



"Citrus Capital of the World"

City of Santa Paula

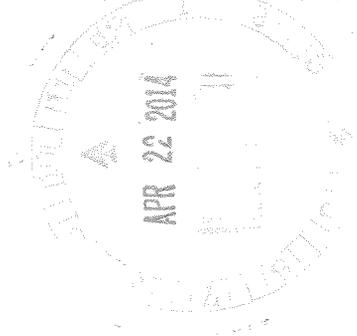
970 Ventura Street • Santa Paula, California • Mailing Address: P.O. Box 569 • 93061 • Phone: (805) 525-4478 • Fax: (805) 525-6278

April 17, 2014

235951

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

ENTERED
Office of Proceedings
April 22, 2014
Part of
Public Record



Re: *Emergency Petition for Declaratory Order*
Finance Docket No. 35813

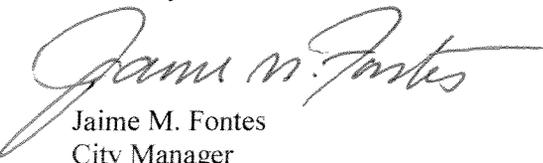
Dear Ms. Brown:

On March 27, 2014, Fillmore & Western Freight Service, LLC dba Fillmore & Western Railway, Inc. ("F&W") filed its *Emergency Petition for Declaratory Order* (Finance Docket No. 35813). In its Petition, F&W seeks on an emergency basis a declaration that certain actions taken by the Ventura County Transportation Commission ("VCTC") relative to F&W's rail operations on the Santa Paula Branch Line are preempted and otherwise without legal force. F&W also seeks an order enjoining litigation pending in the Ventura Superior Court between F&W and VCTC involving F&W's right to provide freight service or operate passenger excursion trains on the Branch Line. The Petition names, among others, the City of Santa Paula as a respondent.

There are, however, no allegations in the Petition that would warrant any of the requested relief against the City of Santa Paula. Indeed, the City is not a party to any of the agreements that form the crux of the dispute between F&W and VCTC. Nor does the City own the Branch Line or have the right operate freight or other rail service on the Branch Line. Moreover, as stated in the *Verified Response of the Ventura County Transportation Commission to Fillmore & Westerns Freight Services, LLC's Emergency Petition for Declaratory Order* (filed by VCTC on April 14, 2014), F&W fails to justify its emergency request, fails to establish the risk of irreparable injury, and otherwise presents no legal issue that the Board can or should address.

For these reasons, the City opposes the Petition. Thank you for your assistance and cooperation.

Sincerely,


Jaime M. Fontes
City Manager

cc: Ivan Halperin
Donna Standard
W. Eric Pilsk
Jenny L Riggs

CERTIFICATE OF SERVICE

I hereby certify that I am providing a copy of the forgoing letter from Jaime M. Fontes to the Surface Transportation Board, dated April 17, 2014, upon the following parties of record by email and by US Mail, fees prepaid and addressed as follows:

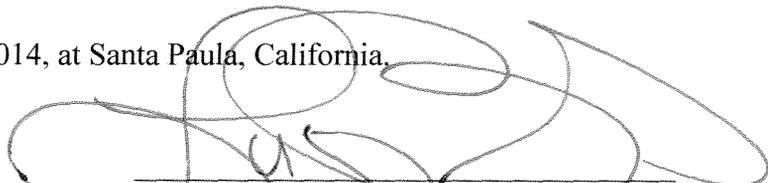
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Executed this 17th day of April, 2014, at Santa Paula, California.



Lucy Blanco, Deputy City Clerk
City of Santa Paula, California