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February 19, 2008

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

221633



RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

Dear Acting Secretary Quinlan.

Enclosed are the original and 10 copies of a Petition for Exemption for the San Joaquin Valley Railroad Company ("SJVR") to abandon a 30.57-mile rail line between Strathmore, milepost 268.60, and Jovista, milepost 299.17, at the end of the line in Tulare County, CA. Also enclosed are a check from SJVR for the filing fee of \$5,400, and a computer diskette containing the Petition in Word and pdf format. All of the color Exhibits are attached to the end of the Petition in Exhibit I.

Please time and date stamp the additional copy of this letter and the Petition and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,

Louis E. Gitomer
Attorney for San Joaquin Valley Railroad Company

Enclosures

FILED
FEB 19 2008
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings
FEB 19 2008
Part of
Public Record

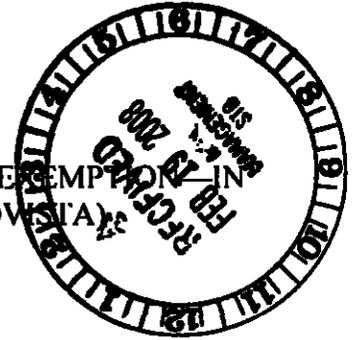
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SURFACE
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BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-398 (Sub-No. 7X)

SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
TULARE COUNTY, CA (BETWEEN STRATHMORE AND JOVISTA)

PETITION FOR EXEMPTION



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Dated: February 19, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-398 (Sub-No. 7X)

SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
TULARE COUNTY, CA (BETWEEN STRATHMORE AND JOVISTA)

PETITION FOR EXEMPTION

The San Joaquin Valley Railroad Company (“SJVR”) petitions the Surface Transportation Board (“Board”) to exempt under 49 U.S.C. § 10502 SJVR’s abandonment of a portion of the South Exeter Branch, a 30.57-mile line of railroad between Strathmore, CA, milepost 268.60, and Jovista, CA, milepost 299 17 in Tulare County, CA (the “Line”) from the prior approval requirements of 49 U.S.C. § 10903.

SJVR is seeking to abandon the Line because the traffic does not justify the costs of operating and maintaining the Line, the Line requires rehabilitation, and there are opportunity costs that SJVR is incurring. The shippers on the Line did not use it in 2007, have not used it in 2008, and have transportation alternatives. Abandonment will permit SJVR to rationalize its system, avoid rehabilitation and maintenance costs, and dispose of the Line. Upon receipt of abandonment authority, SJVR will terminate its common carrier obligation to operate over the Line and salvage the track and materials. SJVR acquired the Line from the Southern Pacific Transportation Company (“SPT”), a predecessor of the Union Pacific Railroad Company (“UP”). UP will be responsible for the disposition of the underlying real estate.

PROPOSED TRANSACTION

SJVR proposes to abandon a portion of the South Exeter Branch, a 30.57-mile line of railroad between Strathmore, CA, milepost 268.60, and Jovista, CA, milepost 299.17 in Tulare County, CA. The Line traverses Zip Codes 93218, 93221, 93247, 93257, 93258, 93261, 93267, and 93270. A map of the Line is attached as Exhibit A. Exhibit B consists of the Combined Environmental and Historic Report. The draft *Federal Register* Notice is in Exhibit C and copies of the newspaper publication and the required certification are in Exhibit D. The certificate of service is in Exhibit E. Exhibit F contains the Verified Statement of Mark D. Garvin, Chief Engineer for all of the subsidiary railroads of RailAmerica, Inc. Mr. Garvin addresses the value of the track and material on the Line, the need for rehabilitation, and the cost of maintenance. Exhibit G contains the Verified Statement of Mr. Robert M. Frelich, Jr., and addresses the costs of operating over the Line.

Based on information in SJVR's possession, the Line does not contain federally granted right-of-way. Any documentation in SJVR's possession concerning title will be made available to those requesting it.

BACKGROUND

SJVR became a rail carrier in 1992 upon consummating a lease from the SPT and Visalia Electric Railroad Company for the operation of seven rail lines and assumption of trackage rights over a number of other rail lines owned exclusively by SPT or jointly by SPT and The Atchison, Topeka and Santa Fe Railway Company ("Santa Fe") covering a total of 354.70 miles of rail line in Fresno, Tulare, Kern, and Kings Counties, CA.¹ Subsequently, SJVR purchased 206.77 miles

¹ *San Joaquin Valley Railroad Co –Lease and Operation Exemption–Southern Pacific Transportation Company and Visalia Electric Railroad Company, ICC Finance Docket No 31993 (ICC served January 23, 1992) (San Joaquin I).*

of track and rail assets and leased the underlying right-of-way, for the seven rail lines that it had previously leased in *San Joaquin I.*²

The only alternative to abandonment would be to continue to operate the Line. SJVR believes that there is not a sufficient volume of traffic available on the Line to justify the costs of maintaining and operating the Line. Making a capital investment in the Line would not be a prudent use of carrier resources. Alternate transportation service is available. The burden of continued operations on SJVR outweighs the burden of loss of service on shippers and local communities.

A. Traffic on the Line.

Three shippers were located on the Line. Tri K Truss at milepost 275.2, Sierra Forest Products at milepost 281.9, and Britz Fertilizer at milepost 287.1. The following table shows the decline in traffic from 2004 through January 2008 by customer.

Customer	Carloads per Year				
	2004	2005	2006	2007	2008
Tri K Truss	36	33	9	0	0
Sierra Forest Products	37	8	3	0	0
Britz Fertilizer	<u>8</u>	<u>11</u>	<u>20</u>	<u>0</u>	<u>0</u>
Total	81	52	32	0	0

Annual revenue on the Line from the traffic generated by these three shippers was \$30,582 in 2004, \$27,294 in 2005, \$12,300 in 2006, \$0 in 2007, and \$0 through January 2008.

B. Rehabilitation of the Line.

The Line is currently in Federal Railroad Administration (“FRA”) excepted condition³ Since there has been very little traffic over the Line in recent years, SJVR has maintained the

² *San Joaquin Valley Railroad Co. –Acquisition and Lease Exemption–Southern Pacific Transportation Company*, ICC Finance Docket No. 31993 (Sub-No. 1) (ICC served October 4, 1993) (*San Joaquin II*).

³ See 49 C.F.R. §213.9.

Line so as to be able to carry the tendered traffic. In his attached Verified Statement, Mr. Garvin explains that to return the excepted portions of the Line to FRA Class I condition, SJVR will be required to make \$1,327,920 in capital expenditures. Bridge work in the amount of \$69,200 is required. The Line requires an average of 600 ties per mile at a cost of \$58.43 per tie (inclusive of the cost of the tie, labor and transportation) for a total tie cost of \$1,071,723 ($\$58.43 \times 600 \times 30.57$). Once the ties are replaced, the Line will need to be resurfaced to avoid kinks in the rail and mismatched ends of rail at a cost of \$6,117 per mile for a total of \$186,997 ($\6.117×30.57).

C. Maintenance of way.

Mr. Garvin determined that the annual cost for maintenance-of-way of the Line is \$107,642. Mr. Garvin explained that maintenance on the Line involves vegetation control, crossing maintenance, and track inspection and maintenance. The Line is 30.57 miles in length. The average cost per mile to maintain the Line is about \$3,521

The Board has accepted a range of normalized maintenance of way costs of between \$4,300 and \$6,000 in recent decisions.⁴ Mr. Garvin projects that maintenance costs per mile over the Line to be \$3,521. Compared to the maintenance costs accepted by the Board, Mr. Garvin is being conservative in his estimate.

D. Cost of operations.

Mr. Frelich has calculated the forecast Year attributable revenues on the Line and the avoidable costs based on the traffic generated on the Line in 2006, the last full year of operation.

⁴ *Wisconsin Central Ltd –Abandonment–in Ozaukee, Sheboygan and Manitowoc Counties, WI*, STB Docket No. AB-303 (Sub-No. 27), STB served October 18, 2004, at 8; and *Minnesota Northern Railroad, Inc. –Abandonment Exemption–in Polk and Norman Counties, MN*, STB Docket No. AB-497 (Sub-No. 3x) (STB served December 4, 2006), at 2.

In 2006, there were three shippers on the Line who generated attributable revenue of \$12,300. Following are the names of the three shippers, their location, carloads and revenue.

Name	Milepost	Carloads	Revenue
Tri K Truss	275.2	9	\$ 3,762
Sierra Forest Products	281.9	3	\$ 1,275
Britz Fertilizer	287 1	20	\$ 7,263
Total		32	\$12,300

In his verified statement, Mr. Frelich described the operations and costs over the Line.

He determined that the avoidable cost of operating the Line was \$10,223.

E. Calculation of opportunity costs.

Opportunity costs (or total return on value of road property) reflect the economic loss experienced by a carrier from forgoing a more profitable alternative use of its assets. Under *Abandonment Regulations—Costing*, 3 I.C.C.2d 340 (1987), the opportunity cost of road property is computed on an investment base equal to the sum of: (1) allowable working capital; (2) the net liquidation value (NLV) of the line, and (3) current income tax benefits (if any) resulting from abandonment. The investment base (or valuation of the road properties) is multiplied by the current nominal rate of return, to yield the nominal return on value. The nominal return is then adjusted by applying a holding gain (or loss) to reflect the increase (or decrease) in value a carrier will expect to realize by holding assets for 1 additional year.⁵

1. Calculation of net salvage value (“NSV”).

Mr. Garvin is the Chief Engineer for RailAmerica, Inc. (“RailAmerica”). He is responsible for the development of maintenance and rehabilitation plans for RailAmerica’s subsidiary railroads. Based on SJVR’s records, an inspection of the Line, the latest costs of rail materials, and the cost of removal and transportation, Mr. Garvin calculates the NSV of the Line to be \$995,574 (See Exhibit F and Exhibit A thereto).

⁵ *Wisconsin Central Ltd.—Abandonment—in Ozaukee, Sheboygan and Manitowoc Counties, WI*, STB Docket No. AB-303 (Sub-No. 27) (STB served October 18, 2004), at 10-11.

2. Calculation of the value of real estate (“VRE”).

“The NLV of a rail line typically consists of the net salvage value of the track and related materials plus the value of the underlying land.”⁶ SJVR does not own the underlying real estate. It is leased from UP. Therefore, SJVR is giving the real estate no value in calculating the NLV.

3. Calculation of 15 days working capital.

Mr. Frelich calculated the cost of operating the Line to be \$10,223 per year. Working capital for the computation of opportunity costs is calculated as 15 days of the costs of the Line. Therefore, SJVR has totaled the operating costs and maintenance costs (\$117,865), divided them by 365 and multiplied that amount by 15 to arrive at the 15 days of working capital of \$4,843.

4. Nominal cost of capital.

The Board has recently accepted the nominal cost of capital for a Class III railroad of 17.50 percent.⁷ Therefore, SJVR has decided to use 17.50 percent as the nominal cost of capital in calculating the opportunity costs of the Line.

5. Income tax consequences.

The book value of the Line is \$995,574. The NLV of \$995,574 less the book value yields no gain. Therefore, sale of the Line will have no tax consequences.

6. Holding gain.

Because of the volatility of the market for scrap and reusable steel, SJVR estimates that there will be no holding gain or loss in the current economic environment. The Board has accepted such an analysis.⁸

⁶ *Pyco Industries, Inc —Feeder Line Application—Lines of South Plains Switching, Ltd Co*, STB Finance Docket No. 34890 (STB served August 31, 2007), at 15.

⁷ *Southwestern Railroad Company, Inc —Abandonment Exemption—in Ellis County, OK, and Lipscomb, Ochiltree, and Hansford Counties, TX*, STB Docket No. AB-341 (Sub-No. 1X) (STB served November 20, 2007).

7. Calculation of Opportunity Costs.

The following Table shows the opportunity cost calculation.

Working Capital	\$ 4,843
NLV	\$ 995,574
Taxes	\$ 0
Holding Gain	\$ 0
Valuation	\$ 1,000,417
Nominal Rate of Return	17.50
Opportunity Cost	\$ 175,072

F. Alternative transportation

The Line runs parallel to California Highway 65 for almost its entire length, so motor carriage is an available alternative. It is also apparent that there is alternate transportation for the shippers to send and receive their goods, since no shipments have moved over the Line since October 2006. The shippers have stopped doing business that requires the shipment of goods by rail, found alternative modes of transportation, or relocated. The limited traffic on the Line has readily available highway alternates to rail transportation.

G. Summary.

Continued ownership and operation of the Line by SJVR will continue to be a burden on SJVR and interstate commerce. SJVR will incur rehabilitation costs of \$1,327,920, annual maintenance costs of \$107,642, annual operating costs of \$10,223, and opportunity costs of \$175,072. SJVR will be able to reuse or sell the track and materials, which is valued at about

⁸ *Id.* at 2

\$995,574 In addition, there is alternate transportation service available. Offsetting these costs is revenue attributable to the Line of only \$12,300.

There will be minimal, if any, harm to rail shippers. Since 2006 there has been no traffic to generate revenue to cover the costs of operating over the Line, much less maintenance costs, rehabilitation costs, or opportunity costs.

SJVR contends that in balancing the harm to itself and interstate commerce against the harm to shippers and local interests, the balance clearly favors abandonment.

ARGUMENT SUPPORTING THE ABANDONMENT

SJVR seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 in order to abandon the Line.

Under 49 U.S.C. § 10502, the Board must exempt a transaction from regulation when it finds that.

(1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and

(2) either:

(a) the transaction is of limited scope, or

(b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the Board should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Rail Act of 1980, Pub. L. No. 96-488, 94 Stat. 1895, Congress encouraged the Board's predecessor agency to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep No. 1430, 96 the Cong. 2d Sess. 105 (1980). See also *Exemption From Regulation--Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, *Brae Corp v United States*, 740 F.2d 1023 (D.C. Cir 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provision as Section 10502. H.R. Rep. No. 422, 104th Cong , 1st Sess. 168-69 (1995)

A. The Application of 49 U.S.C. § 10903 Is Not Necessary to Carry Out the Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expense associated with the preparation and filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit 49 U.S.C. § 10101 (2) and (7). The abandonment by SJVR will not result in a loss of rail service. The shippers on the Line have not used rail service over the Line since October 2006

SJVR will avoid rehabilitation costs of \$1,327,920, annual maintenance costs of \$107,642, annual operating costs of \$10,223, and opportunity costs of \$175,072. SJVR will be able to reuse or sell the track and materials, which is valued at about \$995,574. Granting this exemption, therefore, fosters sound economic conditions and encourages efficient management by permitting the rationalization of an unnecessary rail line. 49 U.S.C. § 10101 (3), (5) and (9). Other aspects of the rail transportation policy are not adversely affected. For example,

competition and the continuation of a sound rail transportation system are not affected since the public will not be deprived of any needed rail services.

B. This Transaction Is Of Limited Scope

The proposed transaction is of limited scope. SJVR seeks to abandon a 30.57-mile line in one county in California.

C. This Transaction Will Not Result In An Abuse Of Market Power.

There are no active shippers located on the Line. The Line has not been used since October 2006. Moreover, in 2006, the shippers generated only 32 carloads on the Line. Since the Line has not been used for any shipments since October 2006, it is obvious that the shippers have found alternatives to the use of SJVR's rail service. Accordingly, SJVR contends that the abandonment of the Line will not result in an abuse of market power.

REQUEST FOR PROCEDURAL SCHEDULE

SJVR respectfully requests the Board to adopt a procedural schedule in this proceeding permitting any party to submit a reply to the Petition, as a matter of right, and permitting SJVR to file rebuttal to those replies as a matter of right. SJVR contends that the Board's rules at 49 C.F.R. §§ 1152.60 (the "Abandonment Exemption Rules"), 1121 (the "Exemption Rules"), and 1112 (the "Modified Procedure Rules") as well as 49 U.S.C. § 10502 permit the opening of the type of proceeding proposed by SJVR.

SJVR has received a letter from the City of Visalia including a resolution from the City Council opposing the abandonment. The resolution does not recognize that there has been no traffic on the Line since 2006. Instead it states that shippers will be forced to move their goods by truck and that the Line is a significant regional resource. See Exhibit H. SJVR expects Visalia and perhaps others to oppose the abandonment of the Line, despite the lack of use. SJVR

believes that the Board will be able to make more informed decision if SJVR is given the opportunity as a matter of right to respond to any opposition that is filed.

SJVR is requesting the Board to commence a proceeding and establish a procedural schedule so that any party seeking to comment on the proposed abandonment has a right to comment and submit evidence, and so that SJVR has an opportunity to respond. As noted above, SJVR believes that the proposed abandonment may generate comments

Under 49 U.S.C. § 10502(b), the “Board may, where appropriate, begin a proceeding under this section on its own initiative or on application by ... an interested party.” SJVR contends that it is appropriate to begin a proceeding in this matter.

The Board has adopted special rules applicable to petitions for exemption involving the abandonment of a rail line. 49 C.F.R. §1152.60. Procedurally, those rules require that within 20 days of the filing of the petition, the Board, through the Director of the Office of Proceedings, will publish a notice of the filing in the *Federal Register*. 49 C.F.R. §1152.60(a). Where the Abandonment Exemption Rules are not in conflict with the Exemption Rules, the Exemption Rules apply. *Id.* Under the Exemption Rules “the Board may consider during its deliberation any public comments filed in response to a petition for exemption” 49 C.F.R. §1121.4(a). The Exemption Rules also permit the Board to “[d]irect that additional information be filed.” 49 C.F.R. §1121.4(c)(1)(i). The Modified Procedure Rules permit the Board to develop a record in writing (49 C.F.R. § 1112.1) and set out a schedule (49 C.F.R. § 1112.2).⁹

SJVR is requesting the Board to give effect to all of these rules and adopt a schedule similar to that used in abandonment application proceedings. *See* 49 C.F.R. § 1152.26(a). SJVR

⁹ *See, e.g. Chicago, R. I. & P. R. Co. Abandonment*, 363 I.C.C. 150 (1980).

proposes that the Board adopt and publish in the notice in the *Federal Register*, the following schedule:

February 19, 2008—Petition for Exemption filed.

March 10, 2008—Due date for Notice of Petition to be published in the *Federal Register*.

April 4, 2008—Due date for protests and comments, including opposition case in chief, and for public use and trail use requests.

April 18, 2008—Due date for SJVR's reply to opposition case and for SJVR's response to trail use requests.

June 6, 2008—Due date for service of decision on the merits.

June 16, 2008—Due date for offers of financial assistance.

SJVR's request is consistent with the Board's recent practice. The Board instituted a proceeding upon the request of the petitioner, established a procedural schedule permitting interested parties to submit comments, and permitted the petitioner to respond as a matter of right. SJVR seeks the same relief here.¹⁰

SJVR has presented its case-in-chief in this Petition. SJVR respectfully requests the Board to notify potential parties in the *Federal Register* notice that a procedural schedule is being adopted similar to the one used for abandonment applications.

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

A Combined Environmental and Historic Report is in Exhibit B.

FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached hereto as Exhibit C.

¹⁰ *Michigan Central Railway, LLC—Acquisition and Operation Exemption—Lines of Norfolk Southern Railway Company*, STB Finance Docket No. 35063 (STB served August 2, 2007).

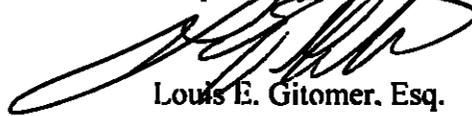
LABOR PROTECTION

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

CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. § 10903 to the abandonment of the Line is not required to carry out the rail transportation policy set forth in 49 U.S.C. § 10101, as previously shown. Nor is Board regulation required to protect shippers from the abuse of market power. Moreover, this abandonment is of limited scope. Accordingly, SJVR respectfully urges the Board to grant the proposed abandonment of the 30.57-mile Line.

Respectfully Submitted,



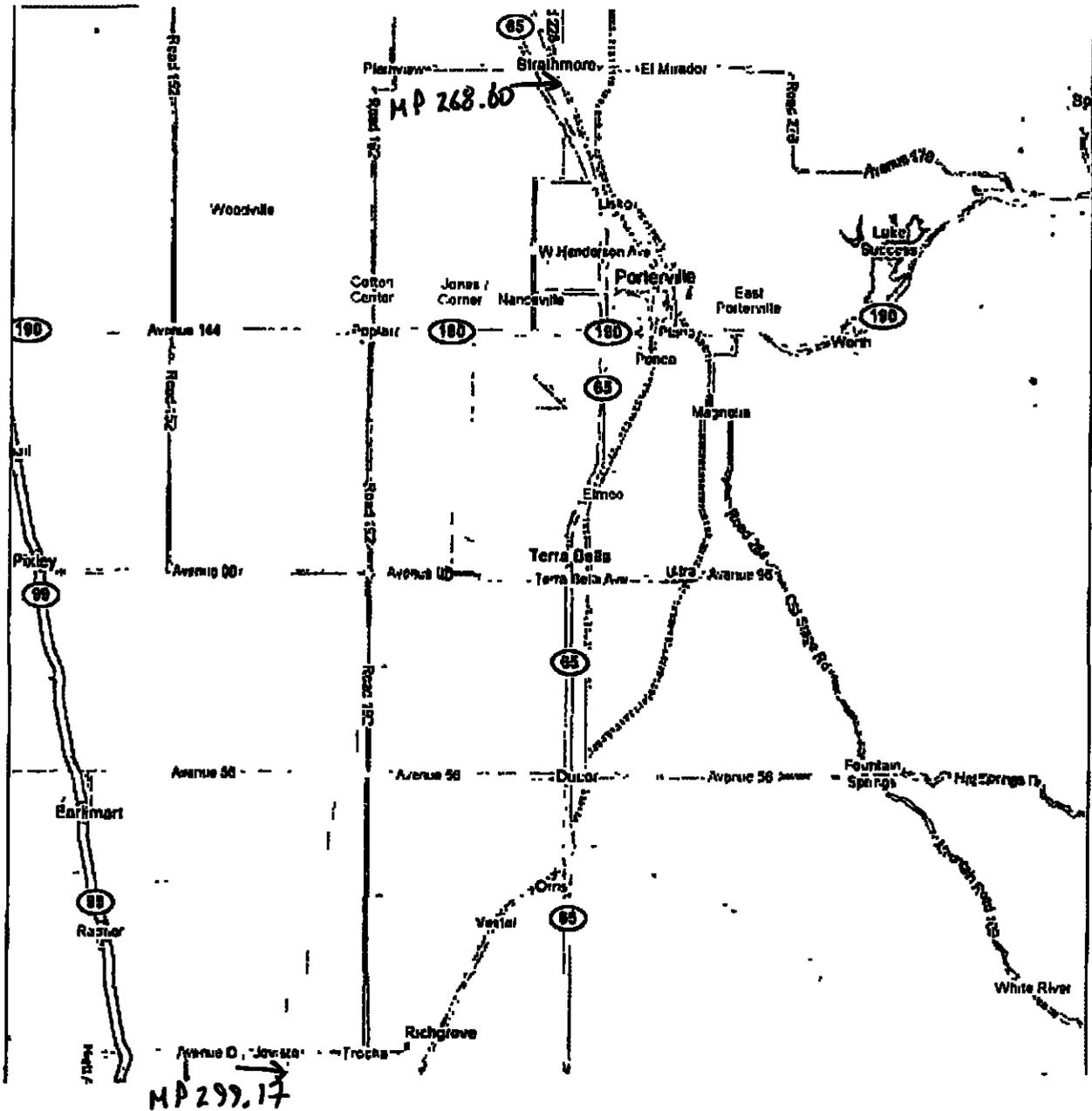
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Attorneys for: SAN JOAQUIN VALLEY
RAILROAD COMPANY

Dated. February 19, 2008

EXHIBIT A-MAP



**EXHIBIT B—COMBINED ENVIRONMENTAL AND
HISTORIC REPORT**

COMBINED ENVIRONMENTAL AND HISTORIC REPORT
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-398 (Sub-No. 7X)

**SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
TULARE COUNTY, CA (BETWEEN STRATHMORE AND JOVISTA)**

Dated October 26, 2007

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

San Joaquin Valley Railroad Company (“SJVR”) proposes to abandon the 30 57-mile rail line between Strathmore, CA, milepost 268.60, and Jovista, CA, milepost 299.17 in Tulare County, CA (the “Line”). Upon receipt of abandonment authority, SJVR will salvage the track and materials from the Line. The real estate is owned by the Union Pacific Railroad Company (“UP”), as successor in interest to the Southern Pacific Transportation Company (“SPT”). UP will determine how to dispose of the real estate.

Abandonment of the Line will result in the removal of the rail, crossties and possibly the upper layer of ballast. SJVR does not intend to disturb any sub grade or sub grade structures and does not intend to remove any bridge structures. The operations and maintenance of the line will cease. Removal of the Line will result in the elimination of 40 public road crossings and 16 private crossings.

In 2006 there were three shippers using the Line, Tri K Truss (milepost 275.2), Sierra Forest Products (milepost 281.9), and Britz Fertilizer (milepost 287.1). Traffic on the Line

generated by the three shippers was 32 carloads in 2006. There have been no shipments over the Line in 2007 and since October 2006

The only alternative to abandonment would be for SJVR not to abandon the Line. No traffic has moved on the Line since October 2006. The Line is a stub end track and therefore has no overhead traffic. With little, if any, potential traffic, SJVR has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.¹

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No passenger traffic will be diverted to other modes as a result of the proposed abandonment. The three shippers on the line have not used the Line since October 2006. In 2006, 32 carloads moved on the Line. No traffic has moved over the Line to date in 2007. Hence, at most the freight traffic from 32 rail cars per year will be diverted to motor carrier, adding between 90 to 120 trucks per year to the roads. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) SJVR considers the proposed abandonment to be consistent with existing land use plans. Other than in Porterville, the land adjoining the Line is mainly rural in character.

¹ The copy of the map that accompanied the information-gathering letter has been removed from that letter. That map was the same as the map in Exhibit 1 accompanying this report.

SJVR contacted Tulare County, CA and Porterville, CA by letters dated October 26, 2007. See Exhibit 2. No response has been received as of this date. A copy of this Environmental Report has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) SJVR does not believe that there is any prime agricultural land that will be affected. SJVR notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated October 26, 2007, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. No response has been received to date. A copy of this report is being supplied to the USDA for its information and further comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) SJVR does not believe that the Line is suitable for alternate public use.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency since there has been no traffic on the Line since October 2006.

(iv) The proposed abandonment will not cause the diversion more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the Line of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement

communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. SJVR will cease operating over the Line. As a result of the abandonment, SJVR will remove 40 public road crossings and 16 private crossings.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) SJVR is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects

(i) SJVR does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. SJVR notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated October 26, 2007, and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. See Exhibit 2. A copy of this Report was supplied to the USF&W for its information and further comment.

(ii) SJVR is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment

SJVR notified the National Parks Service of the proposed abandonment by letter dated October 26, 2007, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See* Exhibit 2. To date, no response to this request has been received. A copy of this Report is being supplied to the National Park Service for its information and comment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) SJVR is confident that the proposed abandonment will be consistent with applicable water quality standards. SJVR contacted the California Environmental Protection Agency (“CAEPA”) and the United States Environmental Protection Agency (“USEPA”) by letters dated October 26, 2007. *See* Exhibit 2. To date, no response to this request has been received. A copy of this Report has been supplied to the CAEPA and USEPA for their information and comment.

(ii) SJVR believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. SJVR does not plan to salvage any of the bridges on the Line so that they can be used when the Line is converted to interim trail use/rail banking. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access, along with existing public and private crossings. No new access roads are contemplated. SJVR does not intend to disturb any of the underlying roadbed or perform any

activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crosstics and/or other debris will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, SJVR does not believe a permit under Section 404 of the Clean Water Act will be required.

SJVR contacted the U.S. Army Corps of Engineers by letter dated October 26, 2007 and has received no response to date. See Exhibit 2. A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) SJVR believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. SJVR contacted the CAEPA and the USEPA by letter dated October 26, 2007. See Exhibit 2. A copy of this Report has been supplied to the CAEPA and USEPA for their information and further comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

SJVR does not expect any adverse environmental impact from the proposed abandonment and, therefore, see no need for any mitigating actions. SJVR will, of course, adhere to any remedial actions suggested by the recipients of this Report, which are required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the California Office of Historic Preservation ("CAHP"). See Exhibit 3.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The 30.57-mile right-of-way is generally 100 feet wide, with some variance in towns and villages.

The Line begins at milepost 268.60, elevation 400 feet, in Strathmore CA, a town with a population of about 2,600 people. The Line runs to the south parallel to California Highway 65. South of Strathmore, at milepost 269.47, the Line crosses the Friant Kern Canal.

The Line continues southward to the west of Lewis Hill, Scenic Heights, and the Pioneer Ditch, until the Line crosses the Pioneer Ditch. The Line then turns due south through the City of Porterville, with a population of about 44,500. In Porterville, the Line crosses the Porter Slough at milepost 274.57. The Line continues south parallel and west of California Highway 65 and crosses the Tule River at milepost 275.31 and California Highway 38 at milepost 275.76. In Ponca the Line crosses California Highway 65 and runs to the west of and parallel to that road as it turns toward the southwest.

The Line then turns due south and crosses Deer Creek at milepost 280.83 and passes through Terra Bella and then Ducor. Bearing southwest, the Line crosses California Highway 65 and then the White River at milepost 289.06. The Line runs through Vestal and into Richgrove, where it turns due west.

The Line again crosses the Friant Kern Canal just before entering Jovista. Passing through Jovista, the Line turns due south where it ends south of Bassett Avenue at milepost 299.17, at an elevation of about 385 feet, more than two miles east of Delano.

3 Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Photographs of the bridges on the Line that are 50 years old or older and a detailed description of the bridges are attached as Exhibit 4. SJVR does not anticipate removing any of the bridges on the line. SJVR will only remove the track and materials from the bridges, but will leave the bridges in place.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known,

See Exhibit 4.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

SJVR has operated over the Line between Strathmore and Jovista since 1992 when it leased the Line from SPT. SJVR acquired track and materials from SPT in 1993 and continues to lease the real estate.

Attempts to build the San Francisco and San Joaquin Valley Railroad (the "SFSJVR"), the railroad that is today the SJVR began in earnest in 1893 in order to create competition for the predecessor of the SPT in the San Joaquin Valley. After several failed attempts at obtaining funding, the construction was funded in 1895 and the line was built between 1895 and 1898. The Line was completed in 1897.

In 1898, the SFSJVR was purchased by the Atchison, Topcka and Santa Fe Railway Company ("ATSF"). Eventually, SPT acquired the SFSJVR, which was transferred to SJVR in 1992.

SJVR was originally owned by Kyle Railways. In 1992 the SJVR was created to obtain and operate several branch lines from SPT. From 1992 to 1997 the SJVR was owned by Kyle Railways. In 1997 SJVR's parent, Kyle Railways, was sold to States Rail. In 2002 SJVR's new parent, States Rail, was purchased by RailAmerica. Today the SJVR remains a shortline within the RailAmerica family of railroads.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

SJVR possesses the valuation maps of the Line, but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

SJVR believes that the bridges and structures on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also SJVR's opinion that there are no archeological resources or other railroad related historic properties in the project area. SJVR does not plan to alter, remove or dispose of any of the bridges that are on the Line.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

SJVR believes that there are no existing records as to the nature of any known subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public

rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i e.* prehistoric or native American)

SJVR does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, SJVR will promptly supply the necessary information.

SJVR contacted CAHP. *See* Exhibit 2. No response has been received. A copy of this Report has been mailed to CAHP.

EXHIBIT 1 – MAP

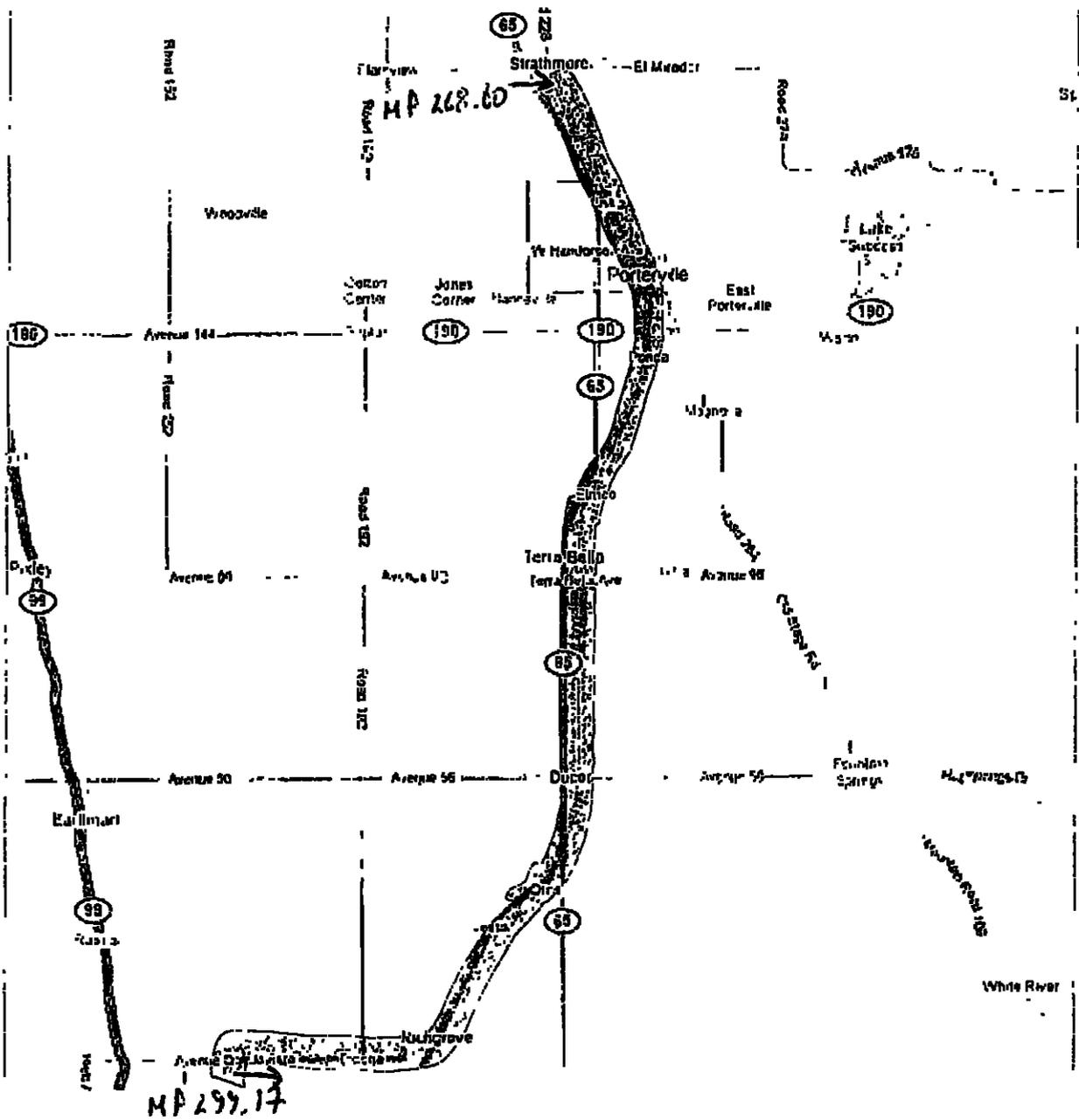


EXHIBIT 2 – LETTERS

San Joaquin Valley Railroad Co.

5300 BROKEN SOUND BLVD., N.W., 2ND FLOOR
BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

State Conservationist
National Resource Conservation Service
430 G #4164
Davis, CA 95616-4164

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

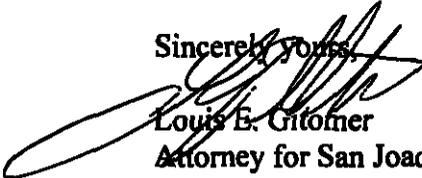
Dear Madam/Sir:

On or about November 15, 2007, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for San Joaquin Valley Railroad Company to abandon a 30.37-mile rail line between Strathmore, CA, milepost 268.60, and Jovista, CA, milepost 299.17 in Tulare County, CA (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-398 (Sub-No. 7X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2250, email at Lou_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,


Louis E. Gitomer

Attorney for San Joaquin Valley Railroad Company

Enclosure

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5300 BROKEN SOUND BLVD., N.W., 2ND FLOOR
BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

Cameron J. Hamilton, Mayor
Porterville City Hall
291 N. Main St.
Porterville, CA 93257

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

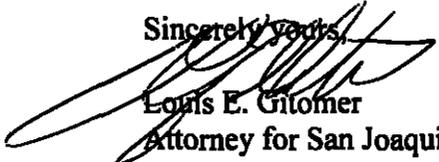
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5300 BROKEN SOUND BLVD., N.W., 2ND FLOOR
BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

Allen Ishida, Chairman
Board of Supervisors, Tulare County
Administration Building
2800 West Burrel Avenue
Visalia, CA 93291

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

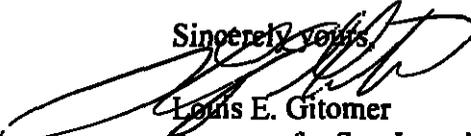
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BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

US Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

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OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

US Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

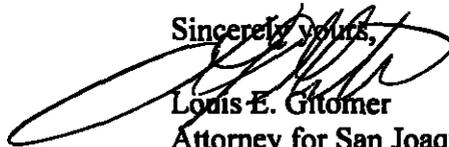
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BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

US Fish and Wildlife Service
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

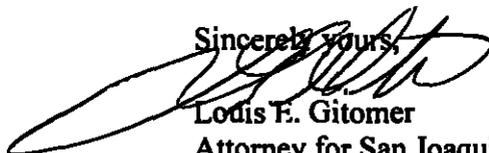
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BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

California State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

RE: *Docket No. AB-398 (Sub-No. 7X), San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

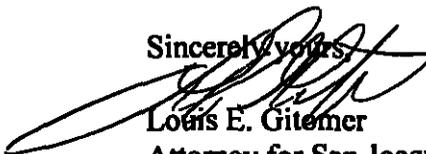
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BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company--Abandonment Exemption--in Tulare County, CA (Between Strathmore and Jovista)*

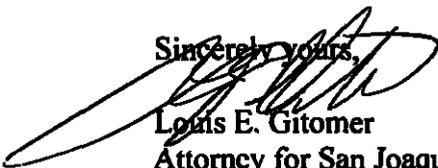
Dear Madam/Sir:

On or about November 15, 2007, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for San Joaquin Valley Railroad Company to abandon a 30.37-mile rail line between Strathmore, CA, milepost 268.60, and Jovista, CA, milepost 299.17 in Tulare County, CA (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-398 (Sub-No 7X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2250, email at Lou_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,


Louis E. Gitomer

Attorney for San Joaquin Valley Railroad Company

Enclosure

San Joaquin Valley Railroad Co.

5300 BROKEN SOUND BLVD., N.W., 2ND FLOOR
BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

California Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

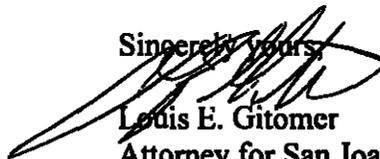
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5300 BROKEN SOUND BLVD., N.W., 2ND FLOOR
BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

National Geodetic Survey (NOAA) at
'NGS.InfoCenter@noaa.gov' (via email)
1315 East West Highway
Silver Spring, MD 20910-3282

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

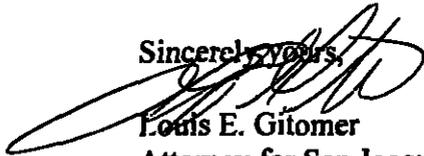
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Sincerely yours,



Louis E. Gitomer

Attorney for San Joaquin Valley Railroad Company

Enclosure

San Joaquin Valley Railroad Co.

5300 BROKEN SOUND BLVD., N.W., 2ND FLOOR
BOCA RATON, FL 33487

OFFICE (561) 994-6015
FAX (561) 994-4629

October 26, 2007

US National Park Service
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

RE: Docket No. AB-398 (Sub-No. 7X), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*

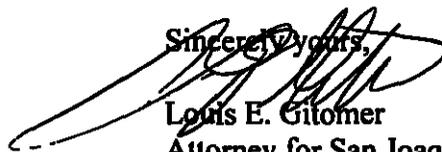
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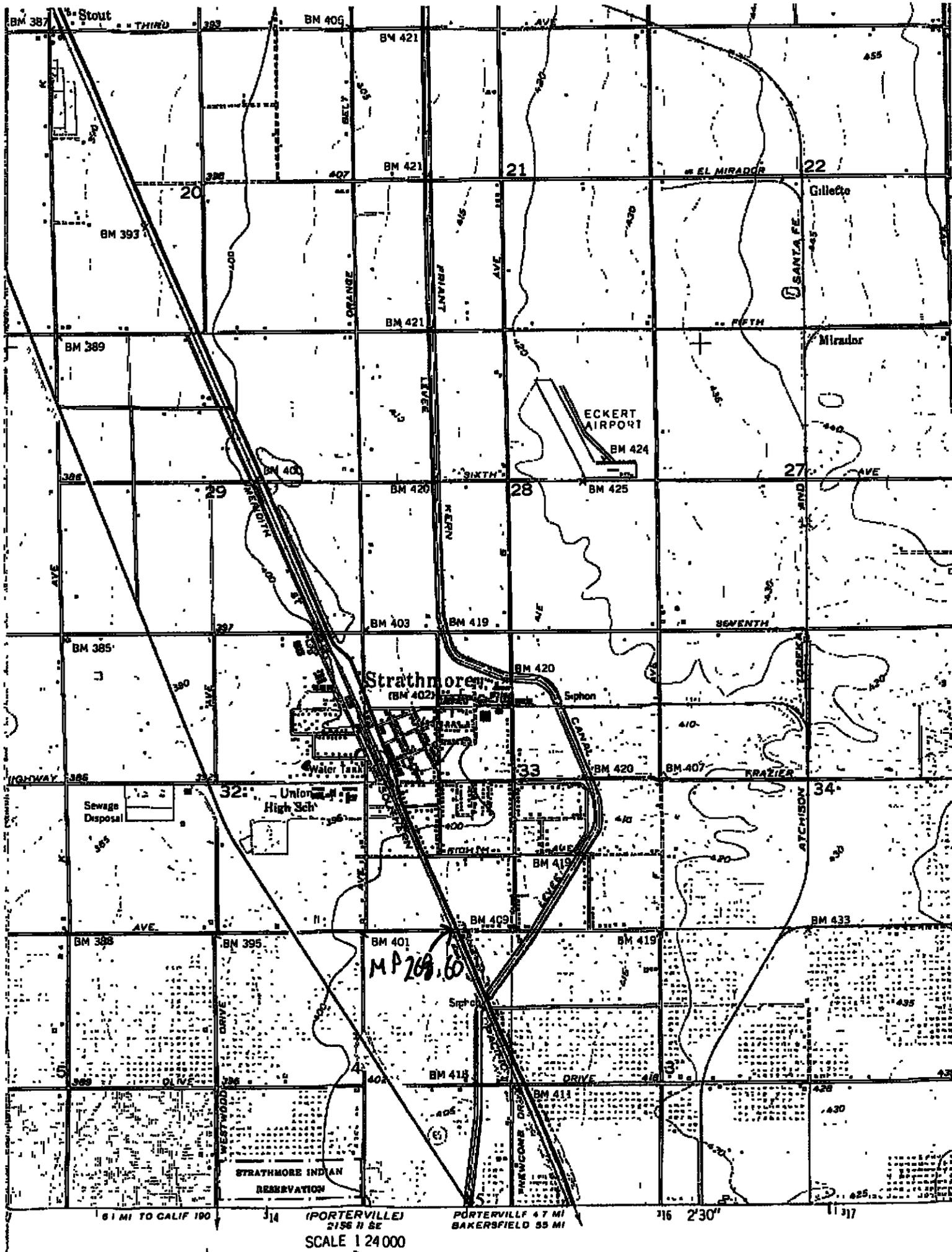


Louis E. Gitomer

Attorney for San Joaquin Valley Railroad Company

Enclosure

EXHIBIT 3 – USGS MAPS



SCALE 1:24 000

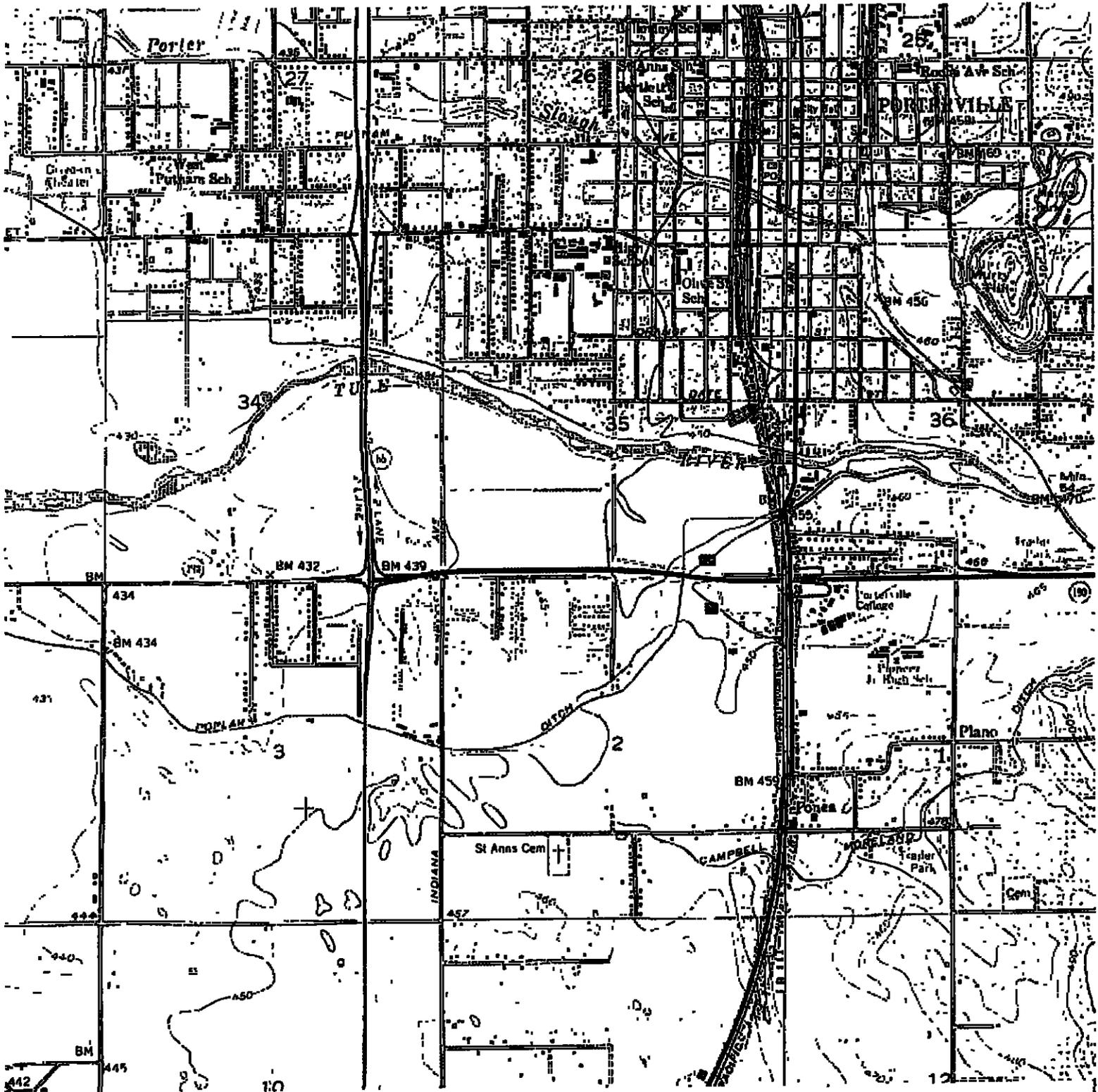
81 MI TO CALIF 100

PORTERVILLE 47 MI

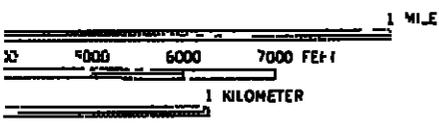
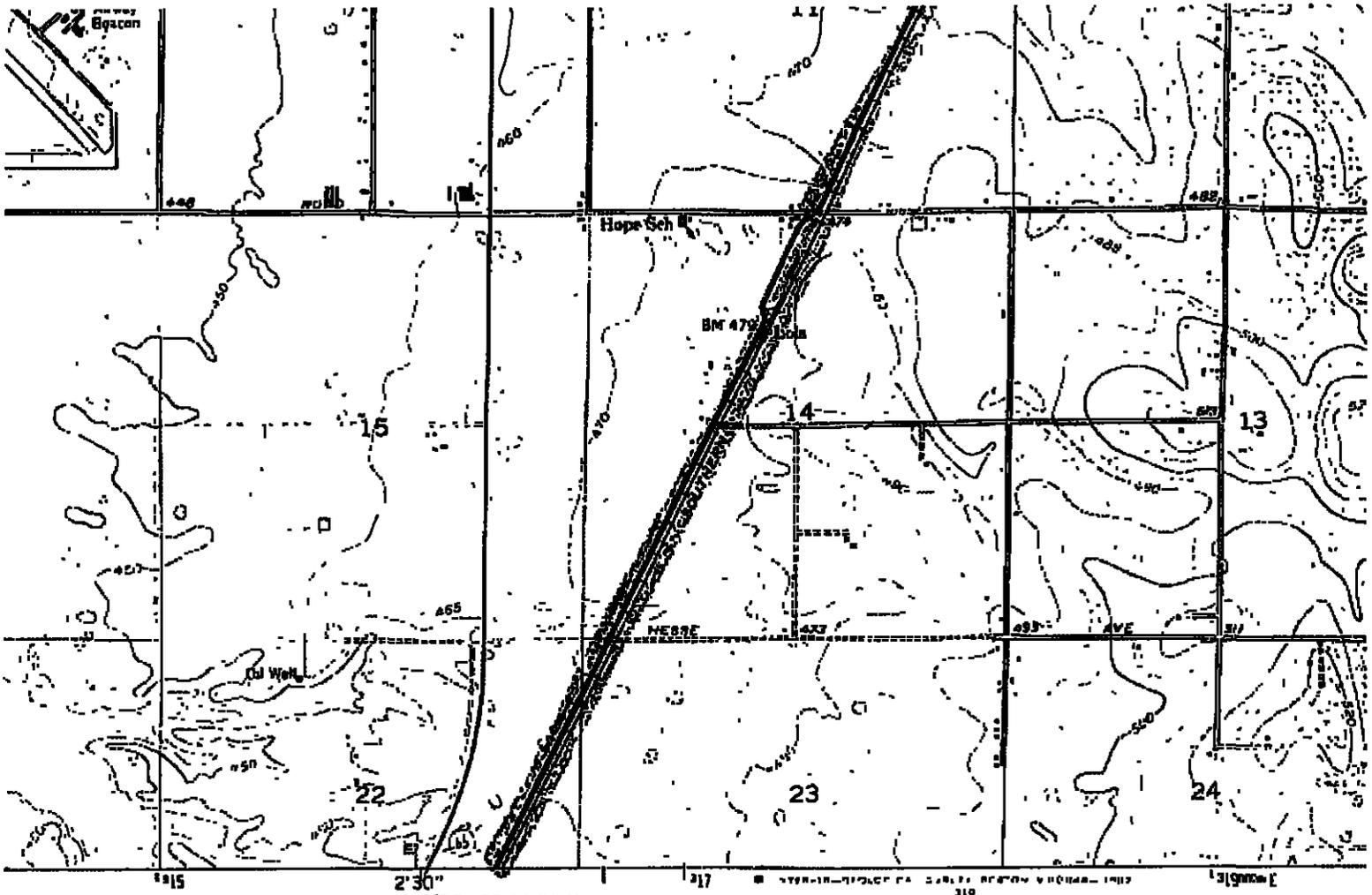
BAKERSFIELD 55 MI

2'30"

1137



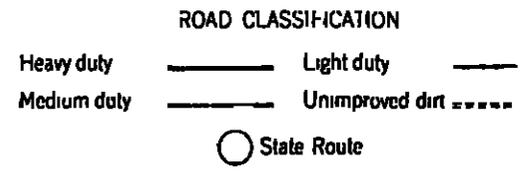
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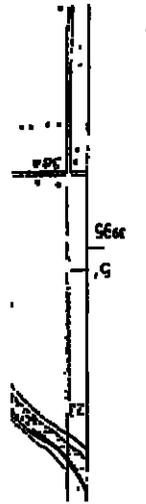
QUADRANGLE LOCATION



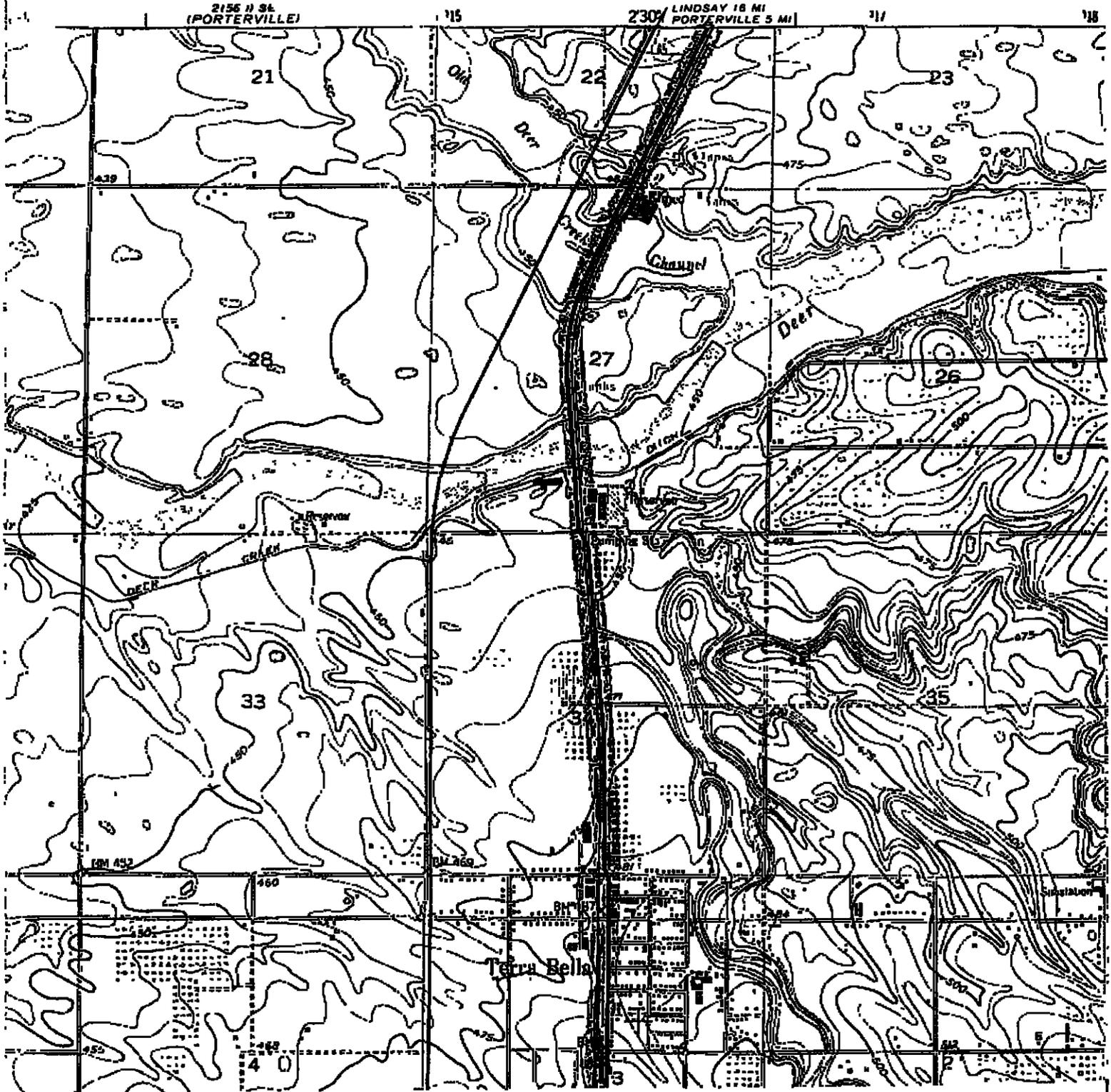
PORTERVILLE, CALI
 N3600—W119007 5

1951
 PHOTOREVISED 1969
 DMA 2156 I' SW-SERIFS V895

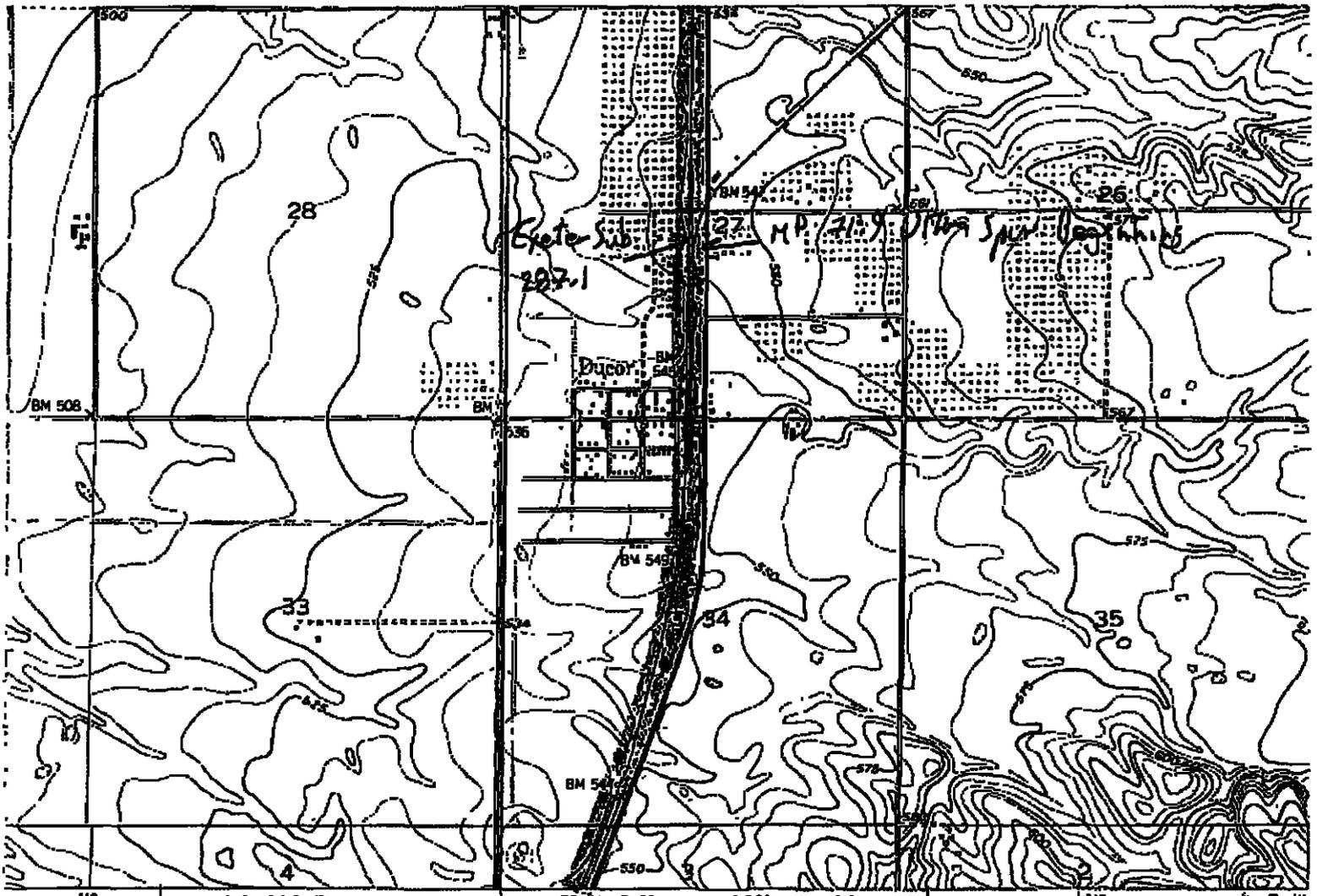
ACCURACY STANDARDS
 GPO 80225, OR RESTON, VIRGIN A 22092
 1:50,000 IS AVAILABLE ON REQUEST



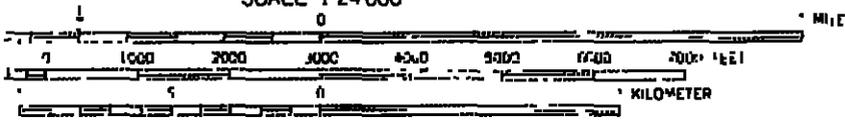
STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES







IRICHGROVE
21551 BE
SCALE 1:24,000
31 MI TO CALIF 90
BAKERSFIELD 35 MI



CONTOUR INTERVAL 5 FEET
DATUM IS MEAN SEA LEVEL

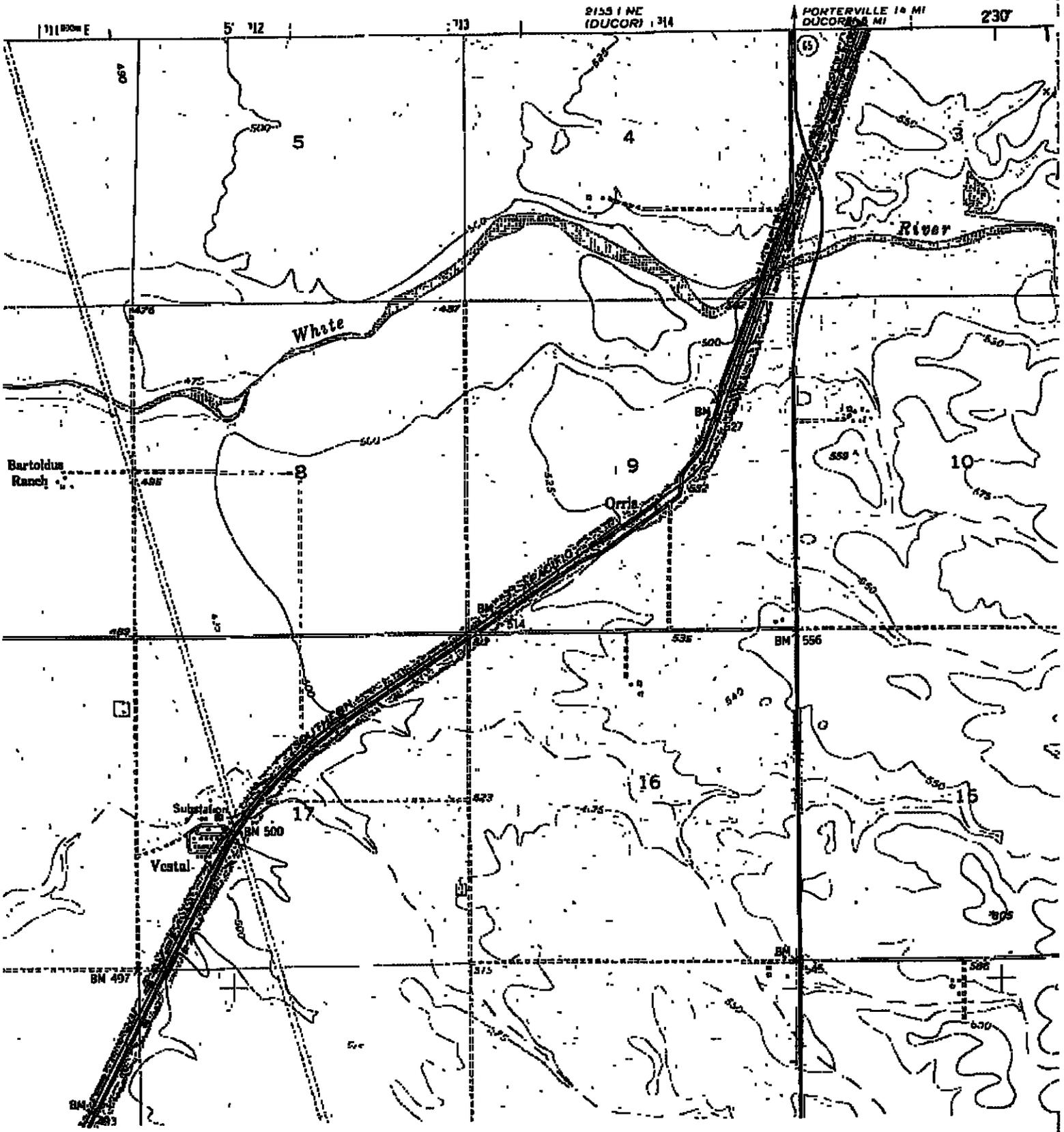
Heavy duty ———
Medium-duty ———

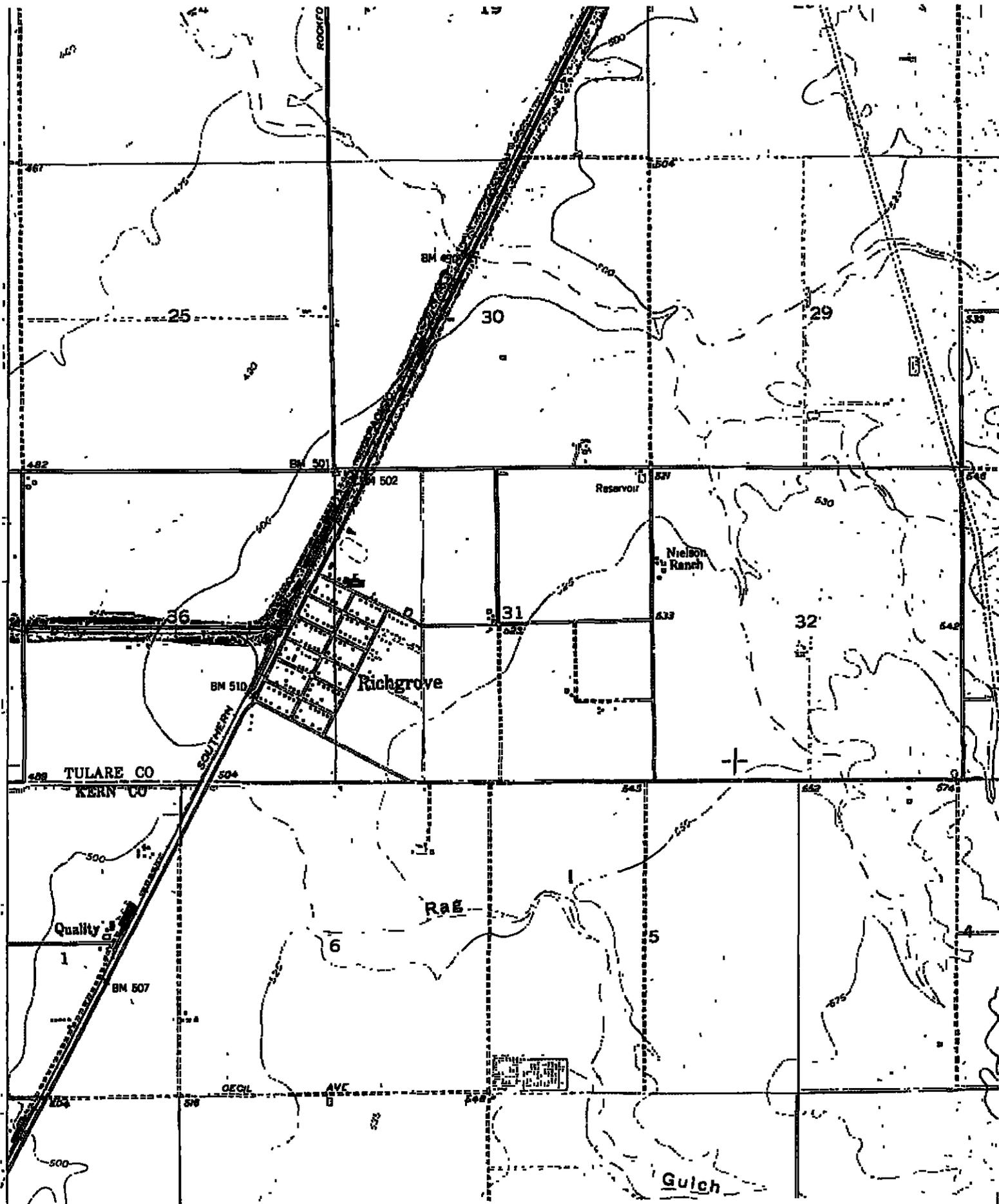


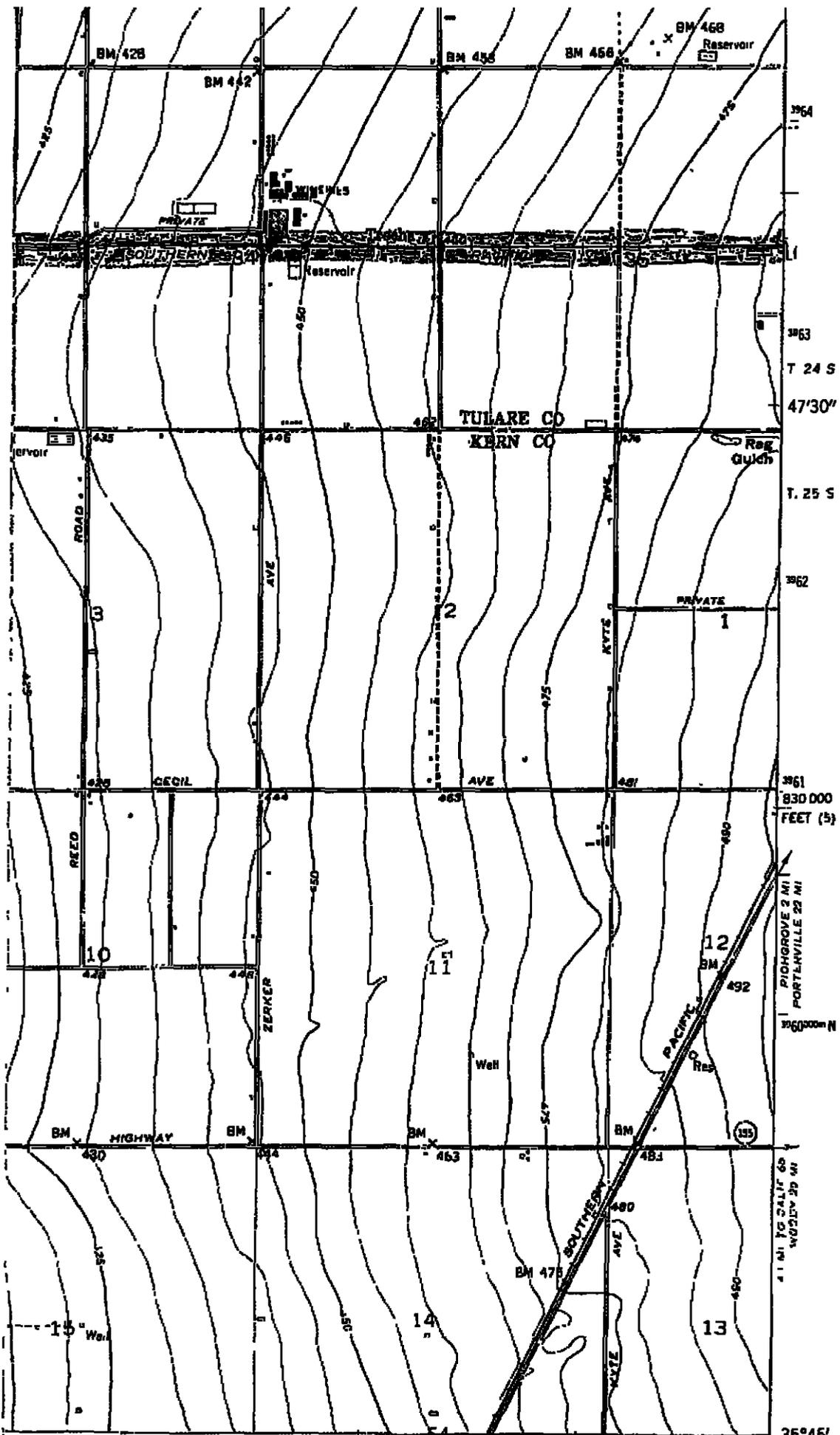
QUADRANGLE LOCATION

GEOLOGICAL SURVEY DENVER COLORADO 80225 OR WASHINGTON D C. 20242
A DESCRIPTION OF TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES





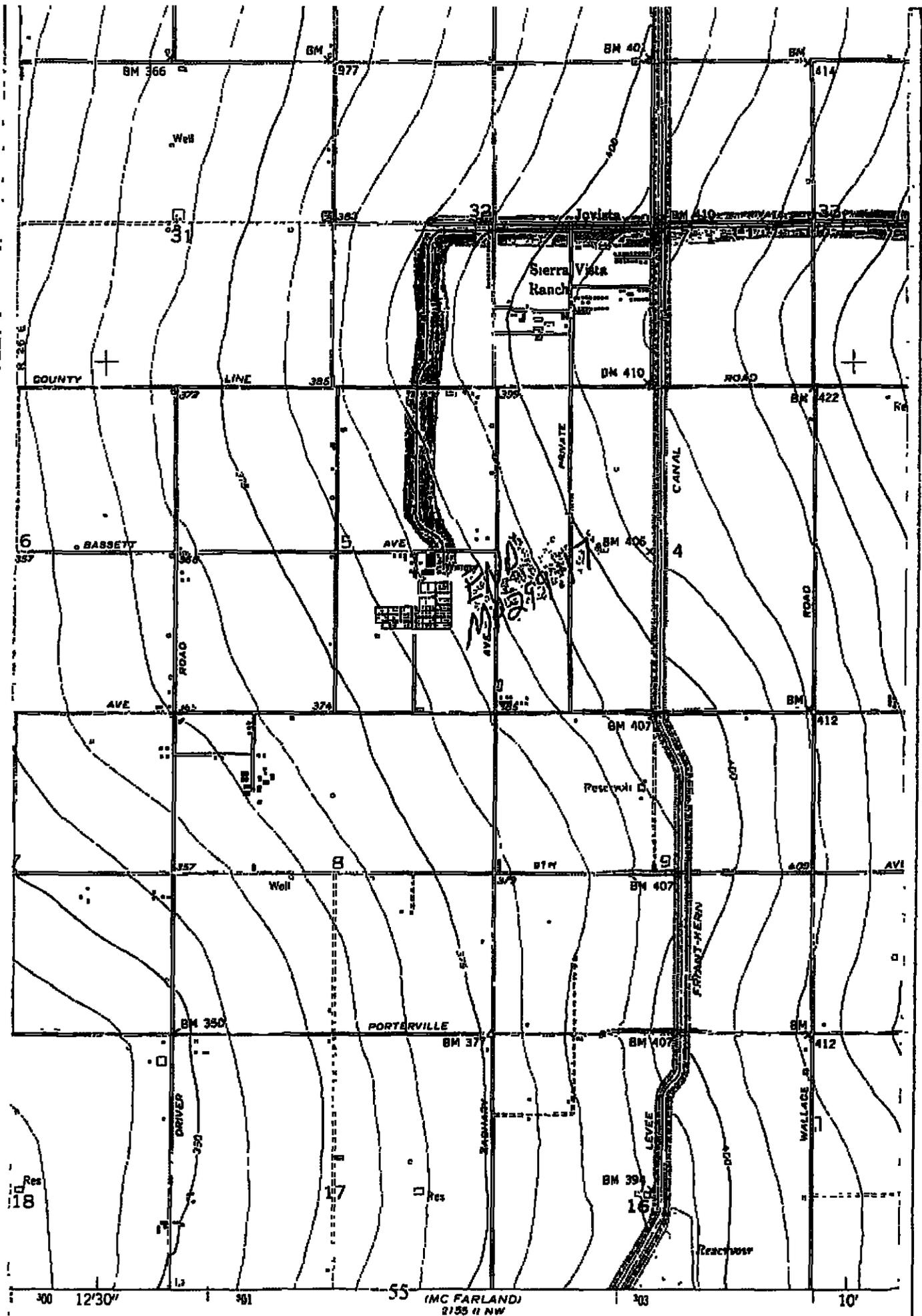


1660 000 FEET (5) 119°07'30" 35°45'

INTEGRATION-GEOPHYSICAL SURVEY DISTON VIRGINIA-1978
 FAMOSO CALIF 991 11 MI BAKERSFIELD 30 MI 307000m E

ROAD OF ASSOCIATION

DEF



IMC FARLANDI
2155 II NW

SCALE 1 24 000

EXHIBIT 4 – BRIDGE PHOTOGRAPHS AND DESCRIPTIONS

**San Joaquin Valley R.R. Co.
BRIDGE LIST**

LINE: Exeter South Subdivision

Exeter, CA - Jovista, CA

BRDG NO	LOCATION	ST	MILE POST	SEC NO.	SPANS	TYPE	TIMBER/STEEL BENTS	PIERS TIMBER	CONC/STEEL PIERS	ABUT MENTS	YEAR CONST	SEC-TION LGTH	AVG LGTH SPAN	EST HGT MAX
261 28	Cindary	CA	261 28	1	3	Concrete Slab			2	2		37.0	12.0	6.0
275 31	Porterville	CA	275 31	1	8	ODPT	10				1928	135.0	15.0	14.0
275.31	Porterville	CA	275.31	2	4	DPG			4	1				30.0
275 58	Porterville	CA	275 58	1	6	BDPT	7					80.0	15.0	11.0
275.93	Porterville	CA	275 93	1	4	BDPT	5					80.0	15.0	5.0
279 20	Porterville	CA	279 20	1	2	BDPT	3					30.0	15.0	3.0
280 28	Terrabella	CA	280 28	1	3	BDPT	4				1919	45.0	15.0	8.0
280 83	Terrabella	CA	280 83	1	25	BDPT	26				1919	375.0	15.0	11.0
288.7	Ducor	CA	288 70	1	2	Concrete Slab			1	2		245.0	122.0	30.0
289 05	Ducor	CA	289 08	1	13	BDPT	14				1928	195.0	15.0	30.0
289 16	Ducor	CA	289 16	1	7	BDPT	8				1928	105.0	15.0	24.0
291 30	Richgrove	CA	291 30	1	1	BDPT	2					10.0	10.0	4.0
293 61	Richgrove	CA	293.61	1	3	BDPT	4					45.0	15.0	4.0
298 82	Jovista	CA	298 82	1	2	Beam Span			1	2		81.0	40.0	12.0

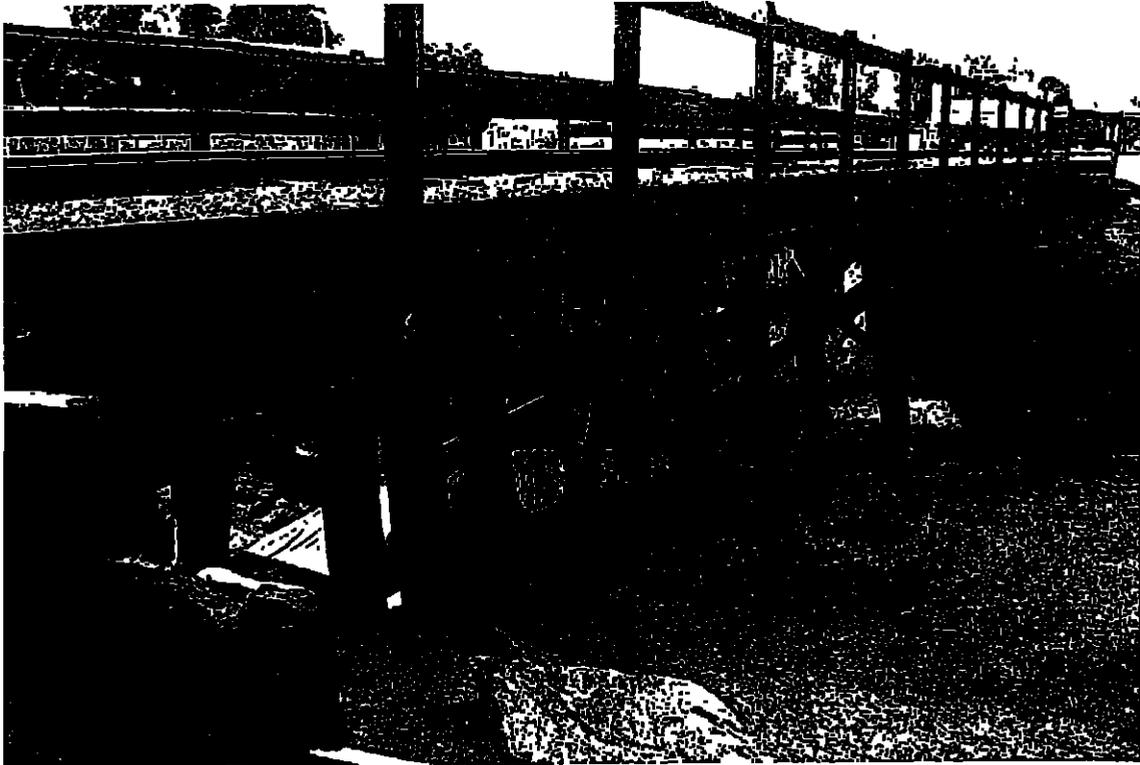
All photos taken on 6/8/2006



Bridge 275.31 Section 1



Bridge 275.31 Section 2



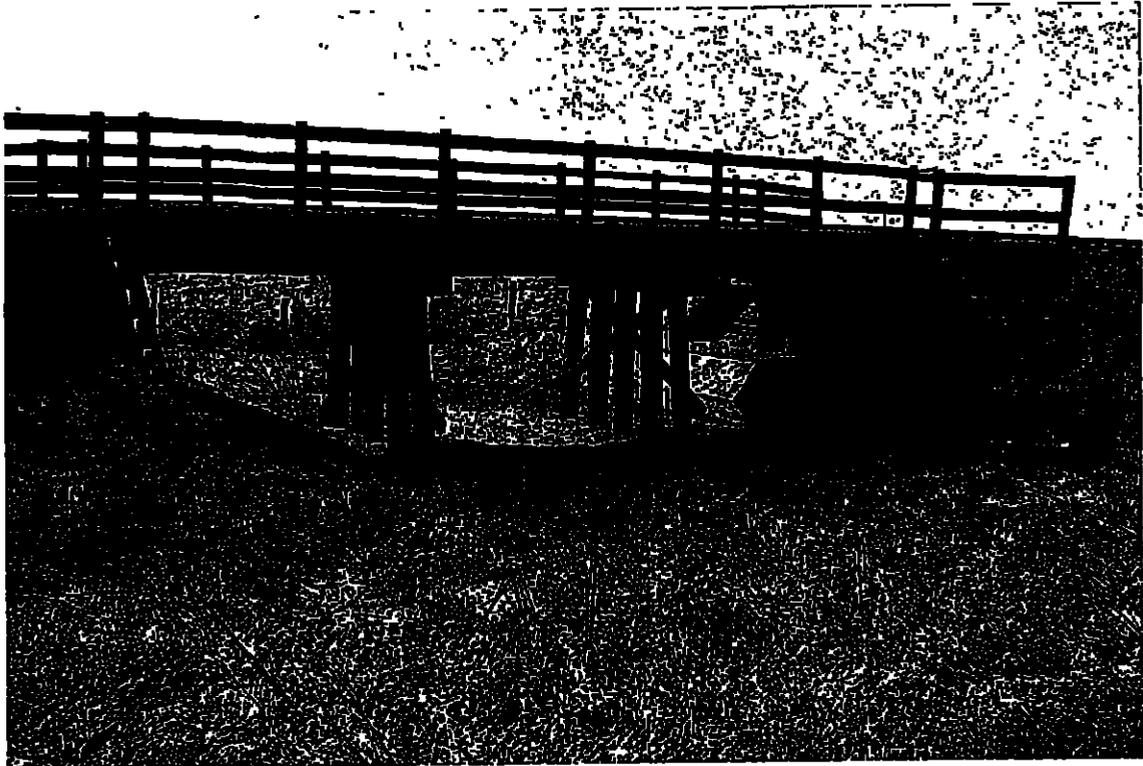
Bridge 275.56



Bridge 275.93



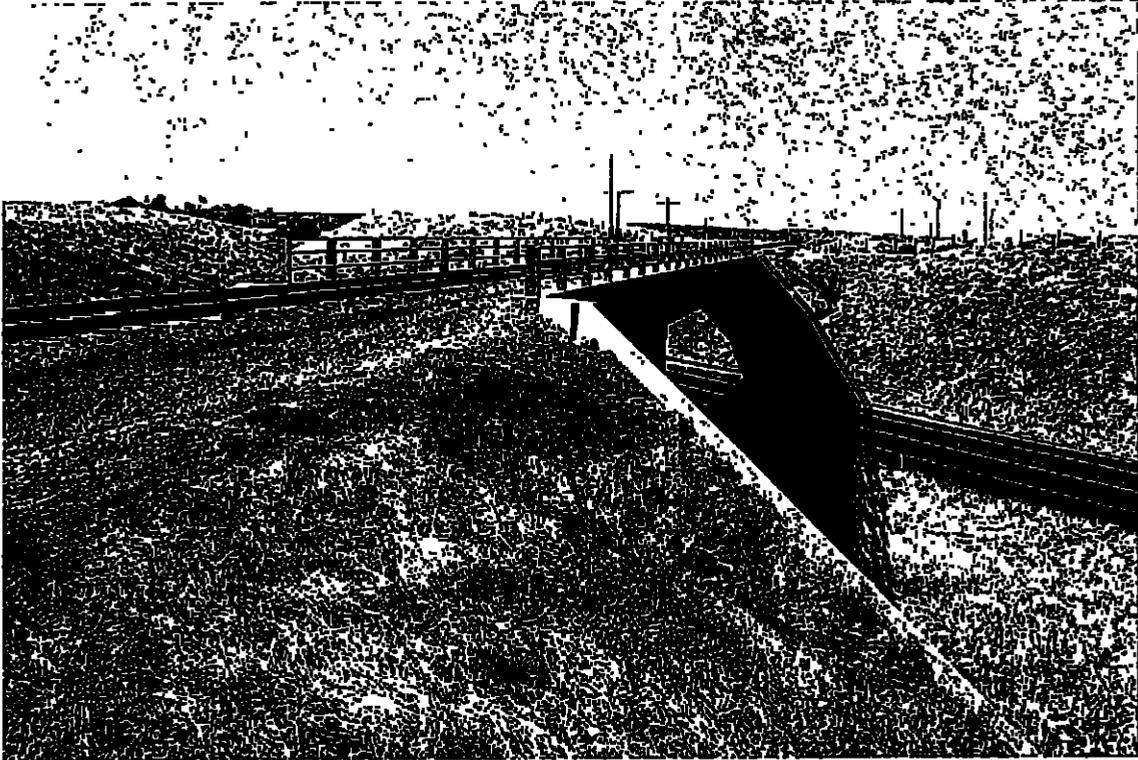
Bridge 276.20



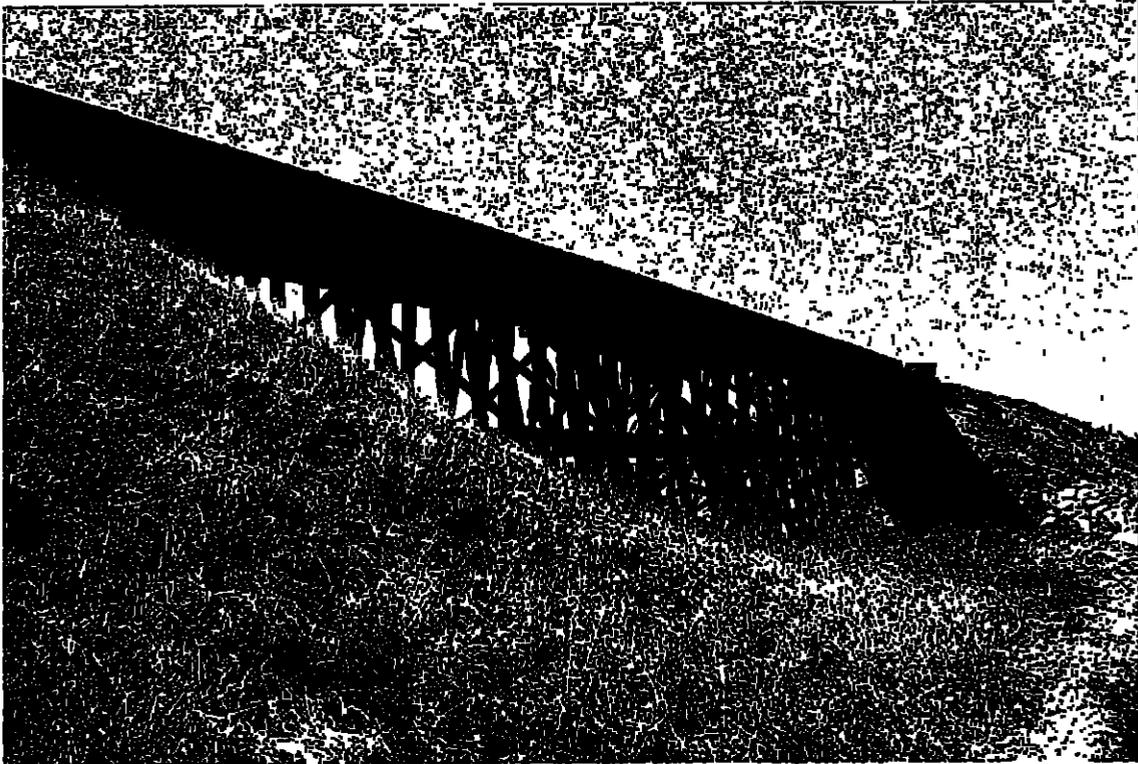
Bridge 280.28



Bridge 280.83



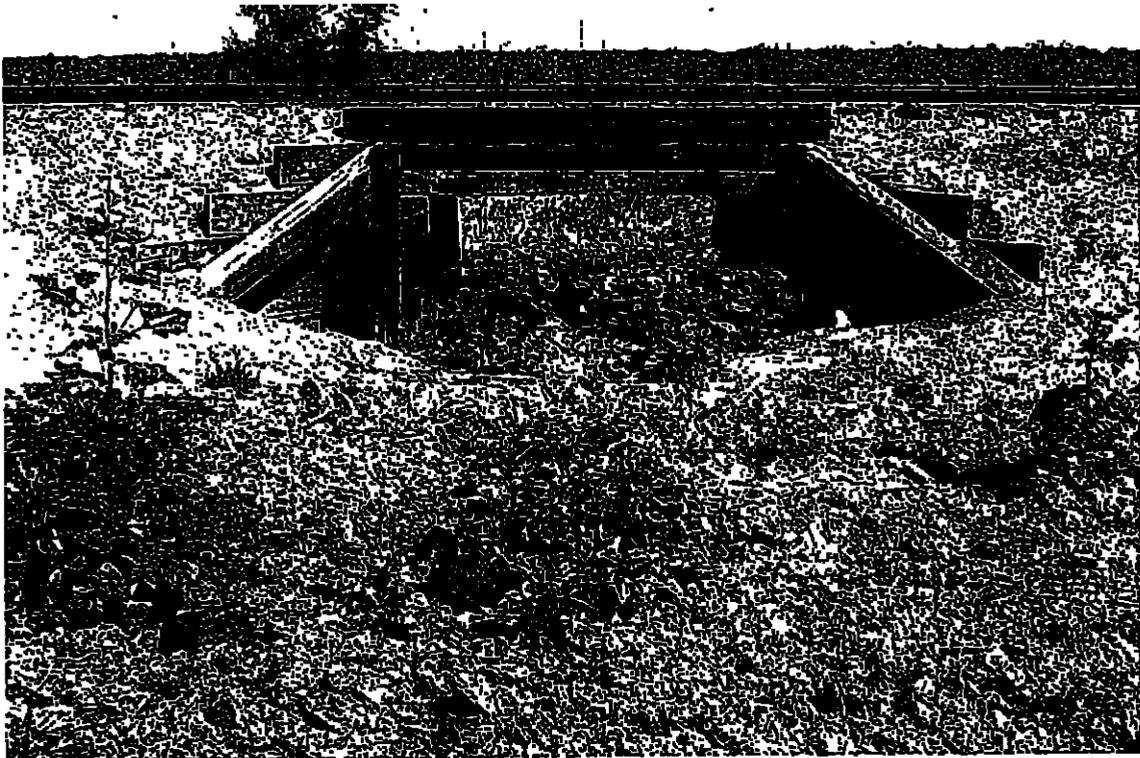
Bridge 288.70



Bridge 289.06



Bridge 289.16



Bridge 291.30



Bridge 293.61



Bridge 298.82

Culvert Table

MP	Location	Type	Length
261.29	Lindsey	RG	
269.47	Strathmore	CB	Friant canal 5-11'x13'
272.82	Porterville	CMPA	24"x43"
272.95	Porterville	CB	
273.32	Porterville	CMP	36"
273.74	Porterville	CMP	36"
274.1	Porterville	CMP	36"
274.57	Porterville	CMP	3 - 60"
286.86	Ducor	CMP	48"
291.31	Richgrove	RCP?	24"
292.3	Richgrove	RCP	24"
292.44	Richgrove	RCP	24"
294.15	Richgrove	WB	15"x48"

EXHIBIT C—FEDERAL REGISTER NOTICE

**SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
TULARE COUNTY, CA (BETWEEN STRATHMORE AND JOVISTA)**

Notice of Petition for Exemption to Abandon

On February 19, 2008 the San Joaquin Valley Railroad Company (“SJVR”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a portion of the South Exeter Branch, between milepost 268.60, at Strathmore, CA, and milepost 299.17, at Jovista, CA, a distance of 30.57 miles all of which traverses through United States Postal Service ZIP Codes 93218, 93221, 93247, 93257, 93258, 93261, 93267, and 93270 in Tulare County, CA (the “Line”). The line for which the abandonment exemption request was filed includes the stations of Strathmore, milepost 268.60, Porterville, milepost 274.80, Elmco, milepost 280.10, Ultra, milepost 282.00, Terra Bella, milepost 282.60, Ducor, milepost 287.10, Richgrove, milepost 294.90, and Jovista, milepost 299.17.

The Line does not contain federally granted rights-of-way. Any documentation in the railroads’ possession will be made available promptly to those requesting it.

The interest of railroad employees of SJVR will be protected by *Oregon Short Line R Co —Abandonment Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 25 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in this abandonment proceeding normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

The Board has established the following procedural schedule for the proposed abandonment exemption:

February 19, 2008—Petition for Exemption filed.

March 10, 2008—Due date for Notice of Petition to be published in the *Federal Register*.

April 4, 2008—Due date for protests and comments, including opposition case in chief, and for public use and trail use requests.

April 18, 2008—Due date for SJVR's reply to opposition case and for SJVR's response to trail use requests

June 6, 2008—Due date for service of decision on the merits.

June 16, 2008—Due date for offers of financial assistance.

EXHIBIT D—NEWSPAPER CERTIFICATION

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. 398 (Sub-No. 7X) was advertised on November 16, 2007 in the Tulare Advance Register, a newspaper of general circulation in Tulare County, CA, as required by 49 C.F.R. § 1105.12.

A handwritten signature in black ink, appearing to read 'L. Gitomer', written over a horizontal line.

Louis E. Gitomer
February 19, 2008

Law Offices of Louis Gitomer
600 Baltimore Ave Ste-301
Towson, MD 21204-4022

Ad Number: 11255

**In the Superior Court of the State of California in and
for the County of Tulare**

Certificate of Publication

STATE OF CALIFORNIA ss. - - - -
COUNTY OF TULARE

I, Charlotte Corley, am over the age of 18 years old, a citizen of the United States and not a party to, or have an interest in this matter. I hereby certify that the Tulare Advance Register is a newspaper of general circulation within the provisions of the Government Code of the State of California, adjudicated a newspaper of general circulation on July 25, 2001 by Tulare County Superior Court Order No. 52-43225. I acknowledge that I am the principal clerk of said paper, which is printed and published in the City of Visalia, County of Tulare, State of California, and certify that the

Notice of Petition

of which a copy is annexed on the margin hereof, is a true printed copy as published in said newspaper on the following date(s):

November 14, 2007

I certify under penalty of perjury that the foregoing is true and correct. Executed in Visalia, California, on November 16, 2007.


Charlotte Corley

NOTICE
San Joaquin Valley Rail-
road Company (SJVRR)
gives notice that on or
about November 16, 2007, it
intends to file with the Sur-
face Transportation Board,
Washington, DC 20423, a
petition for exemption un-
der 49 U.S.C. 10505 from the
prior approval requirements
of 49 U.S.C. 10903, et seq.,
pertaining to the abandon-
ment of a 30.37-mile rail line
between mileposts 268.60
near Stratmore and mile
post 299.17 near Jovista,
which traverses through
United States Postal Ser-
vice ZIP Codes 93267, 93547,
93270, 93218, 93215, 93261,
and 93215 in Tulare County,
CA (the "Line"). The pro-
ceeding has been docketed
as No. AB 298 (Sub. No. 7X).
The Board's Section of En-
vironmental Analysis (SEA),
will generally prepare an
Environmental Assessment
(EA), which will normally be
available 60 days after the
filing of this petition for dis-
continuance of service or ex-
emption. Comments on en-
vironmental and energy
matters should be filed no
later than 30 days after the
EA becomes available to
the public and will be ad-
dressed in a Board "de-
cision". Interested persons
may obtain a copy of the EA
or make inquiries regarding
environmental matters by
writing to SEA, Surface
Transportation Board,
Washington, DC 20423 or by
calling SEA at 202-245-0295.
Appropriate offices of finan-
cial assistance to continue
rail service can be filed
with the Board. Requests
for environmental condi-
tions, public use conditions,
or rail banking/trails use al-
low can be filed with the
Board. 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 as-
sistance) must be filed to-
gether with the Board's Of-
fice of the Secretary, 395 E
Street, SW, Washington, DC
20423 (See 49 CFR 1104.11a)
and 1104.3(a). And no
copy must be served on ap-
plicants or representative.
(See 49 CFR 1104.12(a)).
Questions regarding offers
of financial assistance,
public use or trails use may
be directed to the Board's
Office of Congressional and
Public Services at 202-245-
0233. Copies of any com-
ments or requests for con-
ditions should be served on
the applicant's representa-
tive. Louis E. Gitomer, Law
Offices of Louis E. Gitomer,
600 Baltimore Avenue, Suite
301, Towson, MD 21204,
(410) 296-2250, lg@louisgitomer.com,
Fax: (410) 296-2250,
Louis Gitomer@taron.net,
Pub: Nov 14, 2007, #11255

EXHIBIT E—CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. §1152.60(d), the undersigned hereby certifies that the Petition for Exemption in Docket No. AB-398 (Sub-No. TX), *San Joaquin Valley Railroad Company—Abandonment Exemption—in Tulare County, CA (Between Strathmore and Jovista)*, was mailed via first class mail, postage prepaid, on February 19, 2008, to the following parties:

State Public Service Commission

California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Military Surface Deployment and Distribution Command Transportation Engineering Agency

SDDCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA 23606-2574

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1201 Eye Street, N.W.
Washington, DC 20005

Ms. Cherri Espersen
National Recreation Trail Coordinator
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, NW (Org Code 2240)
Washington, DC 20240-0001

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, NW
Sidney R. Yates Building
201 14th Street, S.W.
Washington, DC 20250

City of Visalia

Donjia Huffmon
Chief Deputy City Clerk
City of Visalia
425 East Oak
Visalia, CA 93291

A handwritten signature in black ink, appearing to read 'L. Gitomer', written over a horizontal line.

Louis E. Gitomer
February 19, 2008

**EXHIBIT F– VERIFIED STATEMENT OF
MARK D. GARVIN**

SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION
—IN TULARE COUNTY, CA (BETWEEN STRATHMORE AND JOVISTA)

VERIFIED STATEMENT OF MARK D. GARVIN

My name is Mark D. Garvin and I am Chief Engineer of RailAmerica, Inc. ("RailAmerica"), a shortline holding company that controls the San Joaquin Railroad Company ("SJVR"). I have a B.S. in Civil Engineering from Michigan Technological University. My engineering work in the railroad industry began over 25 years ago on Conrail as a management trainee. I soon became an assistant track supervisor in charge of track maintenance. I joined Grand Trunk Western Railroad Company as a track supervisor, in charge of system track gangs performing capital projects. I joined RailAmerica as a Project Manager and became Chief Engineer in January 1992. My current duties include the acquisition of track equipment and material, the selection and training of maintenance of way personnel, the engineering evaluation of potential acquisition properties, and the development of maintenance and rehabilitation plans for properties acquired and owned by RailAmerica.

I am familiar with the 30.57-mile line of railroad between Strathmore, CA, milepost 268.60, and Jovista, CA, milepost 299.17 in Tulare County, CA (the "Line").

I will discuss the value of the track and materials on the Line, the cost to rehabilitate the Line, and the annual maintenance-of-way costs once the Line is rehabilitated.

1. Value of Track and Materials. Each of RailAmerica's subsidiary railroads maintains an inventory of track and materials on its lines under my supervision as Chief

Engineer. In addition, each railroad conducts regular inspections of its lines to maintain the accuracy of the inventory and the condition of the inventory. Exhibit A to this verified statement is the list of inventory on the Line.

The inventory includes rail, other track material ("OTM"), ties, signals and turnouts. The rail, OTM, and turnouts are classified as relay, reroll, or scrap. The valuations are based on recent quotations obtained by SJVR and RailAmerica from rail suppliers and quotations in national publications. Liquidation costs are based on my experience with the cost of removal and transportation and recent quotations received by SJVR and RailAmerica for removal and transportation.

The liquidation value of the railroad asset is \$995,574

2. Rehabilitation. The Line is excepted track. More than 30 miles of the track on the Line is 75 pound rail.

The 2008 capital budget for SJVR is based on my judgment and on my long experience in the railroad industry and the Osmore Report on the condition of the bridges on the Line. SJVR would have to set aside \$1,327,920 for capital expenditures to rehabilitate the Line to FRA Class 1 condition. Bridge work in the amount of \$69,200 is required. The Line requires an average of 600 ties per mile at a cost of \$58.43 per tie, which includes the cost of the tie, labor and transportation. Total tie cost will be \$1,071,723. Once the ties are replaced, the Line will need to be resurfaced to avoid kinks in the rail and mismatched ends of rail at a cost of \$6,117 per mile for a total of \$186,997. Additional expenditures will be required to keep the Line in FRA Class 1 condition.

3. Maintenance-of-way. Maintenance-of-way costs for the SJVR consist of generally three components: vegetation control, crossing maintenance, and track inspection and maintenance.

In 2007 the cost to control the vegetation on the Line was \$12,442.50.

Crossing maintenance is performed on SJVR by Quality Signal pursuant to a contract. Under the contract, Quality Signal is paid \$37,500 per month to maintain all 263 signals on the SJVR. The Line has 19 crossings with signal systems. Therefore the annual cost to maintain the signals on the Line is \$32,509 ($\$37,500/263 \times 19 \times 12$).

A track inspector inspects the Line once per week in a hi-rail vehicle. The track inspector is paid \$20.00 per hour and his benefits are about 72.5 percent of wages, for a total cost of \$34.50 per hour. It takes about 6.5 hours per week to inspect the Line. Traveling the Line is about 61 miles per week (30.57 miles in each direction). The hi-rail vehicle gets 12 miles per gallon at \$3.15 per gallon. The annual inspection costs for the inspector are \$11,661.00 ($6.5 \times 52 \times \34.50). The costs for the hi-rail vehicle are about \$832 ($\$3.15 \times 61 \times 52 / 12$). Maintenance repairs are made after the track inspector reports on the condition of the Line. The maintenance crew consists of a foreman and two track laborers. The maintenance crew spends about 5.5 hours per week maintaining the Line. The wages for the foreman and laborers is about \$19.00 per hour per person. Benefits are about 72.5% of wages. Employee costs to maintain the Line are \$28,116 ($\$32.77 \times 3 \times 5.5 \times 52$). Fuel is the same as the used by the track inspector, \$832. Materials used for maintenance per year consist of 560 ties at \$25.00 (excluding labor and transportation), 50 kgs of spikes at \$75.00 each, and 100 75 pound bars at \$35.00 each.

Annual ties costs are \$14,000, spikes are \$3,750, and bars are \$3,500 for a total material cost of \$21,250.

The total track inspection and maintenance costs per year for the Line are \$62,691.

The total annual maintenance-of-way costs are conservatively \$107,642 consisting of vegetation control \$12,442, crossing maintenance \$32,509, and track inspection and maintenance \$62,691.

Based on consultation with Mr. Marc Bader, Mr. Randy Perry, and Mr. Victor Castillo of SJVR and my experience, I conclude that annual normalized maintenance for the Line to be conservatively \$107,642. This is a very conservative estimate and substantially below the \$5,000 per mile maintenance cost adopted by the Board.

VERIFICATION

I, Mark D. Garvin, verify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on February 14, 2008


Mark D Garvin
Mark D Garvin

EXHIBIT A-VALUE OF TRACK AND MATERIALS

Liquidation Value of Railroad Asset

San Joaquin Valley Railroad- Exeter South - MP 268.6 to MP 299.17

September 28, 2007

Rail										
Weight	Jnt./CWR	Miles	NT/Mile	Total NT	Total GT	Class	Price NT	Price GT	Total \$ NT	Total \$ GT
112lb	jnt	2	187.26	374.53	334.40	relay	\$725		\$271,533	
112lb	jnt	1	187.26	187.26	167.20	reroll		\$335		\$56,012
75lb	jnt	30.32	121.44	3682.06	3287.55	scrap		\$275		\$904,077
90lb	jnt	0.2	150.48	30.10	26.87	reroll		\$335		\$9,002
110lb	jnt	0.2	178.11	35.62	31.81	scrap		\$275		\$8,747
Totals		33.72		4309.57	3847.83					\$1,249,371

OTM										
Weight	Jnt./CWR	Miles	NT/Mile	Total NT	Total GT	Class	Price NT	Price GT	Total \$ NT	Total \$ GT
112lb	jnt	3	84.0	252.00	225.00	relay	\$400		\$100,800	
75lb	jnt	30.32	50.0	1516.00	1353.57	scrap		\$290		\$392,536
90lb	jnt	0.2	50.0	10.00	8.93	relay	\$300		\$3,000	
110lb	jnt	0.2	57.0	11.40	10.18	scrap		\$290		\$2,952
Totals		33.72		1789.40	1597.68					\$499,288

Ties (Removal & Market)						Signal/Appliances			
Class	%	Miles	Total Ties	Price Ea.	Total	Type	Quantity	Unit Price	Total
#1 Relay	15%	33.7	15174	\$12	\$182,088	Lights	13	\$2,500	\$32,500
#2 Relay	0%	33.7		\$6		Gates	3	\$5,000	\$15,000
Landscape	40%	33.7	40464	\$4	\$161,856	Total all Signals			\$47,500
Scrap	45%	33.7	45522						
Total Tie Value					\$343,944				

Turnouts										
Weight	Type	Qty.	NT/TO	Total NT	Total GT	Class	Price EA	Price GT	Total \$ Each	Total \$ GT
75lb	No 10	13	1.9	25.09	22.40	scrap		\$290		\$6,497
112lb	No 11	5	4.5	22.60	20.18	relay	\$4,500		\$22,500	
110lb	No 10	3	4.5	13.35	11.92	relay	\$4,000		\$12,000	
90lb	No 10	10	1.9	19.30	17.23	relay	\$2,500		\$25,000	
Totals		31		80.34	71.73					\$65,997

Liquidation Costs				
	Unit	Cost	Quantity	Total
Dismantle Rail (CWR)	NT	\$65		
Dismantle Rail (Jointed)	NT	\$50	6099 NT	\$304,948.6
Transport Rail & OTM	NT	\$35	6179 NT	\$216,275.9
Remove Ties	EA	\$2	101,160	\$202,320.0
Transport Ties	EA	\$3	101,160	\$303,480.0
Remove Relay Turnouts	EA	\$2,500	31	\$77,500.0
Remove Crossing Signal	EA	\$1,500	16	\$24,000.0
Restore Crossings	EA	\$2,000	41	\$82,000.0

Gross Liquidation Value	\$2,206,099
Total Liquidation Costs	\$1,210,524
Net Liquidation Value	\$995,574

**EXHIBIT G– VERIFIED STATEMENT OF
ROBERT M. FRELICH, JR.**

SAN JOAQUIN VALLEY RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN TULARE COUNTY, CA (BETWEEN STRATHMORE AND
JOVISTA)

VERIFIED STATEMENT OF ROBERT M. FRELICH, JR.

My name is Robert M. Frellich, Jr and I am Director of Finance of RailAmerica, Inc. (“RailAmerica”), a shortline holding company that controls San Joaquin Valley Railroad Company (“SJVR”). The purpose of this verified statement is to describe how I developed the revenues and costs of SJVR’s operations over the 30.57-mile line of railroad between Strathmore, CA, milepost 268.60, and Jovista, CA, milepost 299.17 in Tulare County, CA (the “Line”).

I have been Director of Finance for last two years and was Director of Planning for prior nine years with RailAmerica. As Director of Planning, I was responsible for planning, analyzing traffic profitability and financial results, acquisition modeling, and budgeting for RailAmerica’s subsidiary railroads. My prior experience with Southern Pacific was as Director of Budgeting for Operating Department.

My current duties include responsibility for planning, cost modeling, profitability analysis, analyzing financial results, acquisition modeling and budgeting of railroads for two regions.

1. Background. The Surface Transportation Board (the “Board”) has developed a very sophisticated methodology in 49 C.F.R. Part 1152 Subpart D for calculating revenues and avoidable costs of a line of railroad that a railroad is seeking to abandon. The predicate for using these procedures is maintaining data in accordance with the Branch Line Accounting System (the “BLAS”). Only Class I railroads are required to

maintain records in accordance with the BLAS. As a Class III railroad, SJVR does not maintain its records in accord with the BLAS.

Using the data and resources available to me from the SJVR, I have tried to present the Board with an accurate analysis of the revenue generated by the Line and the costs of operating the Line. There is no traffic currently moving over the Line. The last full year with traffic moving on the Line was 2006. Therefore, I have used 2006 traffic as Forecast Year traffic. Using that traffic, I developed the Forecast Year costs.

2. Forecast Year Traffic. The three customers who used the Line in 2006 were Tri K Truss (located at milepost 275.2), Sierra Forest Products (located at milepost 281.9), and Britz Fertilizer (located at milepost 287.1). In 2006, there were nine carloads and \$3,762 in revenue attributable generated by Tri K Truss, three carloads and \$1,275 in revenue attributable generated by Sierra Forest Products, and 20 carloads and \$7,263 in revenue attributable generated by Britz Fertilizer. Therefore, I will calculate the revenues and costs of operation based on 32 carloads and \$12,300 in revenue attributable for the year.

1. Revenue. Revenue generated on the Line in 2006 was \$12,300.

2. Avoidable Costs. In calculating the avoidable costs of operating over the Line, I will determine the costs of operation and use the costs to maintain the Line prepared by Mr. Garvin.

a. Costs of Operation. The cost to operate a train on the Line depend on the amount of time spent on the Line, the numbers of trips on the Line, the number of employees and their compensation, the number of locomotives used and their cost, the

cost of fuel, and the overhead costs that include general and administrative costs, depreciation, and the maintenance of way costs as developed by Mr. Garvin.

The Line is excepted track. Therefore, calculating the costs of operation based trains moving at 10 miles per hour is very conservative and appropriate. Because there are only 32 carloads per year on the Line, each carload requires one trip for a loaded car and another trip for an empty car. Switching at each industry will take an hour.

A round trip to Tri K Truss is 13.2 miles $((275.2-268.6) \times 2)$, which at 10 miles per hour will take about 1.3 hours plus one hour for switching, for a total of 2.3 hours. Tri K Truss generated nine carloads, which would require 18 round trips. Hence, 41.4 hours would be spent serving Tri K Truss.

A round trip to Sierra Forest Products is 26.6 miles $((281.9-268.6) \times 2)$, which at 10 miles per hour will take about 2.66 hours plus one hour for switching, for a total of 3.66 hours. Sierra Forest Products generated three carloads, which would require six round trips. Hence, 21.96 hours would be spent serving Sierra Forest Products

A round trip to Britz Fertilier is 37.0 miles $((287.1-268.6) \times 2)$, which at 10 miles per hour will take about 3.7 hours plus one hour for switching, for a total of 4.7 hours. Britz Fertilier generated 20 carloads, which would require 40 round trips. Hence, 188 hours would be spent serving Britz Fertilier.

The total hours spent serving the Line are $251.36(41.4+21.96+188)$.

There are two people in the train crews on SJVR. Hourly wages for each crew member is \$19.00 and their benefits are equal to about 71.02 percent of wages. Therefore, for the crew cost per hour is \$32.49 $(\$19.00 \times 1.7102)$. Crew costs to serve the Line are \$8,167 $(\$32.49 \times 251.36)$.

SJVR uses one 2000 horsepower locomotive to serve the Line. Daily rental of the locomotive from RailAmerica is \$114.00. The locomotive burns about 7.8 gallons per hour based on grade and amount of tonnage being hauled, and the average cost per gallon of fuel is \$3.15. I do not foresee the cost of fuel dropping in 2008. The locomotive fuel cost for on the Line are \$791 ($\3.15×251.36) and the locomotive rental is \$1,193 ($\$114 \times 251.36 / 24$).

Based on the above costs of \$8,167 (crew costs) plus \$791 (locomotive fuel) plus \$1,193 (for locomotive rental), the total yearly avoidable costs of operating the Line are \$10,151.

b. Maintenance of Way Costs. Mr Garvin has developed an annual maintenance of way cost of \$107,642 for the Line, which I adopt and will use.

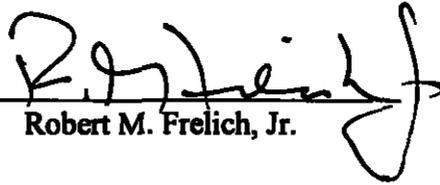
c. Summary of Avoidable Costs. The annual operating costs on the Line are \$10,223. Annual maintenance of way costs on the Line are \$107,642. Total avoidable costs on the Line are \$117,793.

3. Avoidable losses. The annual revenue projected for the Line is \$12,300. Annual avoidable costs are \$117,793, resulting in an avoidable loss of \$105,493.

VERIFICATION

I, Robert M. Frelich, Jr., verify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on February ~~14~~ 2008.



Robert M. Frelich, Jr.

EXHIBIT H-OPPOSITION OF VISALIA, CA

425 E. Oak, Visalia, CA 93291



Tel. (559) 713-4512 Fax (559) 713-4800

I, Donjia Huffmon, Chief Deputy City Clerk of the City of Visalia, do hereby certify that the attached is a true and accurate copy of:

Resolution No. 2007- 97

**RESOLUTION OF THE VISALIA CITY COUNCIL OPPOSING THE PROPOSED
ABANDONMENT OF A 30.37 MILE SEGMENT OF RAILLINE LOCATED BETWEEN
STRATHMORE AND JOVISTA IN TULARE COUNTY, CALIFORNIA
(SURFACE TRANSPORTATION BOARD DOCKET NO. AB-398 – SUB NO. 7X)**

Passed and adopted at a regular meeting on November 19, 2007 The original is/are on file with the City of Visalia City Clerk's office.

Donjia Huffmon
Chief Deputy City Clerk



RESOLUTION NO. 2007-97

RESOLUTION OF THE VISALIA CITY COUNCIL OPPOSING THE PROPOSED ABANDONMENT OF A 30.37 MILE SEGMENT OF RAILLINE LOCATED BETWEEN STRATHMORE AND JOVISTA IN TULARE COUNTY, CALIFORNIA (SURFACE TRANSPORTATION BOARD DOCKET NO. AB-398 -Sub-No. 7X)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS

WHEREAS, the San Joaquin Valley Railroad Company intends to file a petition to abandon a 30 37-mile segment of rail line in Southeastern Tulare County, and

WHEREAS, the proposed abandonment begins in Strathmore, CA as the northern point and ends at the Tulare County line to the South (known as Jovista, CA); and

WHEREAS, as this is the only available rail line in Southeastern Tulare County, abandonment would leave many businesses without the ability to move goods on the rail line The communities of Ducor, Richgrove, Strathmore, and Terra Bella and the City of Porterville will lose all rail service; and

WHEREAS, the absence of rail service will adversely affect businesses in this region by disrupting their operations; this will likely force them to move their goods by truck and will adversely affect regional air quality in an area that already suffers from poor air quality; and

WHEREAS, increased truck traffic will place significant additional traffic on local streets, roads, and highways resulting in increased traffic congestion and long term maintenance costs, and

WHEREAS, the loss of rail transportation will significantly and negatively impact our local economy by eliminating a viable option for movement of goods and agricultural products, and

WHEREAS, this rail corrdor is a significant regional resource and its loss would be irretrievable

NOW, therefore be it resolved that the Visalia City Council hereby opposes the abandonment of 30 37 miles of rail line along the San Joaquin Valley Railroad and urges the Surface Transportation Board to deny the request for abandonment

PASSED AND ADOPTED 11/19/07

STEVEN M SALOMON, CITY CLERK

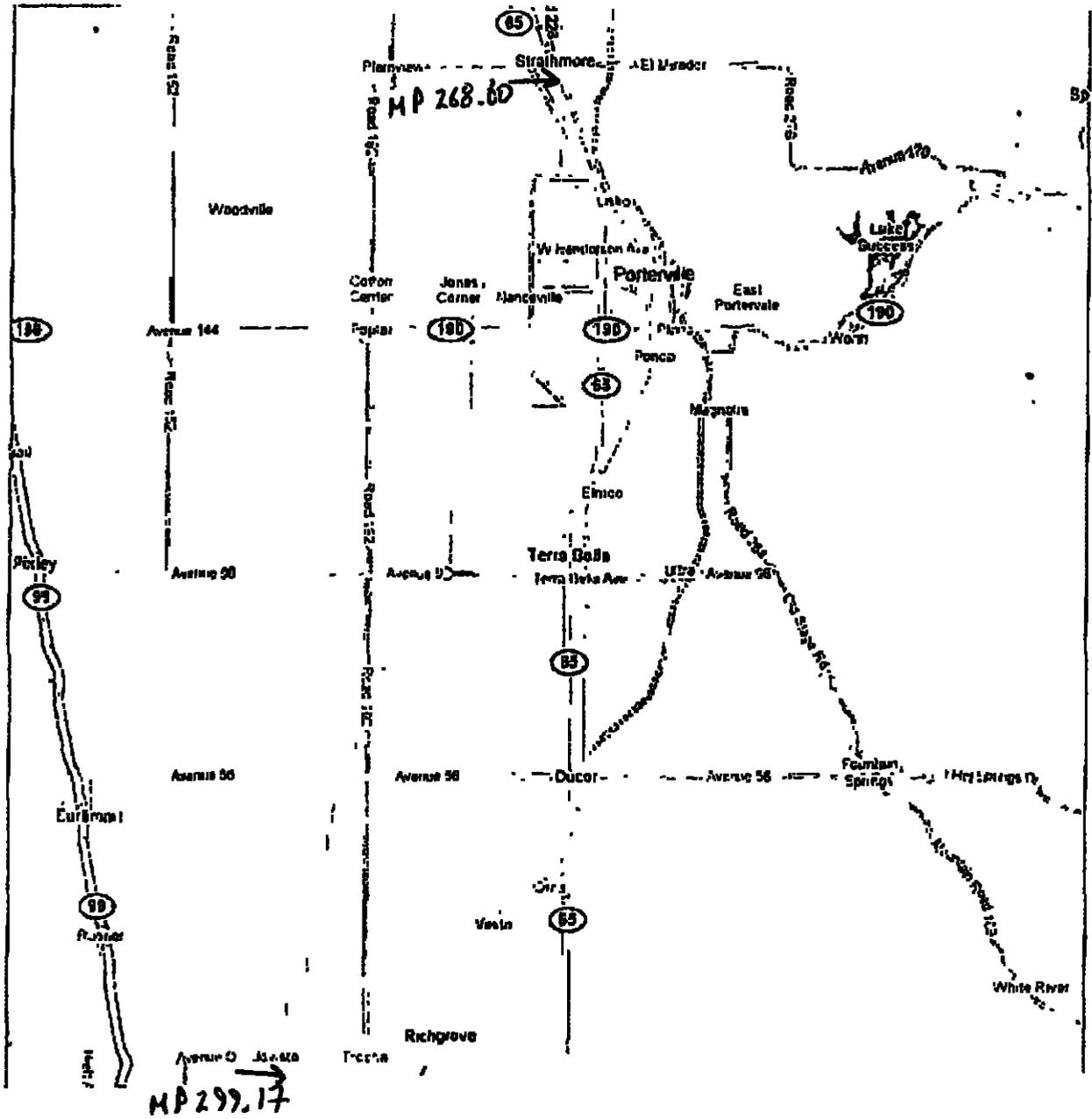
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

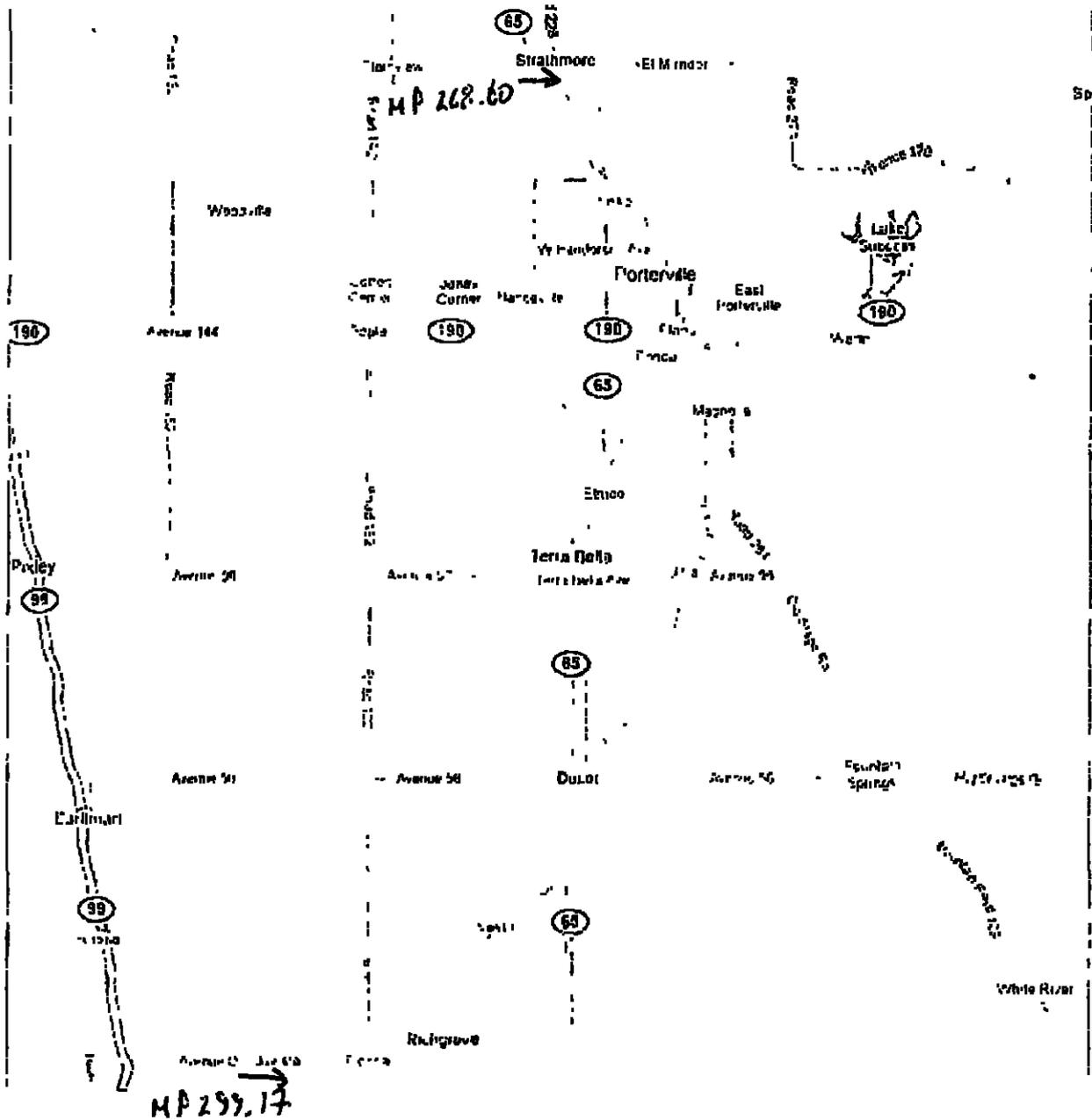
I, Steven M Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2007- 97 passed and adopted by the Council of the City of Visalia at a regular meeting held on November 19, 2007.

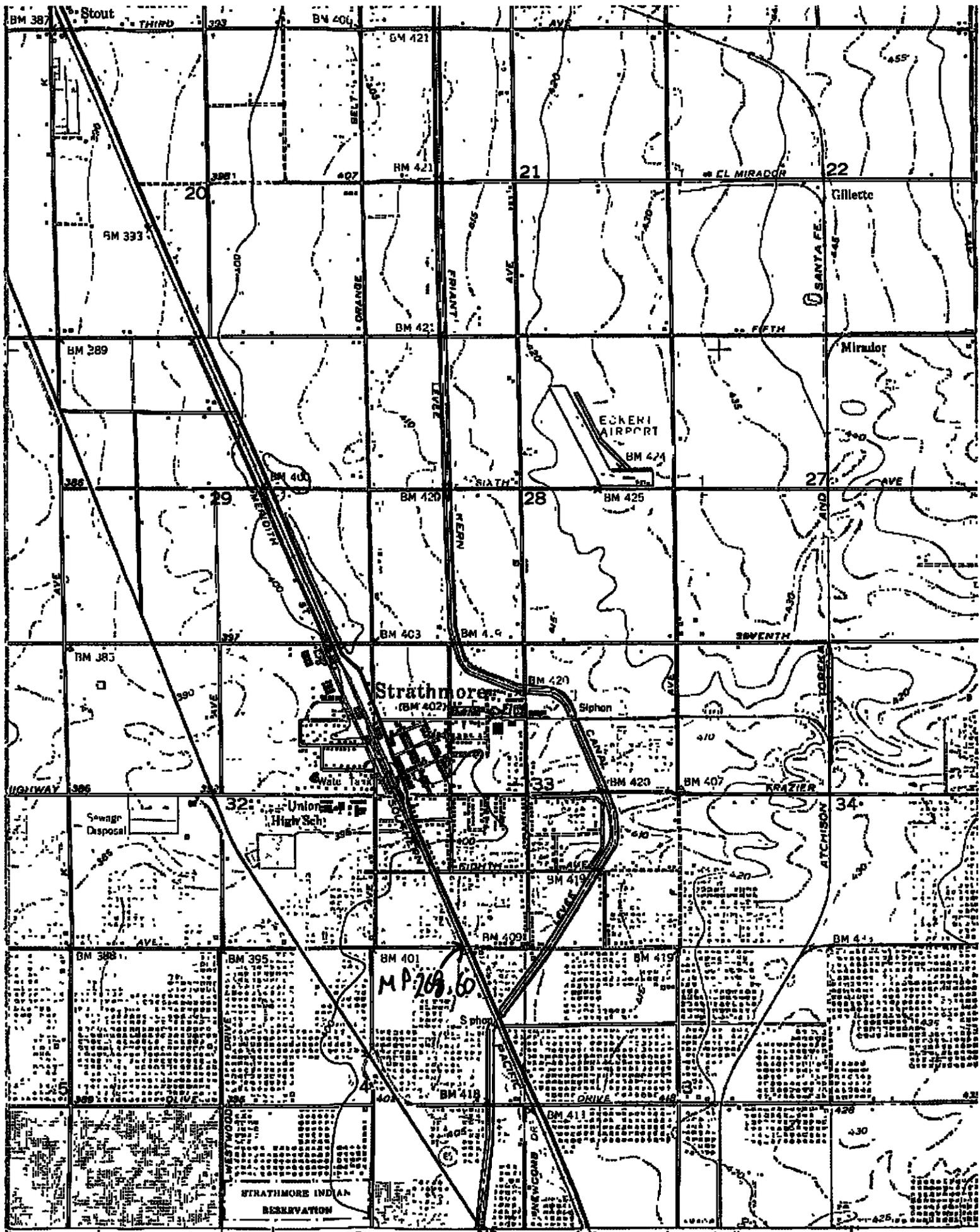
Dated. November 26, 2007

STEVEN M. SALOMON, CITY CLERK
Donja Huffman
By Donja Huffman, Chief Deputy

EXHIBIT I—EXHIBITS IN COLOR





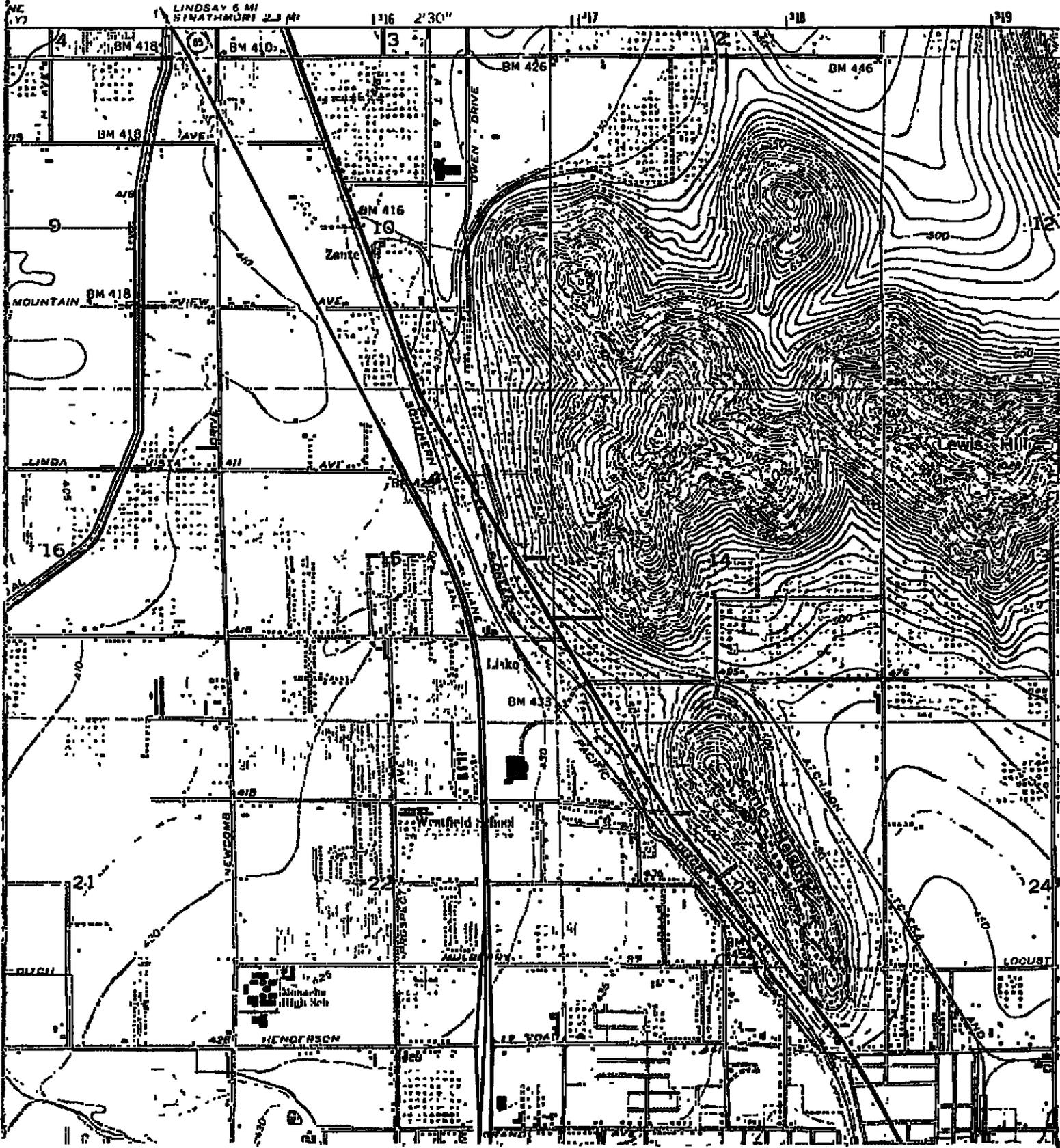


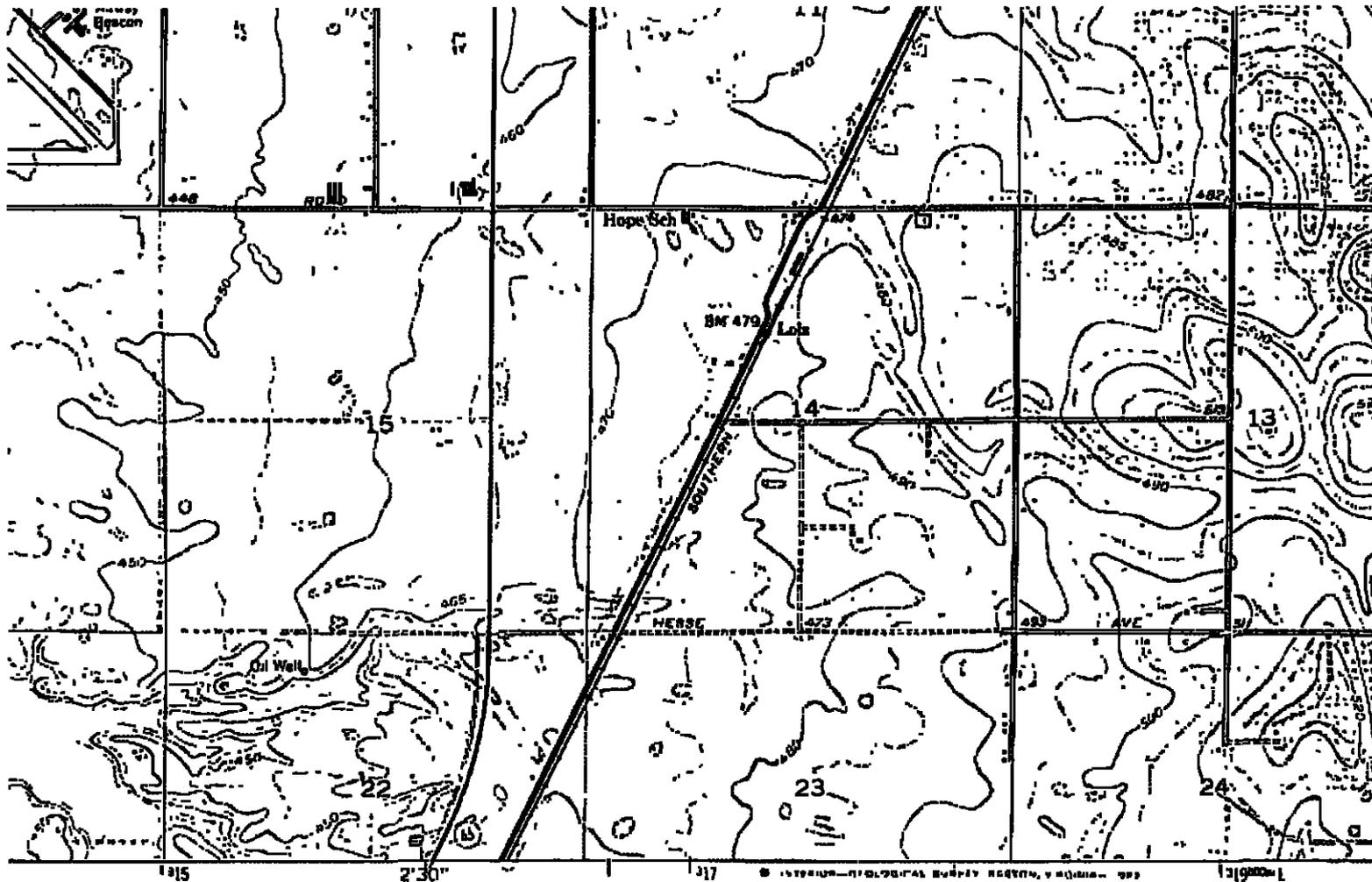
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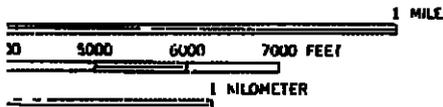
CALIFORNIA
MINERAL RESOURCES

PORTERVILLE QUADRANGLE
CALIFORNIA—
7 1/2 MINUTE SERIES (





TERRA BELLA 33 MI
 BARKSFIELD 44 MI



FEET
 10' CONTOURS
 DATUM OF 1929



QUADRANGLE LOCATION

ROAD CLASSIFICATION

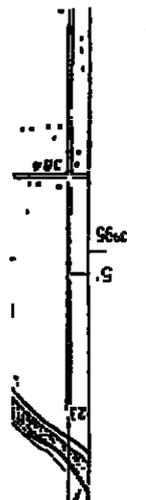
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- Medium-duty ————
- Light-duty ————
- Unimproved dirt - - - - -
- State Route

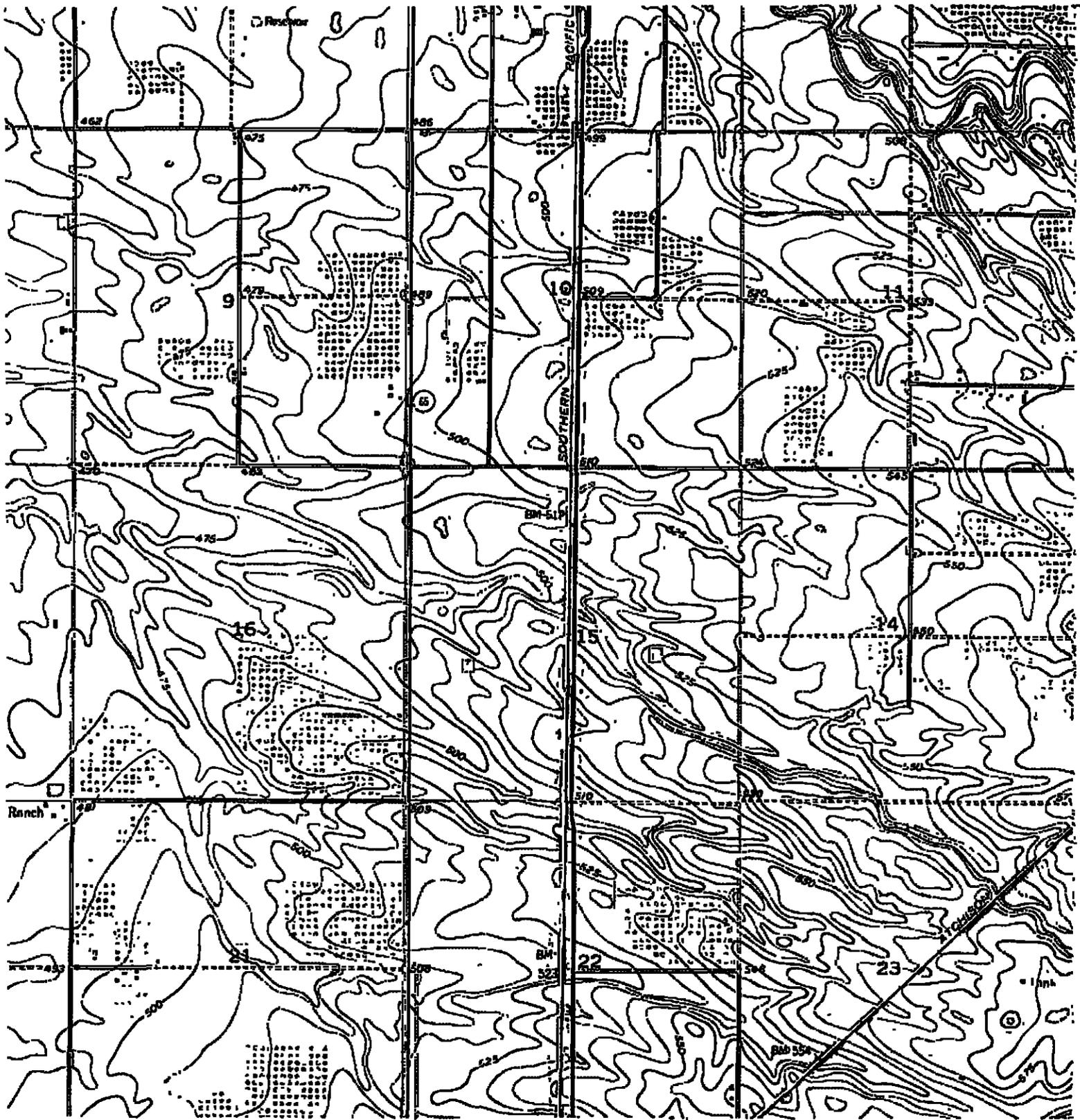
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N3600—W11900/7 5

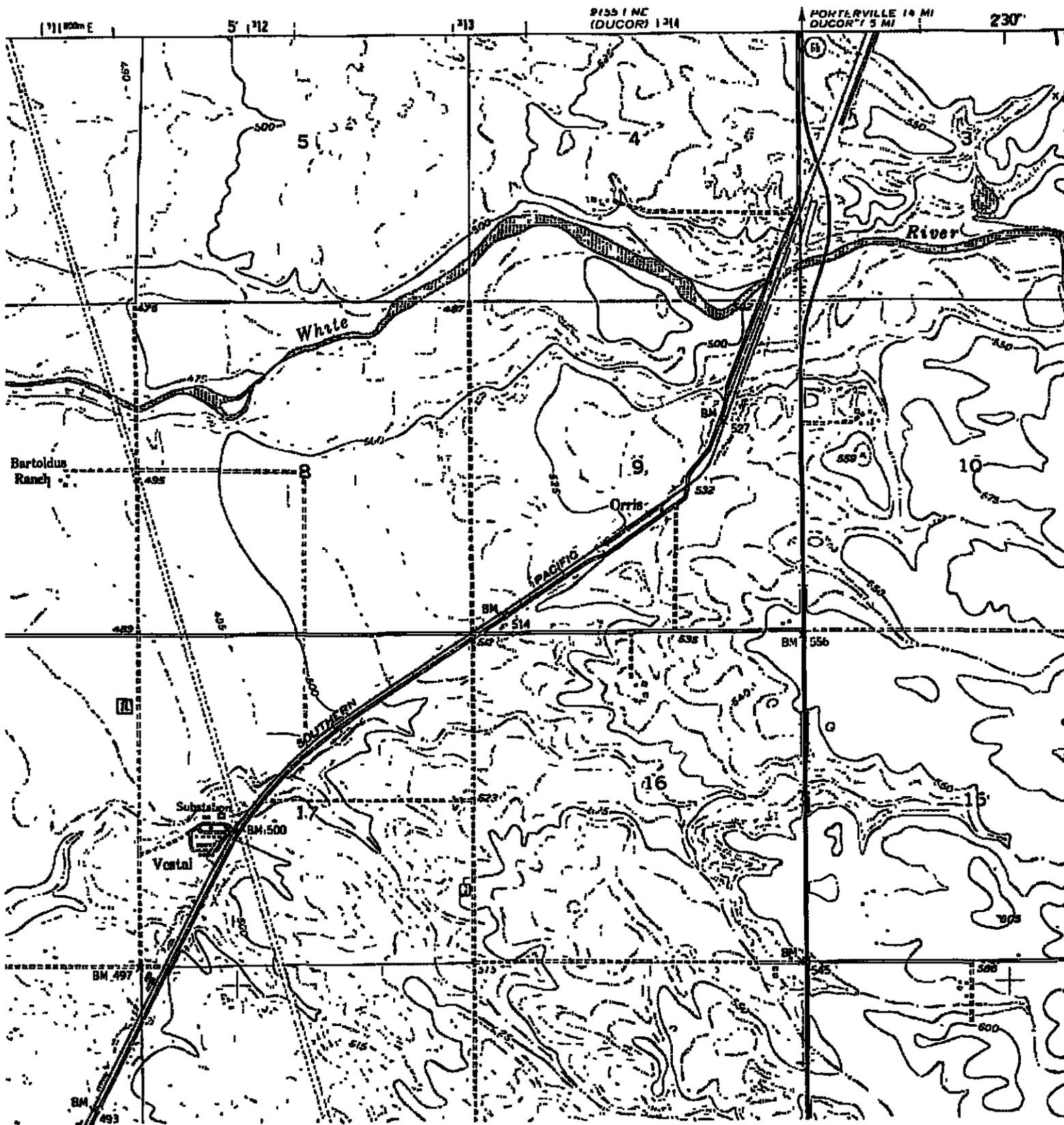
1951
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 DMA 2156 II SW-SERIFS V895

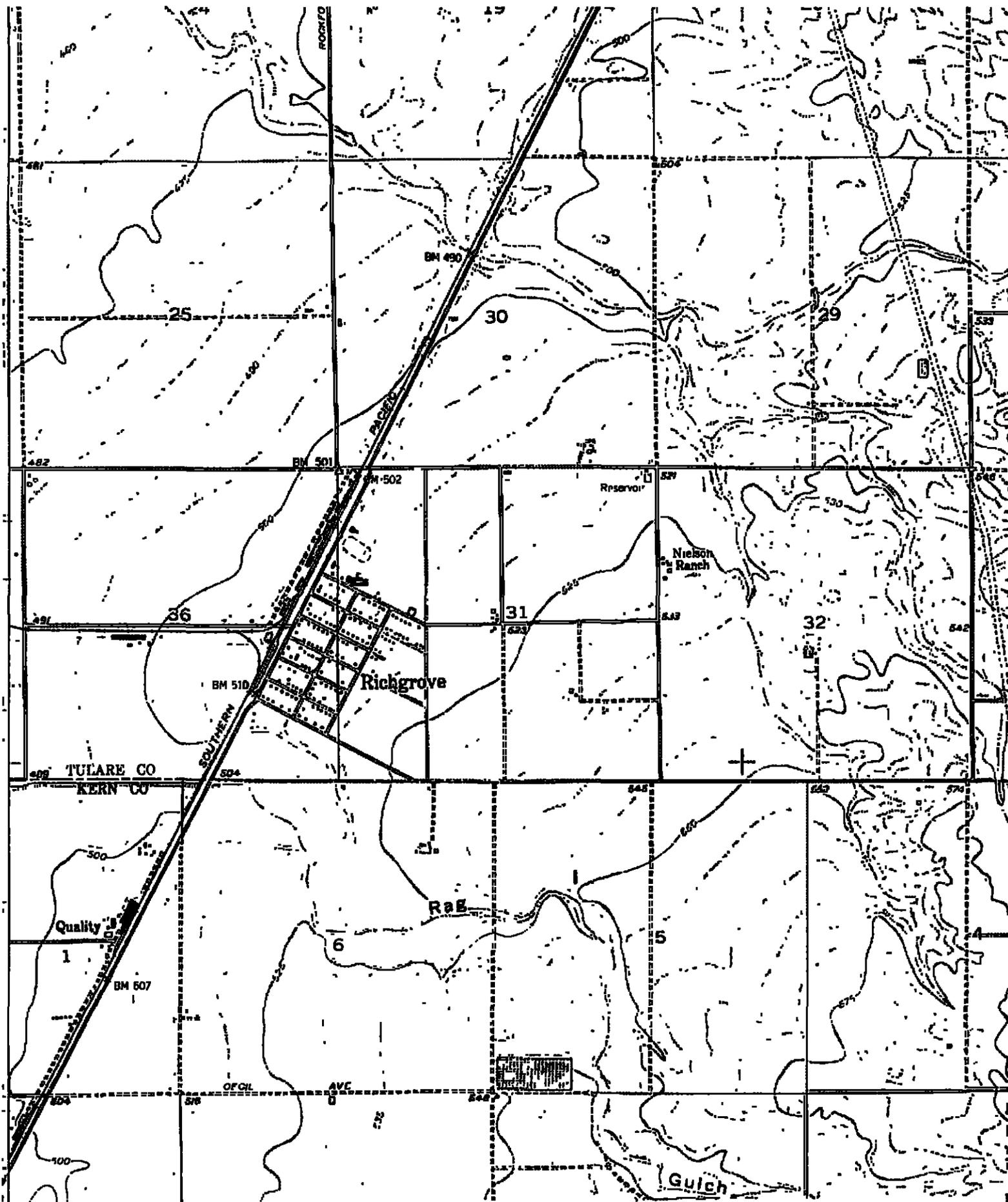
ACCURACY STANDARDS
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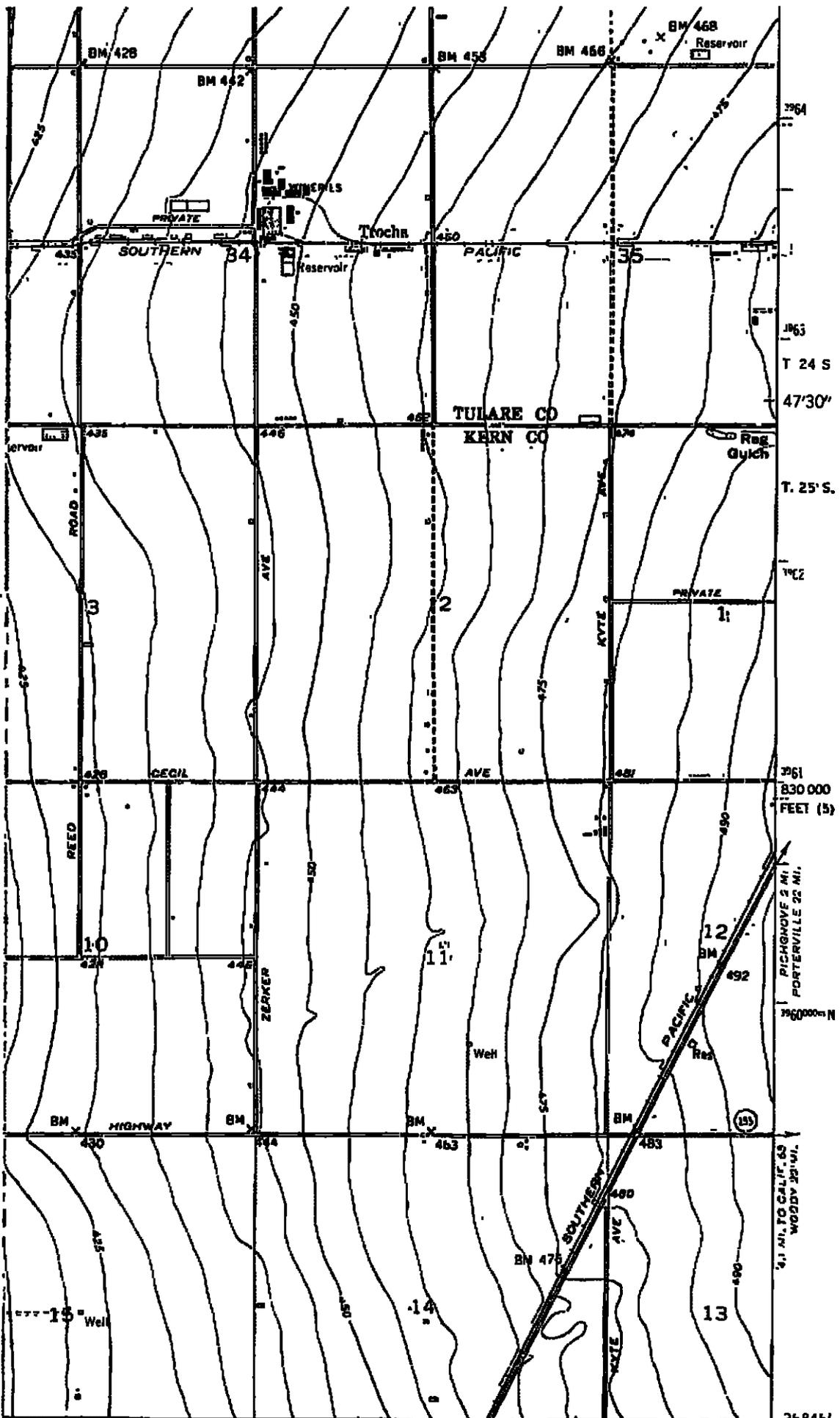




STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES







BM 468
Reservoir

BM 428

BM 442

BM 455

BM 466

SOUTHERN

PACIFIC

Trochu

Reservoir

TULARE CO
KERN CO

T. 24 S
47'30"
T. 25' S.

830 000
FEET (5)

N 1:660,000

2 1/2 MI. TO CALIF. 65
WODDY 2 1/2 MI.

35°48'

1:660,000

1 660 000 FEET (5)

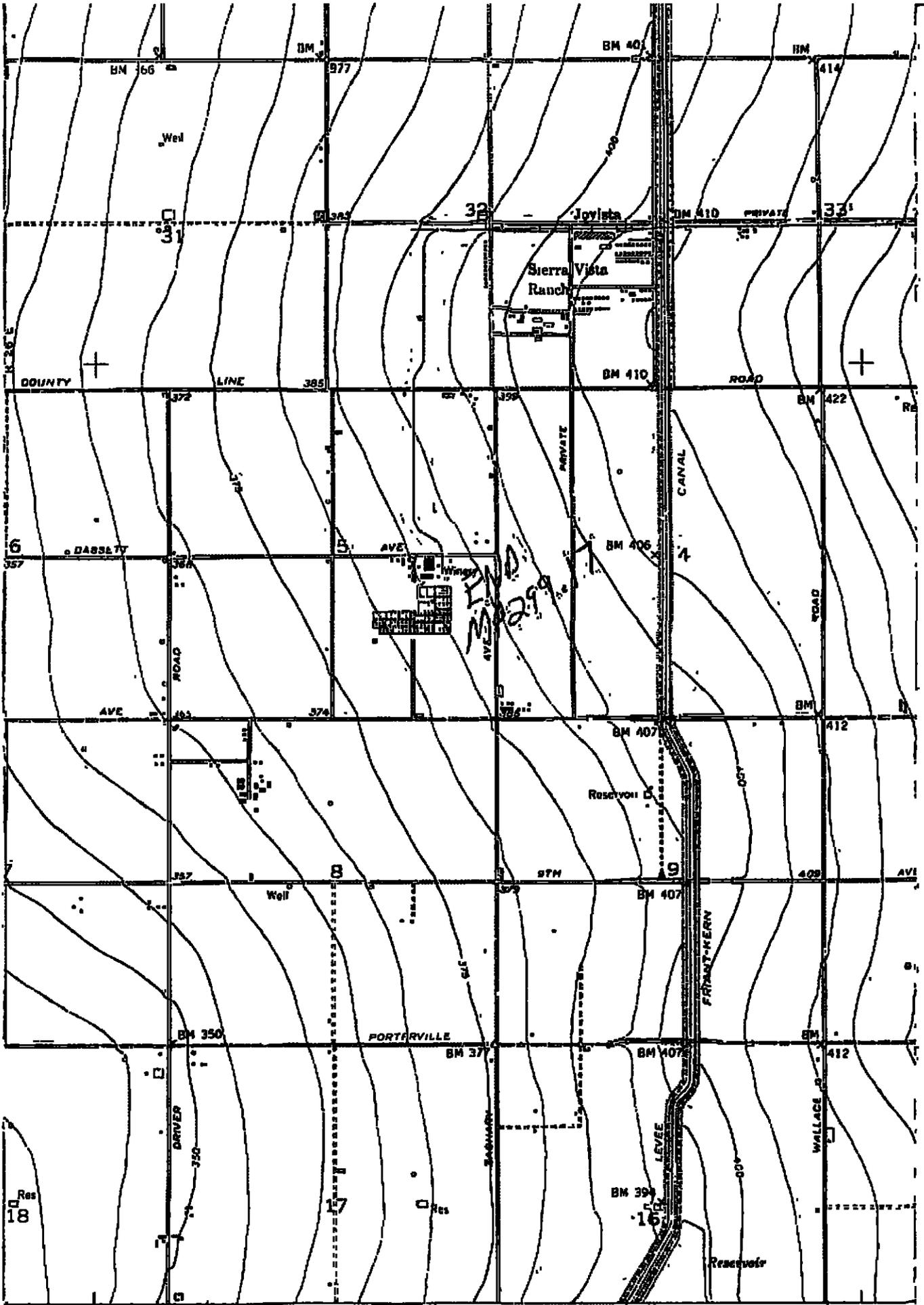
INTERNATIONAL GEOLOGICAL SURVEY (RESTON, VIRGINIA—1978)
FAMOSO (CALIF 99) 1 1/2 MI
BAKERSFIELD JO MI

3070000 E

119°07'30"

ROAD CLASSIFICATION

1068



1300 12'30" 1301 105 'MC FARLAND' 2195 II NW 1303 10'

SCALE 1:24 000

San Joaquin Valley R.R. Co.

BRIDGE LIST

LINE: Exeter South Subdivision

Exeter, CA - Jovista, CA

BRDG NO	LOCATION	ST	MILE POST	SEC NO.	SPANS	TYPE	TIMBER/ STEEL BENTS	PIERS TIMBER	CONC/ STEEL PIERS	ABUT MENTS	YEAR CONST	SEC- TION LGTH	AVG LGTH SPAN	EST HGT MAX
261 28	Undsey	CA	261 28	1	3	Concrete Slab			2	2		37 0	12 0	8 0
275 31	Porterville	CA	275 31	1	8	ODPT	10				1928	135 0	15 0	14 0
275 31	Porterville	CA	275.31	2	4	DPG			4	1				30 0
275 58	Porterville	CA	275 58	1	8	BDPT	7					80 0	15 0	11 0
275 93	Porterville	CA	275 93	1	4	BDPT	5					60 0	15 0	5 0
278 20	Porterville	CA	278 20	1	2	BDPT	3					30 0	15 0	3 0
280 28	Terrabella	CA	280 28	1	3	BDPT	4				1919	45 0	15 0	8 0
280 83	Terrabella	CA	280.83	1	25	BDPT	26				1919	375.0	15.0	11 0
288 7	Ducor	CA	288 70	1	2	Concrete Slab			1	2		245.0	122 0	30 0
289 08	Ducor	CA	289.08	1	13	BDPT	14				1928	185 0	15 0	30 0
289 18	Ducor	CA	289 18	1	7	BDPT	8				1928	105.0	15 0	24 0
291 30	Richgrove	CA	291 30	1	1	BDPT	2					10 0	10 0	4 0
293 61	Richgrove	CA	293 61	1	3	BDPT	4					48 0	15 0	4 0
298 82	Jovista	CA	298 82	1	2	Beam Span			1	2		81 0	40 0	12 0

All photos taken on 6/8/2006



Bridge 275.31 Section 1



Bridge 275.31 Section 2



Bridge 275.56



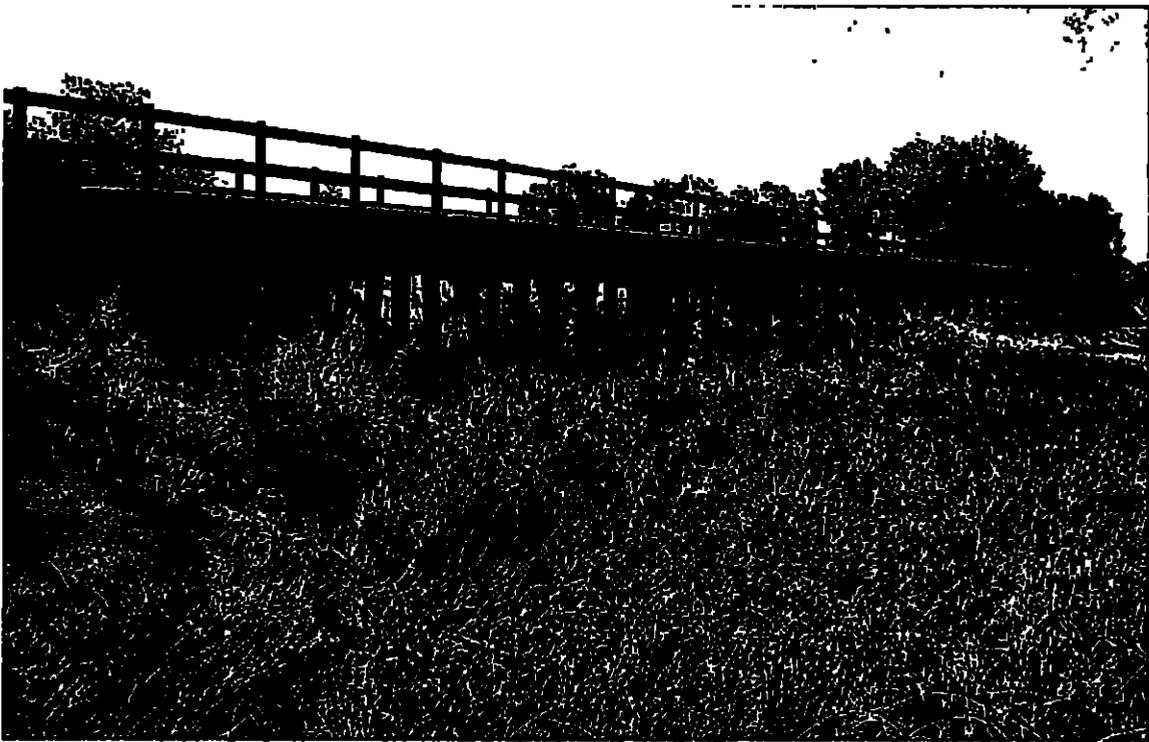
Bridge 275.93



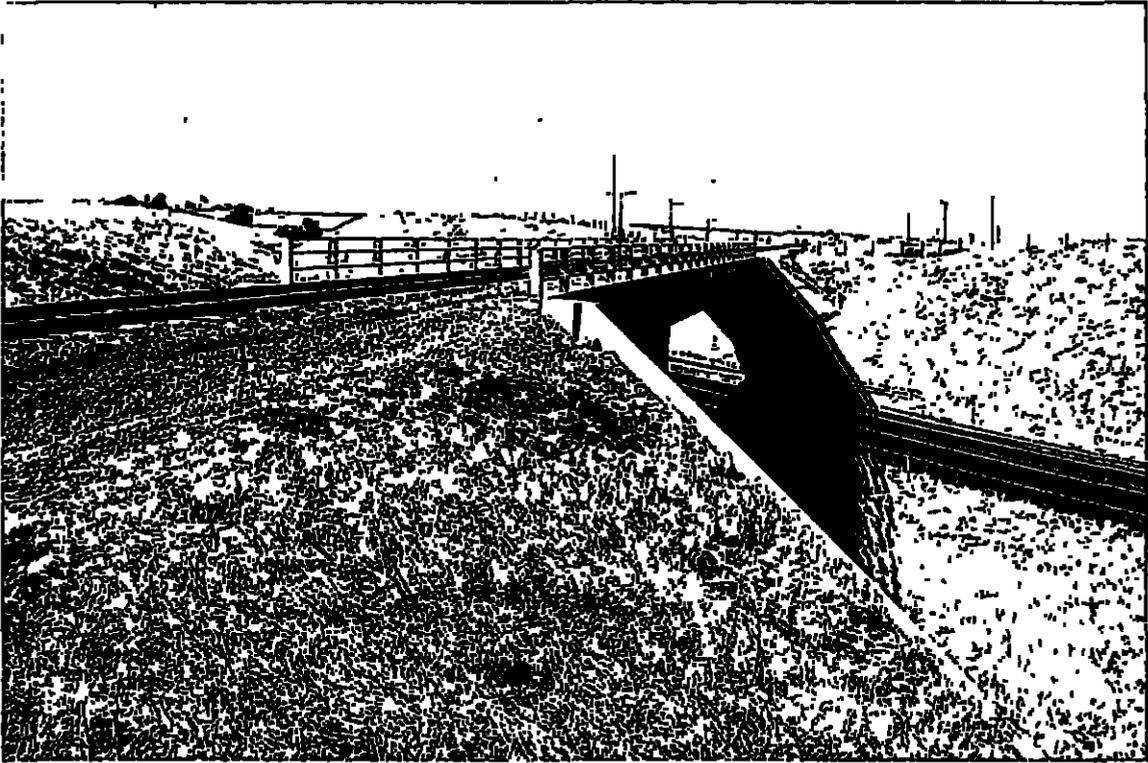
Bridge 276.20



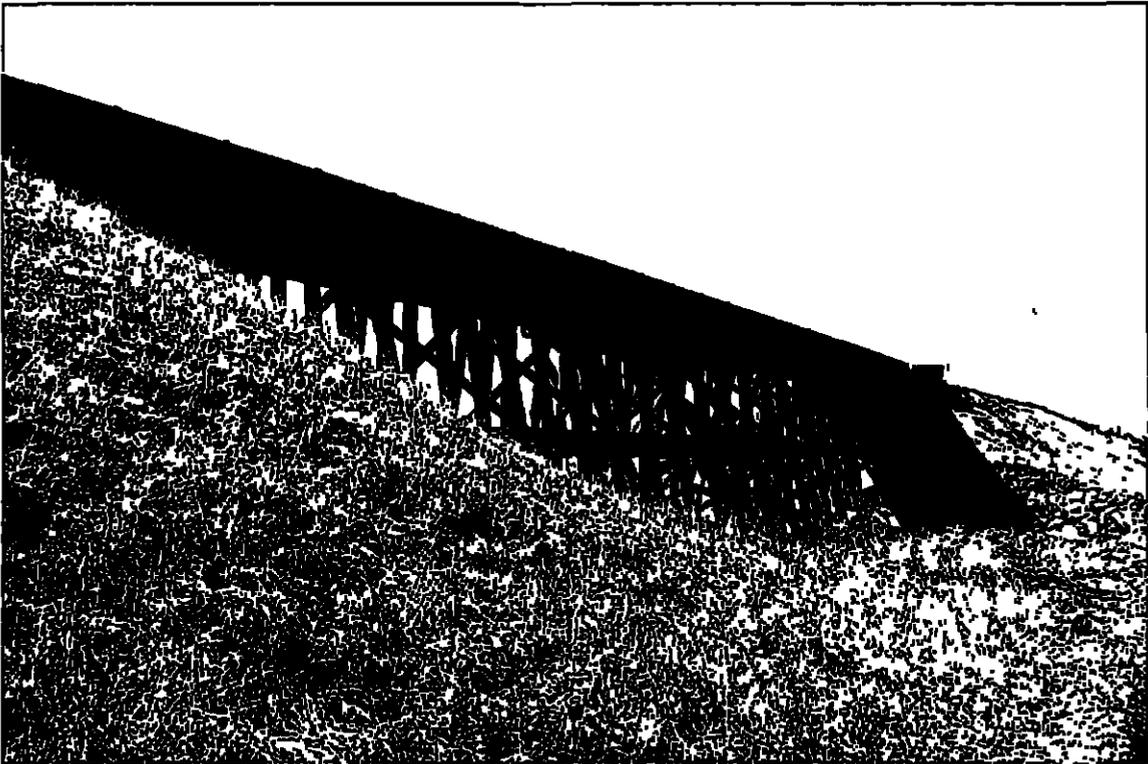
Bridge 280.28



Bridge 280.83



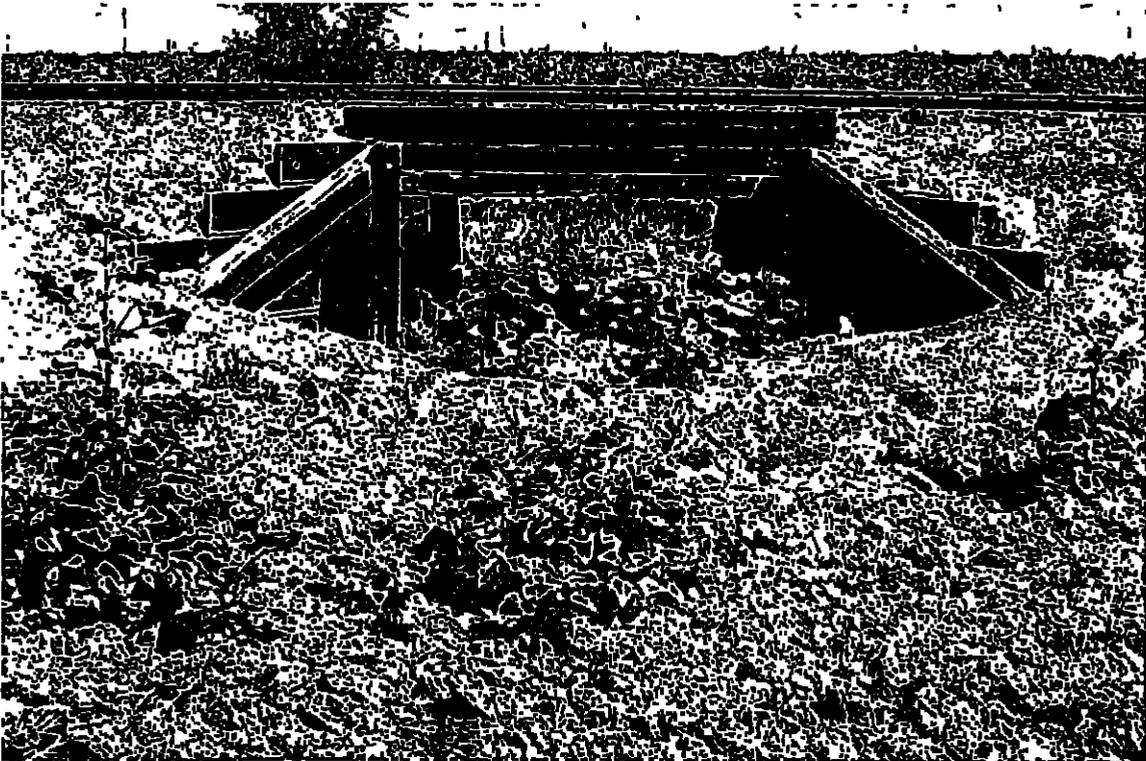
Bridge 288.70



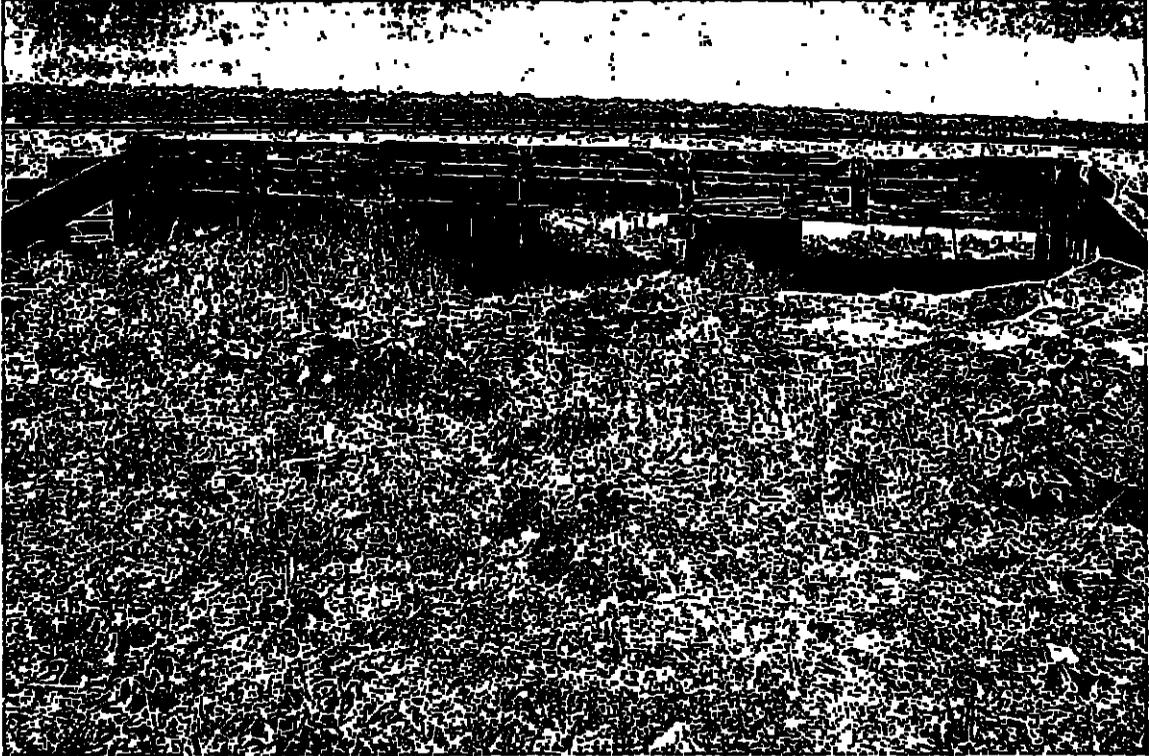
Bridge 289.06



Bridge 289 16



Bridge 291.30



Bridge 293.61



Bridge 298.82