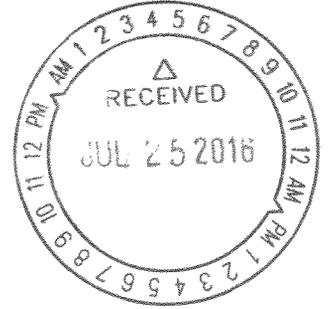


TRANSPORT COUNSEL PC
ATTORNEYS AT LAW



July 25, 2016

241157

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings
July 25, 2016
Part of
Public Record

Re: *Docket No. AB-1100X, Pacific Harbor Line, Inc. - Discontinuance of Service Exemption - In Los Angeles County, CA*

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding are an original and 10 copies of the notice of exemption of Pacific Harbor Line, Inc. pursuant to 49 C.F.R. 1152.50. Also enclosed is a check in the amount of \$3,900 to cover the filing fee for this proceeding.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Sincerely,

Rose-Michele Nardi / *ATF*

Rose-Michele Nardi

Enclosures

FEE RECEIVED
July 25, 2016
SURFACE
TRANSPORTATION BOARD

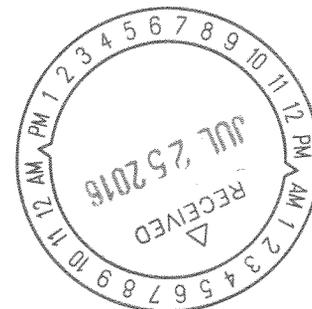
FILED
July 25, 2016
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**PACIFIC HARBOR LINE, INC.
--DISCONTINUANCE OF SERVICE EXEMPTION --
IN LOS ANGELES COUNTY, CA**

DOCKET NO. AB 1100X

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. 1152.50**



Pacific Harbor Line, Inc. ("PHL"), a class III carrier, hereby files this notice of exemption ("Notice") with the Surface Transportation Board (the "Board"), pursuant to 49 C.F.R. 1152.50, to discontinue its common carrier obligations to provide rail service with respect to approximately 3.6 miles, in the Port of Los Angeles, in Los Angeles County, CA, from approximate Milepost 4.00 (north of Front Street and east of Gaffey Street Lead) south to the end of the line (the "Subject Line"). The Subject Line is owned by the City of Los Angeles, a municipal corporation acting through its Board of Harbor Commissioners (the "City").

In accordance with the Board's regulations at 49 C.F.R. 1152.50(d), NLR provides the following information:

1. *Proposed Consummation Date*

The discontinuance by NLR of the Subject Line is expected to be consummated on or after September 13, 2016.

2. *Certification Pursuant to 49 C.F.R. 1152.50(b)*

The certification pursuant to 49 C.F.R. 1152.50(b) is provided as **Exhibit A** to this Notice.

3. *Information Required in 49 C.F.R. 1152.22(a)(1) - (4), (7) and (8) and (e)(4)*

(a)(1) Name of Applicant: Pacific Harbor Line, Inc.

(a)(2) Common Carrier Status: PHL is a class III common carrier by railroad, subject to 49 U.S.C. Subtitle IV, Chapter 105.¹

¹ See *Pacific Harbor Line, Inc. -- Operation Exemption -- Port of Los Angeles*, STB Finance Docket No. 33411, served Dec. 2, 1997.

(a)(3) **Relief Sought:** PHL seeks to use the class exemption at 49 C.F.R. 1152.50 to discontinue its rail operations over the Subject Line.

(a)(4) **Map of Subject Line:** A map showing the location of the Subject Line is attached hereto as **Exhibit B-1**. It is PHL's intent to discontinue all its common carrier obligations to provide rail service south of approximate milepost 4.0 (north of Front Street and east of Gaffey Street Lead). Also attached as **Exhibit B-2** is a map showing the general vicinity of the PHL rail system.

(a)(7) **Representative of Applicant:**

Rose-Michele Nardi
Transport Counsel PC
1701 Pennsylvania Ave., NW, Suite 300
Washington, DC 20006
(202)349-3660

(a)(8) **Postal Service Zip Codes:** The Subject Line runs through United States Postal Zip Code 90731.

(e)(4) **Suitability for Public Purposes and Restrictions on Title:** Information concerning trail use/rail banking or public use condition requests are not relevant to a discontinuance proceeding. See Docket No. AB 290 (Sub-No. 374X), *Central of Georgia Railroad Company - Discontinuance of Service Exemption -- In Spalding County, GA*, served Jan. 29, 2015, n.2 (noting "[b]ecause this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate").

With respect to restrictions on the transfer of title, PHL is not the owner of the Subject Line.² Based on information in PHL's possession, the Subject Line does not contain federally granted rights-of-way. Any documentation in PHL's possession will be made available promptly to those requesting it.

4. The Level of Labor Protection

The interests of any railroad employees who may be adversely affected by the proposed discontinuance will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

5. Certifications

The certificate of publication, pursuant to 49 C.F.R. 1105.12, is attached as **Exhibit C**.

² The City is the owner of the Subject Line.

Pursuant to 49 C.F.R. 1152.50(d)(1), on July 13, 2016, PHL sent a notice of the proposed discontinuance to certain federal and state agencies (the "Notice Letter"). A sample Notice Letter is attached hereto as **Exhibit D**. A certificate of service regarding the Notice Letter is attached hereto as **Exhibit E**.

6. Environmental and Historic Reports

The Board routinely has found that discontinuance proceedings are exempt from environmental and historic reporting requirements. *See e.g.*, Docket No. AB-1011 (Sub-No. 1X), *Northern Lines Railway, LLC - Discontinuance of Service Exemption - In Stearns County, Minnesota*, served May 20, 2011; Docket No. AB 933 (Sub-No. 1X), *Dakota, Missouri Valley and Western Railroad, Inc. - Discontinuance of Service Exemption - In Burke County, N.D.*, served Dec. 17, 2014; Docket No. AB 290 (Sub-No. 370X), *Norfolk Southern Railway Company - Discontinuance of Service Exemption - In Clermont, Brown, and Adams Counties, Ohio*, served Jan. 15, 2015; and Docket Nos. AB 290 (Sub-No. 319X) and AB 1060X, *Central of Georgia Railroad Company -- Discontinuance of Service Exemption - Newtown County, GA; Great Walton Railroad Company -- Discontinuance of Operations Exemption -- Newton County, GA*, served July 15, 2010. Accordingly, no environmental or historic reporting documentation is required.

Respectfully submitted,



Rose-Michele Nardi
Transport Counsel, PC
1701 Pennsylvania Ave., NW
Suite 300
Washington, DC 20006

Attorneys for:

PACIFIC HARBOR LINE, INC.

Date: July 25, 2016

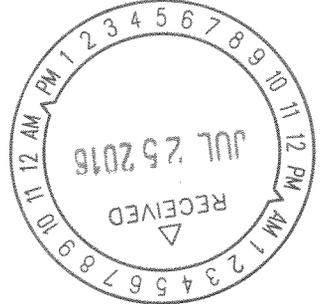
**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**PACIFIC HARBOR LINE, INC.
--DISCONTINUANCE OF SERVICE EXEMPTION --
IN LOS ANGELES COUNTY, CA**

DOCKET NO. AB 1100X

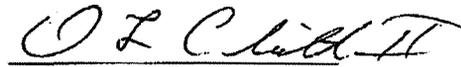
**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. 1152.50**

**EXHIBIT A
CERTIFICATION**



CERTIFICATION PURSUANT TO 49 C.F.R. 1152.50(b)

Pursuant to 49 C.F.R. 1152.50(b), Pacific Harbor Line, Inc., hereby certifies that, with respect to the rail line subject to this notice of exemption in Docket No. AB-1100X: (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) overhead traffic on the line, if any, can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period preceding the date hereof. The foregoing certification is based upon the knowledge, information and belief of the undersigned.



Otis Cliatt II, President
Pacific Harbor Line, Inc.

Dated July 25, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**PACIFIC HARBOR LINE, INC.
--DISCONTINUANCE OF SERVICE EXEMPTION --
IN LOS ANGELES COUNTY, CA**

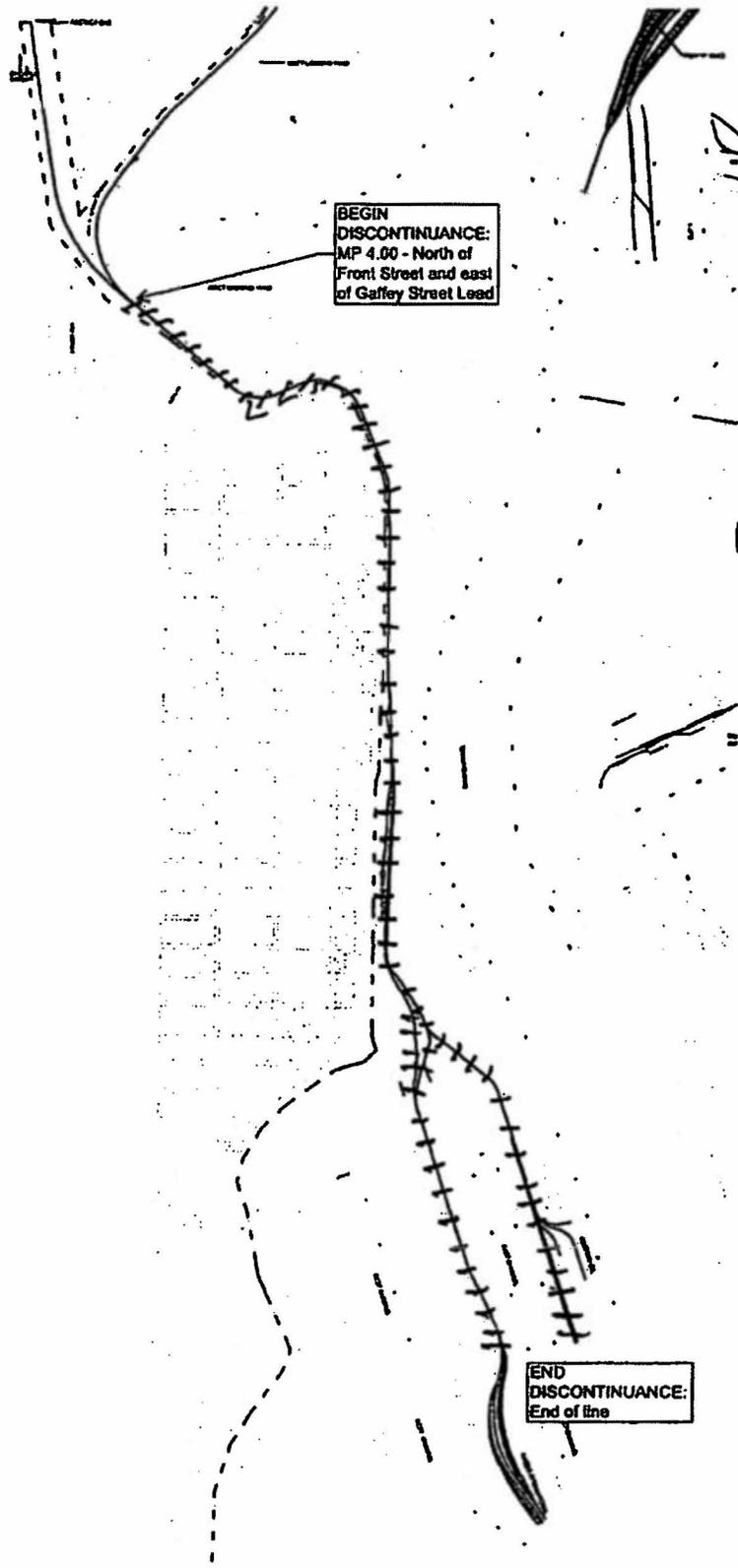
DOCKET NO. AB 1100X

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. 1152.50**

EXHIBIT B

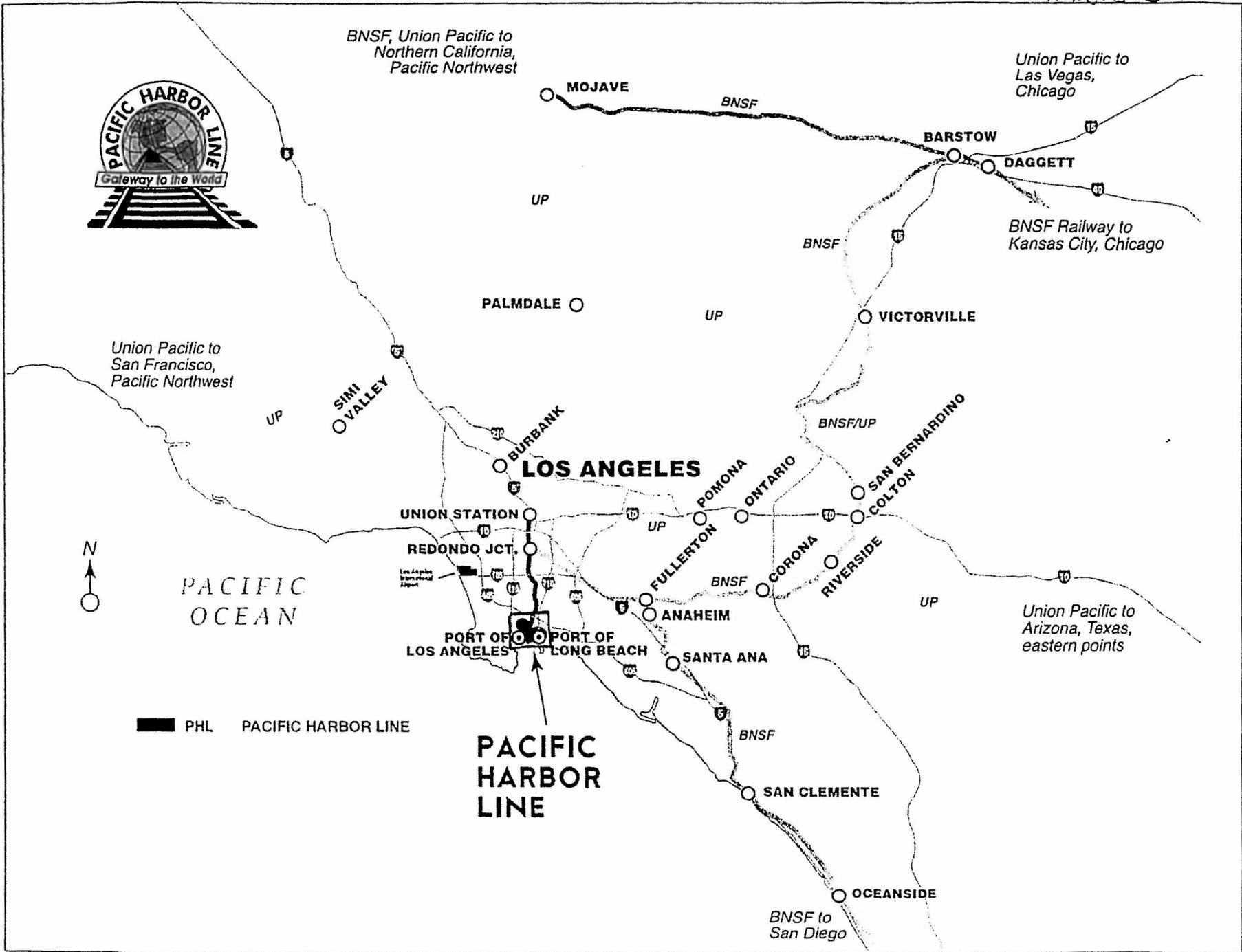
MAP OF SUBJECT LINE





++++ Subject Line





BNSF, Union Pacific to
Northern California,
Pacific Northwest

Union Pacific to
Las Vegas,
Chicago

MOJAVE

BNSF

BARSTOW

DAGGETT

UP

BNSF

BNSF Railway to
Kansas City, Chicago

PALMDALE

UP

VICTORVILLE

Union Pacific to
San Francisco,
Pacific Northwest

UP

SIMI
VALLEY

BURBANK

BNSF/UP

LOS ANGELES

POMONA

ONTARIO

SAN BERNARDINO
COLTON

UNION STATION

REDONDO JCT.



PACIFIC
OCEAN

PORT OF
LOS ANGELES PORT OF
LONG BEACH

Union Pacific to
Arizona, Texas,
eastern points

UP

UP

FULLERTON

ANAHEIM

SANTA ANA

BNSF

CORONA

RIVERSIDE

BNSF

SAN CLEMENTE

OCEANSIDE

BNSF to
San Diego

PHL PACIFIC HARBOR LINE

**PACIFIC
HARBOR
LINE**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**PACIFIC HARBOR LINE, INC.
--DISCONTINUANCE OF SERVICE EXEMPTION --
IN LOS ANGELES COUNTY, CA**

DOCKET NO. AB 1100X

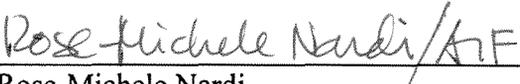
**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. 1152.50**

EXHIBIT C

CERTIFICATE OF PUBLICATION

CERTIFICATE OF PUBLICATION

I hereby certify that, based on the certificate of publication attached hereto as Attachment 1, a newspaper notice regarding the proposed discontinuance of service of the Subject Line was published in the Los Angeles Times and in the Daily Breeze on July 22, 2016.



Rose-Michele Nardi,
Transport Counsel PC
Attorneys for:
Pacific Harbor Line, Inc.

Date: July 25, 2016

**ATTACHMENT 1
TO EXHIBIT C**

AFFIDAVIT OF PUBLICATION

Los Angeles Times

MEDIA GROUP

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF ILLINOIS
County of Cook**

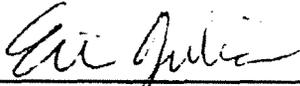
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the action for which the attached notice was published.

I am a principal clerk of the Los Angeles Times, which was adjudged a newspaper of general circulation on May 21, 1952, Cases 598599 for the City of Los Angeles, County of Los Angeles, and State of California. Attached to this Affidavit is a true and complete copy as was printed and published on the following date(s):

Jul 22, 2016

**I certify (or declare) under penalty of perjury
under the laws of the State of California that the foregoing is true and correct.**

Dated at Chicago, Illinois
on this 22 day of 07, 2016.



[signature]

435 N. Michigan Ave.
Chicago, IL 60611

Los Angeles Times

MEDIA GROUP

Sold To:

Transport Counsel PC - CU00550901
1701 Pennsylvania Ave NW
Ste 300
Washington, DC 20006-5813

Bill To:

Transport Counsel PC - CU00550901
1701 Pennsylvania Ave NW
Ste 300

**NOTICE OF INTENT TO
DISCONTINUE RAIL
SERVICE**

Pacific Harbor Line, Inc. ("PHL"), a Class III carrier ("Applicant"), gives notice that on or about July 27, 2016, it intends to file with the Surface Transportation Board (the "STB"), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the discontinuance of service on an approximately 3.6 mile line of railroad from approximate milepost 4.00 (north of Front Street and east of Gaffey Street Lead) south to the end of the rail line, which traverses through United States Postal Service ZIP Code 90731, in the Port of Los Angeles, in Los Angeles County, CA. The proceeding will be docketed as No. AB 1100X.

If applicable, the STB's Office of Environmental Analysis (OEA) will prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be

Los Angeles Times

MEDIA GROUP

to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use, to the extent applicable, also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on Applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on Applicant's representative: Rose-Michele Nardi, Transport Counsel PC, 1701 Pennsylvania Avenue N.W., Suite 300, Washington, DC 20006, (202) 349-3660.

Daily Breeze

21250 Hawthorne Blvd, Ste 170
Torrance, CA 90503-4077
310-543-6635
Fax: 310-316-6827

5174621

TRANSPORT COUNSEL PC
1701 PENNSYLVANIA AVE., N.W., SUITE 300
WASHINGTON, DC 20006

FILE NO. DB 7-48
PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Los Angeles

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of THE DAILY BREEZE, a newspaper of general circulation, printed and published in the City of Torrance*, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of County of Los Angeles, State of California, under the date of June 10, 1974, Case Number SWC7146. The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

07/22/2016

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Torrance, California
On this 22th day of July, 2016.



Signature

*The Daily Breeze circulation includes the following cities: Carson, Compton, Culver City, El Segundo, Gardena, Harbor City, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Lomita, Long Beach, Manhattan Beach, Palos Verdes Peninsula, Palos Verdes, Rancho Palos Verdes, Rancho Palos Verdes Estates, Redondo Beach, San

(Space below for use of County Clerk Only)

Legal No. **0010825427**

DB 7-48

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

Pacific Harbor Line, Inc. ("PHL"), a Class III carrier ("Applicant"), gives notice that on or about July 27, 2016, it intends to file with the Surface Transportation Board (the "STB"), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the discontinuance of service on an approximately 3.6 mile line of railroad from approximate milepost 4.00 (north of Front Street and east of Gaffey Street Lead) south to the end of the rail line, which traverses through United States Postal Service ZIP Code 90731, in the Port of Los Angeles, in Los Angeles County, CA. The proceeding will be docketed as No. AB 1100X.

If applicable, the STB's Office of Environmental Analysis (OEA) will prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use, to the extent applicable, also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on Applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on Applicant's representative: Rose-Michele Nardi, Transport Counsel PC, 1701 Pennsylvania Avenue N.W., Suite 300, Washington, DC 20006, (202) 349-3660.

Published: July 22, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**PACIFIC HARBOR LINE, INC.
--DISCONTINUANCE OF SERVICE EXEMPTION --
IN LOS ANGELES COUNTY, CA**

DOCKET NO. AB 1100X

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. 1152.50**

EXHIBIT D

SAMPLE NOTICE LETTER

TRANSPORT COUNSEL PC

ATTORNEYS AT LAW

July 13, 2016

BY FIRST-CLASS MAIL

USDA Forest Service
Attn: Chief
1400 Independence Ave., SW
Washington, DC 20250-1111

Re: Docket No. AB 1100X, *Pacific Harbor Line, Inc. - Discontinuance of Service Exemption -- In Los Angeles County, CA*

Dear Sir/Madam,

Pacific Harbor Line, Inc. (PHL) hereby gives notice that it intends to file a notice of exemption with the Surface Transportation Board on or about July 27, 2016, to discontinue its common carrier obligations to provide rail service over approximately 3.6 miles in the Port of Los Angeles, in Los Angeles County, CA, from approximate milepost 4.00 (north of Front Street and east of Gaffey Street Lead) south to the end of the rail line (the "Subject Line").¹ See 49 C.F.R. section 1152.50 (exempt abandonment and discontinuances of service and trackage rights). The Subject Line traverses United States Postal Zip Code 90731.

Based on information in PHL's possession, the Subject Line does not contain federally granted rights-of-way.² Any documentation in PHL's possession will be made available promptly to those requesting it.

Sincerely,

Rose-Michele Nardi / E-71

Rose-Michele Nardi
Transport Counsel PC

Attorneys for:

Pacific Harbor Line, Inc.

¹ It is PHL's intent to discontinue all its common carrier obligations to provide rail service south of approximate milepost 4.0.

² The City of Los Angeles, a municipal corporation acting through its Board of Harbor Commissioners (the "City"), not PHL, is the owner of the Subject Line.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**PACIFIC HARBOR LINE, INC.
--DISCONTINUANCE OF SERVICE EXEMPTION --
IN LOS ANGELES COUNTY, CA**

DOCKET NO. AB 1100X

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. 1152.50**

EXHIBIT E

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2016, notice of the proposed discontinuance of service was served by first-class mail, postage prepaid on the following parties:

Department of Defense
SDDC TEA, Railroads for National Defense Program
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225

USDA Forest Service
Attn: Chief
1400 Independence Ave., SW
Washington, DC 20250-1111

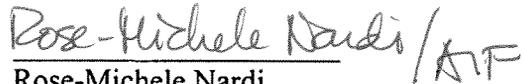
California Public Utilities Commission
Los Angeles Office
320 West 4th Street, Suite 500
Los Angeles, CA 90013

California Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812

National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington DC 20240

National Park Service
Attn: Regional Director
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

RTCA, National Park Service
570 W. Ave. 26
Suite 175
Los Angeles, CA 90065


Rose-Michele Nardi
Transport Counsel PC

Attorneys for: Pacific Harbor Line, Inc.

VERIFICATION

I, Otis Cliatt II, President of Pacific Harbor Line, Inc., verify under penalty of perjury that the forgoing notice of exemption is true and correct to the best of my knowledge, information and belief. Further, I verify that I am qualified and authorized to cause this notice of exemption to be filed.

OT Cliatt II
Otis Cliatt II, President

Date: July 25, 2016