontinued its rail service over the Line. This notice was filed in Docket No. AB-398 (Sub-No.9X). This Notice of Consummation permitted SJVR to discontinue service over the Line.

The Board's Section of Environmental Analysis recommended that SRY maintain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are fifty (50) years old or older until completion of the 106 Process of the National Historic Preservation Act under 16 U.S.C. 470F (NHPA). In addition, SRY is required to notify the National Geodetic Survey ninety (90) days prior to salvage activities to plan for the relocation of thirteen (13) Geodetic station markers identified on the Line. The SRY has received notice from the State Historic Preservation Office that it has satisfied the condition regarding the Section 106 process. See, communications attached hereto as Exhibit A which are hereby made a part hereof. In addition, to satisfy the condition that the National Geodetic Survey be contacted by SRY with regard to proposed salvage activities regarding the thirteen (13) Geodetic station markers, Union Pacific on behalf of SRY has contacted the National Geodetic Survey. (See, Exhibit B which is attached hereto and hereby made a part hereof).

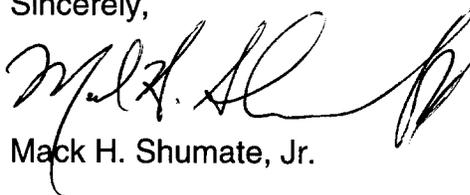
Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Approximately fifty-three percent (53%) of the real estate on the subject Line is reversionary. Therefore, in order to properly salvage the rail and other track material on the Line it is necessary to extend the period for consummation for six (6) months commencing from the date of this filing. Otherwise, the SRY runs the potential risk of suffering a claim by adjacent land owners to the trackage to be salvaged. By extending the consummation date by the requested six (6) month period SRY is of the opinion that all salvage activities on the Line will have been completed within that timeframe. Granting of this extension will then permit SRY to file a Notice of Consummation upon completion of salvage activities which is expected to be completed within the extension period.

An additional ten (10) copies of this letter are enclosed for the Board's further use and distribution.

Sincerely,

A handwritten signature in black ink, appearing to read "M. H. Shumate, Jr.", written in a cursive style.

Mack H. Shumate, Jr.

Enclosures

cc: State of California
Public Utilities Commission

O:\ABANDONMENTS\170-1x\Consummation-Ltr

Natalie Lindquist
Historian II
California Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001
(916) 654-0631 (916) 653-9824--FAX
nlindquist@parks.ca.gov

NOTE NEW EMAIL ADDRESS--PLEASE USE ON FUTURE CORRESPONDENCE
--- Message from "Natalie Lindquist" <nlindquist@parks.ca.gov> on Mon, 21 Nov 2005 14:31:09 -0800

To: <XLAW006@UP.COM>

Subject: Re: AB170 Sub #2X

Don,

Given SHPO approval of the larger length, SHPO concurrence still stands for the shorter segments.

Thanks!

Natalie Lindquist
Historian II
California Office of Historic Preservation
P.O. Box 942896
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nlindquist@parks.ca.gov

NOTE NEW EMAIL ADDRESS--PLEASE USE ON FUTURE CORRESPONDENCE

>>> <XLAW006@UP.COM> 11/10/05 11:04 AM >>>

By February 2005 the length of the abandonment changed 3 times, each time getting shorter. The California SHPO had approved the 106 process for the longest length. STB wants an e-mail acknowledging your continued agreement for the shorter lengths. Seems like too obvious an idea to me, but can you help us out?

Don Snoddy
Sr. Historian
1400 Douglas Stop 1510
Omaha, NE 68179
402-544-1268

Privileged and Confidential - prepared at the request of counsel for litigation



----- Forwarded by Don D. Snoddy on 11/10/2005 01:03 PM -----

Don D. Snoddy

Historic Preservation Officer <smikesell@parks.ca.gov>
11/03/2005 03:32
PM
To: Deputy State
cc:
bcc:
Subject: AB170 Sub #2X

Attached are photos of the .2 mile in question. They did not find a date stamp on the tracks. I will call you next week to see if we can advance this abandonment. There is a landfill of some sort being established in this area and the contractor would like to remove the track to build a road.

(See attached file: 11 Southwest black fence looking Northeast.JPG) (See attached file: 01 Northeast black fence Looking Southwest.JPG) (See attached file: 02 Looking Northeast.JPG) (See attached file: 03 Looking at track East.JPG) (See attached file: 04 Looking Southwest.JPG) (See attached file: 05 East of 04 looking West.JPG) (See attached file: 06 opposite of 05 looking North .JPG) (See attached file: 07 Closeup of rail.JPG) (See attached file: 09 similar to 06 looking Northeast.JPG)

Don Snoddy
Sr. Historian
1400 Douglas Stop 1510
Omaha, NE 68179
402-544-1268

Privileged and Confidential - prepared at the request of counsel for litigation
(Embedded image moved to file: pic32702.jpg)



February 15, 2006

NOAA, National Geodetic Survey, N/NGS12
1315 East-West Highway, Station 09202
Silver Spring, MD 20910

RE: Notice to National Geodetic Survey ("NGS") pursuant to Decision of the Surface Transportation Board ("STB") in STB Docket No. AB-170 (Sub-No. 1X) that Sunset Railroad Company ("SRY"), a jointly owned railroad of Union Pacific Railroad Company ("UP") and Burlington Northern Santa Fe Railroad ("BNSF"), desires to salvage a portion of the line of railroad known as the Sunset Subdivision, a 16.3 mile line segment between milepost 20.0 west of Levee and milepost 36.3 at Taft in Kern County, California (the "Line").

Gentlemen:

Pursuant to the decision of the STB dated January 18, 2005 in the above referenced abandonment, the UP as agent for SRY hereby notifies the NGS that SRY plans to salvage the Line. This notice is given pursuant to the decision of the STB in the above referenced matter in order for the NGS to plan for the relocation of the potential 13 geodetic station markers identified on the Line. Salvage activities that could effect any of the aforesaid geodetic station markers will not take place for at least 90 days. If upon review the NGS determines that no geodetic station markers will be adversely effected by the planned salvage activity, UP would appreciate being so advised so that completion of the salvage activities can be undertaken as soon as practicable. All contacts can go through me or the on site salvage contractor.

Sincerely,

A handwritten signature in cursive script, appearing to read "Abe Ghazai".

Abe Ghazai
Track Planning Engineer
Union Pacific Railroad
1400 Douglas Street, STOP 0910
Omaha, NE 68197
Ph. (402) 544-4307 Fx. (402) 501-0432