

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-170 (Sub-No. 1X)¹

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

Decided: January 14, 2005

Sunset Railway Company (SRY) and San Joaquin Valley Railroad Company (SJVR) (collectively, applicants) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service for SRY to abandon and for SJVR to discontinue service over 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. Notice of the exemption was served and published in the Federal Register on December 21, 2004 (69 FR 76521-22). The exemption is scheduled to become effective on January 20, 2005.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in the proceeding on December 23, 2004. In the EA, SEA states that the California Office of Historic Preservation, Department of Parks and Recreation, has not yet completed its assessment of the potential impact of this project on historic resources. SEA, therefore, recommends that SRY 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 (NHPA). SEA also states that the U.S. Department of Commerce, National Geodetic Survey (NGS), has identified 13 geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends that SRY notify NGS 90 days prior to salvage activities to plan for their relocation.

Comments to the EA were due January 7, 2005. No comments were received by the due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

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

¹ Previous decisions served in this proceeding also included STB Docket No. AB-398 (Sub-No. 9X), San Joaquin Valley Railroad Company–Discontinuance Exemption–in Kern County, CA.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the rail line described above is 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 NHPA; and (2) notify NGS 90 days prior to salvage activities to plan for the relocation of the 13 geodetic station markers identified on the line.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary