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SURFACE TRANSPORTATION BOARD

Washington, DC 20423

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The Adams Building
Suite 301
600 Baltimore Avenue
Towson, MD 21204-4022

JAN 16 2009

Re: STB Docket No. AB-1029 (Sub-No. 1X), The San Diego & Imperial Valley Railroad Company, Inc.— Discontinuance Exemption – in San Diego County, CA

I am responding to your letter dated October 22, 2008, on behalf of The San Diego & Imperial Valley Railroad Company, Inc. (SDIV). In your letter, you ask the Section of Environmental Analysis (SEA) to clarify whether a forthcoming petition by SDIV seeking discontinuance of service requires an environmental and historic report or if the action would be exempt from the Board's environmental and historic reporting requirements.

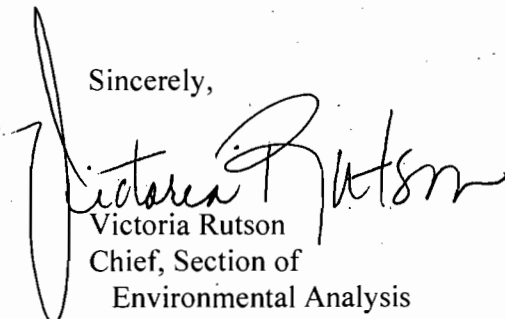
You explain that SDIV operated a 1.35 mile of rail line (Line) between milepost 19.85 and milepost 21.2 near Escondido, San Diego County, CA, pursuant to a lease from The BNSF Railway Company (BNSF). On September 9, 2008, BNSF notified SDIV that it was terminating its lease as of October 24, 2008 and that the Pacific Sun Railroad (PSR) would replace SDIV as the operator of the Line.

With the termination of its lease with BNSF, SDIV is now interested in filing for discontinuance of service over the Line. You explain that there will be no significant changes in carrier operations, and no operational changes that would exceed thresholds established by 49 CFR 1105.7(e)(4) or (5). Moreover, PSR would continue to operate the Line and there are no plans to dispose of or alter potentially historic properties. Board authority would be required should the Line be abandoned.

Given the facts explained in your letter, SEA concludes that the preparation of an Environmental and Historic Report would not be required for a discontinuance of service by SDIV. The mere substitution of PSR for SDIV with no significant operational changes and no effect on historic properties meets the exemption criteria of 49 CFR 1105.6 c(2) and 1105.8(b)(i).

Thank you for your patience and please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Victoria Rutson
Chief, Section of
Environmental Analysis