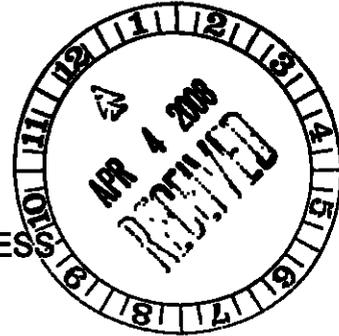




FEE RECEIVED
TULARE COUNTY ECONOMIC DEVELOPMENT CORPORATION
APR - 4 2008

221991



April 3, 2008

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

TRANSPORTATION BOARD

VIA FEDERAL EXPRESS

RE Docket No AB-398 (Sub-No 8X), *San Joaquin Valley Railroad Company – Abandonment Exemption in Tulare County, CA (Between Exeter and Strathmore)*

Dear Acting Secretary Quinlan;

Enclosed for filing please find the original and 10 copies of Tulare County Economic Development Corporation's Protest in the above referenced matter, on behalf of itself and the Tulare County Association of Governments

Our filing includes a request for trail use/rail banking under 49 CFR 1152.29. A \$200 filing fee, as required to accompany such request, is also enclosed

Kindly acknowledge receipt by date stamping the enclosed duplicate copy of this letter and return in the enclosed self-addressed stamped envelope

Sincerely,

Paul Saldana
President and Chief Executive Officer

ENTERED
Office of Procurement

APR - 4 2008

Part of
Public Record

FILED

APR - 4 2008

**SURFACE
TRANSPORTATION BOARD**

Enclosure

c c Tulare County Association of Governments
San Joaquin Valley Railroad
Attorney Louis E. Gitomer

An Accredited Economic Development Organization

4500 S Laspina St, Tulare, CA 93274 Tel, 559/688-3388 Fax, 559/688-1406 www.edctulare.com

The People to Grow Your Business

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D C.



Docket AB-398 (Sub-No. 8X)

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

PROTEST

ENTERED
Office Proceedings
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Public Record

BY:

Tulare County Economic Development Corporation
4500 S. Laspina Street
Tulare, CA 93274
Tel: (559) 688-3388
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paul@edctulare.com

FILED

APR - 4 2008

AND:

FEE RECEIVED
APR - 4 2008

**SURFACE
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**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C**

Docket AB-398 (Sub-No. 8X)

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

PROTEST

INTRODUCTION

Pursuant to 49 CFR § 1152 25(a)(1) and the Board's decision served March 19, 2008, the Tulare County Economic Development Corporation and Tulare County Association of Governments (jointly referred to as "Tulare County") protests the application for authority to abandon a 9.20 mile rail line in Tulare County, California ("Line"), filed by the San Joaquin Railroad Company ("SJVR") on February 28, 2008. The Board should deny the application because the petition fails to provide sufficient information to permit it to adequately assess the Line's future financial viability or the burden that continued operation of the Line would impose on the carrier, shippers on other lines that are dependent on its service and interstate commerce. The petition, moreover, fails to demonstrate that public convenience and necessity require or permit the proposed abandonment. Finally, the petition also fails to adequately address environmental impacts.

REQUIRED INFORMATION

Pursuant to the requirements 49 CFR § 1152 25(a)(1), Tulare County submits the following information:

(i) Protestants are Tulare County Economic Development Corporation, whose address is 4500 S Laspina Street, Tulare, CA 93274 (a non-profit public-private regional economic development organization) and Tulare County Association of Governments, whose address is 5961 S Mooney Boulevard, Visalia, CA 93277 (a Metropolitan Planning Agency comprised of the County of Tulare and eight incorporated cities)

(ii) The Tulare County Economic Development Corporation has, since 1983, served as the marketing and business recruitment organization for the communities of Tulare County, California, locating more than 100 companies in the County and creating over 13,000 new jobs. This activity has resulted in the investment of \$350 million dollars in the local economy. The EDC is governed by a Board of Directors comprised of representatives from local communities, private sector leaders and other organizations allied to create jobs in the region. The EDC provides a seamless response system for economic development within the region by providing marketing, public relations, business attraction, professional consultation on business location and regional collaboration services to Tulare County, California, businesses and communities. The Tulare County Association of Governments ("TCAG"), for whom the EDC delivers many of its services, is made up of the five Tulare County Supervisors, an elected official from each incorporated city, three at-large representatives, and a representative from California Department of Transportation (Caltrans). TCAG is responsible for overseeing and planning projects that do not always recognize man-made boundaries – issues such as transportation planning and air quality.

(iii) Tulare County opposes SJVR's application because the petition fails to provide sufficient information for the County to assemble a responsible Offer of Financial Assistance ("OFA"), providing inaccurate and incomplete data. Moreover, the abandonment will adversely affect the ability of the Tulare County, California to compete economically when it already has some of the highest unemployment (9.2% for the 1st Quarter of 2008, compared to 8.5% in the last quarter and 4.8% nationally) and worst poverty (highest in the state at 23.9% in 2000) in the nation. Finally, the proposed abandonment will have an adverse impact on the County's future ability to achieve air quality attainment, the area currently suffering from being in a serious non-attainment status (for PM 2.5 or particulate matter of 2.5 microns in diameter or smaller and

Ozone – 8 Hours) More detail on each of these reasons may be found in the *Additional Information* and *Rebuttal* sections of this protest

(iv) The Petition for Exemption is inaccurate and misleading in many cases and lacks essential details in others. These problems, which include failure to properly describe the abandonment, failure to disclose vital information regarding the lease of the railroad right-of-way from the Union Pacific Railroad Company (“UP”) and failure to identify potential revenue sources, are detailed in the *Rebuttal* section of this protest.

(v) Should the Surface Transportation Board approve SJVR’s Petition for Exemption, and its OFA (see *Additional Information* section of this Protest) be rejected, the Tulare County Association of Governments (“TCAG”) intends to file a request for a public use condition under 49 U.S.C. 10905. Tulare County also hereby specifically requests a trail use condition under 16 U.S.C. 1247(d). TCAG is, in order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Union Pacific Railroad Company and operated by the San Joaquin Railroad. The property, known as South Exeter Branch, extends from railroad Milepost 259.40 near Exeter, to railroad Milepost 268.60 near Strathmore, a distance of 9.20 miles in Tulare County, California. The right-of-way is part of a line of railroad proposed for abandonment and described in Docket No. STB AB-398 (Sub-No. 8X). A map of the property depicting the right-of-way is attached (Attachment 2) and a \$200 filing fee is enclosed. TCAG acknowledges that use of the right-of-way is subject to the user’s continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

ADDITIONAL INFORMATION

Pursuant to the requirements 49 CFR § 1152.25(a)(1), Tulare County submits the following additional information:

(i) Tulare County intends to make an Offer Financial Assistance under 49 U.S.C. 10904, following approval of any Petition for Exemption or Application for Abandonment, provided the Board is able to first ensure SJVR makes available the full and accurate information required to ascertain operating costs, repair track and acquire its interests. Such information is currently lacking, SJVR having failed to disclose important revenue sources, the nature of the lease arrangement with UP or important details regarding maintenance and operating expenses.

(ii) There will be adverse environmental impacts from the abandonment of this Line. Tulare County is now in "severe nonattainment" for ozone and in nonattainment for particulate matter, much of which is from the on-road truck fleet. The federal government can withhold funding from a region that is in nonattainment and fails to meet the conformity requirement. However, TCAG works closely with the San Joaquin Valley Air Pollution Control District to reduce pollution through planning. TCAG also makes use of funds available through the Congestion Mitigation and Air Quality program, the Federal Transit Administration and the Air District's Reduce Motor Vehicle Emissions (REMOVE) program to reduce pollution. TCAG is, for the same reason, committed, under the *Tulare County Regional Transportation Plan*, to maintain rail service as a means of reducing truck traffic and maintaining air quality while accommodating essential future economic development to address its very serious unemployment and poverty problems.

Indeed, the San Joaquin Valley Air Pollution Control District, together with affected nearby cities and other governmental entities, has already expended some \$14.2 million to replace about 47 miles of rail in 2002–2003, along with two miles of siding, 50,000 wooden ties and 50,000 tons of ballast on adjoining portions of the SJVR. Work also was done to upgrade 30 switches, 40 crossings and eight bridges, and to surface that rail corridor, much of which was then impassable and even without rail, to handle heavier freight cars, all as part of an air pollution control project. Similar smaller projects continue to take place on other parts of the SJVR, demonstrating both a commitment to rail as a solution to accommodating growth while reducing air pollution and a source of funds for upgrading the Line in question – a source that was not disclosed and that points the way to exploiting opportunities for growing rail traffic.

Tulare County cannot develop economically without air quality friendly rail. A 1996 study of the California I-40 corridor found that "goods moved by rail produce lower emissions,

except for NOx, which is slightly higher for rail” (and not an issue with respect to attainment in Tulare County) “The factor decrease of other pollutants ranges from 2.49 to 8.50, which is consistent with other recent studies. Given the amount of pollutants produced by trucks, shifting some of the freight from trucks to rail with a greater emphasis on intermodal business should reduce the total freight emissions” and this is part of the County’s plan. The *Tulare County Regional Transportation Plan* establishes a goal of “support(ing) continued improvement of freight rail service and freight transfer points within Tulare County (giving) special consideration to transportation programs that improve the operational efficiency of goods movement and air quality.”

Significantly, Tulare Frozen Foods, the Line’s major rail user expects to ship 150 cars of rail freight this year (2008) and as many as 200 cars by 2009-2010, which would increase traffic on local streets by as much as 600 trucks. This is 65% of Tulare Frozen Food’s freight traffic, the single largest enterprise on Avenue 232 in the City of Lindsay (see map to right) and, therefore, likely to generate a 10% increase in traffic



on this road segment. Yet, SJVR has provided no data with respect to expected increased emissions or whether these would fall within the parameters established by the State Implementation Plan. Rather, SJVR merely asserts “the proposed abandonment will not result in meeting or exceeding the specified thresholds” offering no substantiation for this conclusion.

(iii) The proposed abandonment of this line of railroad by the SJVR will have substantial adverse effects on Tulare County from a rural and community development perspective that goes well beyond the environmental impacts and the opportunity to grow business without aggravating air pollution. Tulare County has long had a severe employment problem. The *Local Workforce Investment Area Strategic Five-Year Local Plan* states “historically, Tulare County has exhibited a double-digit unemployment rate. During the period 1983 through 2001, the County unemployment rate varied from a high of 17.7% to 10.4%. The

period average was 14.4%. Year 2000 Census information shows Tulare County with the highest poverty levels in the state at 23.9%. In 2001, the Catholic Campaign for Human Development listed Tulare County as the sixth poorest county in the United States (population above 250,000) with a poverty rate of 24.2%. Only one other county in California exceeded Tulare's rate in 2001 – Fresno County with a 25.5% rate. Of the 89,950 families in the County, 17,723 are in poverty.” The number of unemployed increased in Tulare County from 15,700 in November 2006 to 18,300 in November 2007. Tulare Frozen Foods employs 150 individuals and is an extremely important employer to both the County and the City of Lindsay's. It uses rail to ship 65% of its products and would face severe financial hardship (see separate Protest of Tulare Frozen Foods and City of Lindsay) that would only aggravate the County's unemployment problems. Moreover, it would remove any incentive for Tulare Frozen Foods to proceed with a planned \$10 million investment in a new freezer warehouse likely to lead to new additional employment.

The rail infrastructure through this section of Tulare County is also particularly important in addressing future rural and community development, which largely consists of job creation. There are numerous industrial properties along the rail, including 38 acres of property zoned Heavy Industry, 23 acres zoned Light Industry and 32 acres zoned for Mixed Use, a total of 93 acres of land intended for rural and community development purposes. Attached is a zoning map for the City of Lindsay showing parcels adjacent to the railroad and including large blocks of property in these zoning districts.

REBUTTAL

The following additional problems exist with respect to SJVR's Petition for Exemption to abandon this Line of Railroad:

(1) SJVR has, for purposes of segregating the impacts of the southern section of the South Exeter Branch that has no current traffic from the remainder, bifurcated its abandonment petition into the Sub No. 7X and Sub No. 8X filings. Because the Branch effectively operates as a unit, using the same equipment and personnel, Tulare County submits the filings should have been combined. The existence of significant potential traffic on the southern segment that SJVR has dissuaded from using rail by a cost prohibitive \$950 surcharge (see Tulare County's protest

in that matter) could substantially improve the economics of operating the entire branch. However, even assuming bifurcation is justified, the point of cutoff chosen by SJVR makes no sense as the last current customer on the Exeter – Strathmore line segment is Tulare Frozen Foods at MP 264 10, some 4 5 miles about MP 286 60 where the abandonments are segmented. SJVR should, if it wanted to bifurcate the abandonment for legitimate reasons, have considered doing so just below Tulare Frozen Foods. This would have allowed funds realized from salvage to be put back into upgrading the remaining portions of the line and lowering future maintenance costs. The SJVR filing is unclear as to how much rehabilitation is required, stating on page 72 that the line is excepted track, but also stating on page 63 that it is all Class 1 track with no rehabilitation required. Regardless, upgrading the northern end with funds from salvaging the southern end would lower long-term maintenance costs.

Unfortunately, SJVR has provided no meaningful data to evaluate track conditions along the line or resolve this discrepancy, a serious deficiency in the Petition that makes preparation of an OFA particularly difficult. Indeed, there are other discrepancies in the data. Page 63 of the Chief Engineer's statement, for example, states the line has "17 crossings with signal systems." This is different from page 19 which says "16 public road crossings" and page 68 which shows a total of only 10 under "signal appliances." SJVR's filing is inconsistent, incomplete and inaccurate, providing no basis for an effective evaluation or an OFA.

(ii) The 4 5 miles of SJVR track south of Tulare Foods is the site of some 200 stored Union Pacific boxcars that are presumably generating either revenue, reduced rent or some other form of compensation for SJVR that should be reflected in either revenue or reduced opportunity costs (see Attachment 3 for photographs). Boxcar storage is a traditional source of revenue for short line railroads and has typically generated a minimum of \$1 00 per day per car plus switching charges in the range of \$125 to \$150. Yet, there is no discussion whatsoever of this property use or the potential revenue or financial offsets from such use in the SJVR filing. Clearly, some entity is directly or indirectly gaining economic use of the Line for these purposes without a disclosure of the same by SJVR. Once again, it is impossible for a responsible party to make an OFA absent this information.

Failure to provide such information is an egregious omission on SJVR's part. Had the value of this boxcar storage use been accrued to SJVR's operation of this Line as it surely should

have been, it could easily have offset avoidable costs of operation and allowed the Line to more than break even financially (making a \$75,000 minimum contribution at the \$1 00/day rate, compared the avoidable cost break even figure of \$65,073 estimated by SJVR) One has to suspect SJVR deliberately excluded this portion of the line from the Sub-No 7X abandonment for these reasons, such that in the event a Sub-No 8X abandonment is not approved there is the ability to continue to store boxcars on the latter and cover expenses

(iii) It is unclear exactly what track is included in the Petition for Exemption The Line is described in the SJVR filing as a portion of the South Exeter Branch, extending from Milepost 259 40 to Milepost 268 60 The Exeter Subdivision, as described in SJVR's Timetable No 9 dated January 1, 2007, includes rail that was part of a connected parallel line once operated by the Sante Fe Railroad and is now operated as a spur with overlapping mileposts A significant shipper of resins located on this spur, for example, is NDS (National Diversified Sales), an injection molding company situated at Milepost 263 2, putting it within the range of mileposts subject to abandonment under the Sub-No 8X filing (see Attachment 2 for map) NDS has, for this reason, assumed it may be part of the abandonment and supplied a letter (found in Attachment 1) explaining its rail use and the critical nature of rail to its business as well as its opposition to this abandonment SJVR's poor and ambivalent description of the abandonment leaves in doubt what track is included, what track is not and how all operating costs are calculated There is, therefore, wholly inadequate information to determine who is responsible for the spur and what costs are attributable to it versus the remainder of the Line Absent this information, it is impossible to accurately gauge operating costs for purposes of evaluating SJVR's economic feasibility and valuation data or to construct an Offer of Financial Assistance

(iv) Page 72 of the Petition states "the line is excepted track," implying the entire railroad As noted above, this contrasts with other information in the filing suggest the Line was all Class I It is, therefore, not clear if the entire railroad is excepted, a portion of it or none More data is required (e g track inspection data) to know

(v) Page 63 of the Chief Engineer's statement states the line has "17 crossings with signal systems " As noted above, this is different from page 19 which says "16 public road crossings" and page 68 which shows 10 "signal appliances " It would seem SJVR should, with only 9 2 miles of track involved, have been able to render an accurate accounting of its signals

The failure to do so makes it extraordinarily difficult to either evaluate its financial data or develop an OFA. It also raises serious questions about the quality of the work into other aspects of the filing. Regardless how many signals exist on the line, other shortline railroads have pursued authority to eliminating automatic warnings and going to stop and flag procedures to reduce costs. Neither this potential cost-saving nor others (i.e., see subsection viii below) were considered.

(vi) This line and another proposed abandonment (Docket AB 398, Sub-No 7X) are end to end. They are effectively one railroad from an operational perspective and a typical day of operation would involve one crew serving both segments for the entire line from Exeter to Strathmore to Jovista. However, SJVR claims a locomotive lease expense of \$114/day against both lines, indicating costs are arbitrarily inflated in some cases by the pretense that wholly new costs would be involved when, in fact, the additional costs are strictly marginal in nature.

(vii) The SJVR has wholly neglected the impact of a \$950 surcharge imposed on traffic south of Lindsay (see Attachment 3 and our separate Protest in the matter of the Sub-No 7X Petition). It was, effectively, a restoration of an earlier rescinded surcharge of similar amount. The reimposition of this prohibitively expensive service effectively ended interest in rail service below Lindsay shortly after adoption in April, 2006, the last car shipping in October of that year and allowing connecting track north of Strathmore to then be stacked with 200 stored boxcars. This on and off again, prohibitively expensive, railroad use depressing freight rate, combined with the uncertainty of continued service has prevented any commitment to rail or investment in rail sidings. More importantly with respect to the Sub-No 8X abandonment, this disincentive traffic would have helped to cover the overhead expense associated with both lines of railroad, reducing the marginal costs associated with operation of the Exeter to Strathmore section (Sub-No 8X) that is the subject of this Protest.

(viii) SJVR asserts, on page 71 of its Petition, that "Lindsay Foods ships one car at a time. Therefore, each carload requires two trips to Lindsay Foods." It further asserts, on page 72, "each carload requires one trip for a loaded car and another trip for an empty car. Switching at Lindsay Foods takes an hour." Leaving aside SJVR's mislabeling of the business (it is Tulare Frozen Foods and has been since January, 2008) and the excessive amount of time allocated for a switch that normally should take no more than 15 minutes, this is totally incorrect. Attachment 6

hereof includes photographs of six boxcars sitting on the Tulare Frozen Foods siding being loaded on March 19, 2008, standard practice for company and disproving of SJVR's baseless assertions. Indeed, SJVR demands Tulare Frozen Foods give it seven days lead time to supply boxcars, four cars having arrived on the evening of March 18, 2008. These cars were ordered for delivery on March 17, 2008, illustrating a problem with SJVR's service – it is unable or unwilling to deliver enough boxcars for Tulare Frozen Foods when needed. It appears empty boxcars for loading by Tulare Frozen Foods routinely get held up in nearby Goshen from difficulties in obtaining Union Pacific releases. SJVR has failed to adequately address this problem.

Notwithstanding these facts, SJVR could operate this Line at a lower cost even if were required to move one car at a time. The proper way to handle such a situation would be to use a smaller, less expensive and more fuel efficient switcher type locomotive, putting the engineer in the locomotive by himself and the conductor in a vehicle on nearby highways. They could deliver the car one direction, leave the locomotive there with the car until it is loaded/unloaded with both crew members driving the vehicle back to their on-duty point and vice-versa for the other direction. This replaces a "light locomotive" move (no cars, no revenue, wasted fuel) with a trip in the vehicle and only the small expense of highway mileage to pay. Moreover, the Air Pollution District (see above) is a potential source of funding for such a locomotive, as it would reduce air pollution even further.

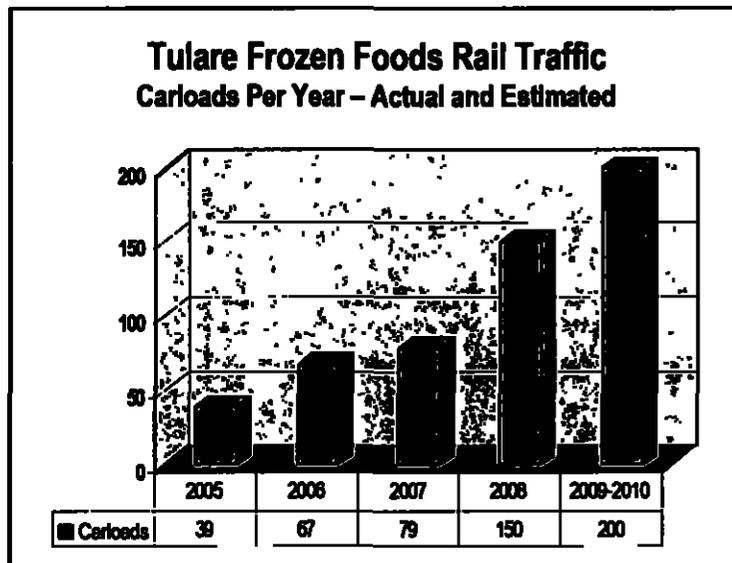
(ix) Page 63 of the SJVR filing refers to a track inspector inspecting the line weekly. This is not necessary. Under current FRA regulations (Part 213), if a line is listed in the operating timetable as "other than main track," (reasonable in this situation), there are no passenger trains and the line hauls less than 10 million gross tons a year, it only needs to be inspected monthly. The SJVR timetable (effective January 1, 2007) appears to identify much of the Exeter Subdivision as "auxiliary track" and none as main track. Therefore, these expenses could very likely be reduced by 75% (eliminating three of four monthly inspections), even with the "truck rental" and higher wages.

(x) Page 64 of the SJVR filing indicates the company employs a crew of three people to maintain this Line. Two individuals should be adequate for light track work and could, in this

instance, be the same two people as the train crew reducing costs This is typical of other shortline railroad operations

(xi) SJVR's filing fails to take any account of extremely positive rail traffic trends at Tulare Frozen Foods (repeatedly referred to as "Lindsay Foods" in the SJVR Petition for Exemption) This 36-acre facility was closed for a number of years, reopened as Lindsay Foods approximately 3 years ago and was acquired by Tulare Frozen Foods on January 9, 2008 SJVR states, at page 71 of the filing, the traffic forecast year is based on 2007 rail use, even though the company subsequently changed ownership and has embarked on a program of expansion since then, anticipating shipping of 150

boxcars in 2008 and as many as 200 in 2009-2010 (see separate Protest of Tulare Frozen Foods and City of Lindsay) Tulare Frozen Foods requires rail for delivery of 65-70% of its production shipments Its principal markets (Atlanta, Dallas and the East Coast) are uneconomical to reach by rail Moreover, the company only has



12 million pounds of warehouse capacity, which is equal to roughly one week's production Reliable rail service is required on a minimum of a twice-weekly basis to avoid warehouse congestion

Absent rail, Tulare Frozen Foods, cannot be competitive Given rail, the company will have roughly doubled production from where it started, to reach 85 million pounds of capacity this year (2008) It plans to further grow production by another 20 million pounds per year in 2009 and 2010 This will demand a 10 million pound warehouse that will not be built without rail The company plans to also consider making a portion of its warehouse capacity available to other rail using fruit and vegetable packers Unfortunately, SJVR has chosen to ignore all of this in its Petition for Exemption, even while its marketing department, apparently independent of the authors of the Petition, continues to solicit Tulare Frozen Foods business That this business has

been able to grow this much from nothing, in three short years, is an indication of future potential for rail business on not only this Line, but also the connecting Sub-No 7X line

(xii) The City of Lindsay and Tulare Frozen Foods have, in their separate protest of the SJVR Petition for Exemption, raised the issue of whether Union Pacific Railroad Company (“UP”) would have common carrier obligations if the SJVR Petition were to be approved. Given the presence of Tulare Frozen Foods on this Line as an active shipper, this raises a serious question regarding UP’s obligations in the event of an SJVR abandonment. It would seem UP should participate in this abandonment, as no one can be expected to know how to respond if their position and obligations are unknown. Tulare County has, for example, indicated its intent to file an Offer of Financial Assistance in the event of an abandonment and desire for a trail condition in the event this is unsuccessful, but how will this be addressed without knowing the status of the right-of-way? SJVR has barely acknowledged a lease with UP and has provided no details on terms or obligations that may devolve to SJVR in the event of an abandonment, except to say on page 3, “UP will be responsible for the disposition of the underlying real estate.” There is simply not enough information for any responsible party to know the current legal status of the operation, determine the UP’s willingness to lease to another operator, submit an OFA or even know the proper procedure for applying for a trail condition under these circumstances, where the party owning the real estate is not party to the abandonment.

(xiii) SJVR asserts, on page 9 of its Petition, “the Line runs parallel to California Highway 65 for its entire length, so motor carriage is an available alternative. The limited traffic on the Line has readily available alternates to rail transportation.” SJVR never considers that most of Tulare Frozen shipments aren’t headed to points north and south on California Route 65 but, rather, go to major East Coast markets. Indeed, SJVR never addresses the logistical or economic feasibility of its alternative. Because most of Tulare Frozen Foods’ rail shipments are destined for East Coast locations, rail transportation is, both logistically and economically, the most feasible option. It is SJVR’s obligation to establish its alternative to rail is not only available but also logistically and economically feasible. Not only has SJVR failed to do so, it has not even attempted to address the subject of feasibility. It never discusses options other than trucking (e.g., trailer on flat car), never assesses costs or practicality for reaching East Coast markets and never proves motor carriage will meet Tulare Frozen Foods needs.

(xiv) Page 11 of the SJVR Petition states "the abandonment by SJVR will not result in a loss of rail service" and "the public will not be deprived of any needed rail services " These statements appear to be carried over from the Sub-No 7X or some other filing where there is no current rail traffic Moreover, these statements are clearly contrasted by the foregoing statements of fact as well as those contained in the City of Lindsay and Tulare Frozen Foods' own protest SJVR also acknowledges, on page 13, the opposition of the City of Lindsay, knowing that controversial abandonments typically require a full application This lack of attention to detail and blithe dismissal of the valid concerns of the County, City and Tulare Frozen Foods, a rapidly growing rail user and major employer in a county with extraordinarily high unemployment, suggest, contrary to SJVR's assertion on page 9 of its Petition, that a balancing of harm to SJVR and the interstate commerce against harm to SJVR favors not abandonment but, rather, preservation of the Line SJVR's harm is minimal compared to that which would be experienced by the former

(xv) The abandonment is not consistent with City of Lindsay land use plans, as noted in the above discussion of zoned industrial land SJVR says on page 20 that Lindsay had not responded to its requests to investigate this, but elsewhere admits it knows Lindsay will oppose abandonment, even including the City's resolution of opposition to the proposed abandonment Abandonment is likewise inconsistent with the *Tulare County Regional Transportation Plan*, which includes a policy to "support continued improvement of freight rail service and freight transfer points within Tulare County" The *Tulare County General Plan* (Page 2-1 of Part II) provides "the County may approve highway oriented commercial, industrial, and mixed-use development if the development is within one-quarter mile of the right of way of a rail-stop," illustrating the importance of rail service to its land use plans and the negative impacts of rail abandonment An excerpt from this document depicting the Urban Development Boundary (UDB) for the City of Lindsay may be found in Attachment 4 It clearly shows the relationship of the Line to the City growth plans It also depicts the aforementioned parallel line of railroad, which is never mentioned in SJVR's filing, suggesting SJVR may have plans to abandon it as well, a point that has been reinforced by several SJVR comments to shippers Finally, rail abandonment is not consistent with the *State Goods Movement Action Plan*, which establishes, as an immediate action, a task to "utilize more rail for long haul "

(xvi) Page 20 of the SJVR filing states, without evidence, that no prime agricultural land will be affected, ignoring the huge agricultural industry in this County, superb soils and the plethora of packing plants along the line who are elsewhere being induced by other railroads to ship by rail (e g , a Railflex facility is planned for the Union Pacific line), not to mention TFF, which is itself an agriculture business Tulare County is ranked 1st out of 3,078 U S counties in the value of production from livestock and poultry, 4th in the value of crops and 2nd in combined value, based on the 2002 Census of Agriculture (see Attachment 7) Virtually no county in the U S has more agriculture than Tulare County and it is rail dependent for inbound shipments of grain and outbound shipments of produce The ability of the County to sustain this \$2,338,577,000 industry is a function of the degree to which it can maintain this agriculture supporting infrastructure Absent rail facilities to transport agricultural products in and out of the County, this prime agricultural land will most definitely be threatened

(xvii) SJVR's Petition for Exemption appears to be motivated by a desire to consolidate operations, removing dispatching that now takes place in Exeter to a Rail America location in the State of Vermont, some 2,500 miles away While this is technically feasible, it means an *inevitable decline in service as dispatchers wholly unfamiliar with local circumstances and customer needs are forced to try to understand them from afar* Moreover, such arrangements demand use of cellular phones to communicate, which phones are unable to ensure the constant contact that a local radio system offers These issues have raised concerns on the part of other shippers on SJVR lines north and south of the Line in question that this proposed abandonment will only facilitate other future abandonments and a deterioration in service to their facilities See letters in Attachment 1 from San Joaquin Refining Company and others for evidence of these concerns

(xviii) Tulare County strongly objects to SJVR's request for an opportunity to rebut its Protest As the protest of the City of Lindsay and Tulare Frozen Foods indicates, this would not only be contrary to previous STB decisions but also give SJVR unfair advantage Moreover, such an opportunity would reward SJVR for preparing an incomplete and inaccurate Petition for Exemption by potentially allowing it to avoid a full application for abandonment There are numerous serious matters at issue in the SJVR Petition, issues to which the company has given far too little attention at the expense of Tulare County It should not be rewarded

CONCLUSION

For the foregoing reasons, Tulare County respectfully requests the Board deny SJVR's Petition for Exemption to abandon the Line. It has supplied incomplete and inaccurate information and failed to consider the economic and environmental impacts of this proposed abandonment on Tulare County, which suffers from some of the worst air quality, highest unemployment and greatest poverty in the State of California.

Dated April 3, 2008

Respectfully submitted for,

Tulare County Economic Development Corporation
4500 S Laspina Street
Tulare, CA 93274

AND

Tulare County Association of Governments
5961 S Mooney Boulevard
Visalia, CA 93277



Paul Saldana,
President and Chief Executive Officer
Tulare County Economic Development Corporation

ATTACHMENTS

- 1 – Letters from potential rail users and other affected parties**
- 2 – SJVR system map showing parallel line and area proposed for trail use**
- 3 – SJVR surcharge tariff**
- 4 – Maps of City of Lindsay**
- 5 – Photographs of stored boxcars blocking line**
- 6 – Photographs of six boxcars being loaded on Tulare Frozen Foods siding**
- 7 – Census of Agriculture data**

ATTACHMENT 1



21820 Burbank Blvd , Suite 200 Woodland Hills, CA 91367
818 610 0200 phone 818 593 4872 fax www ndspro com

April 3, 2008

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

RE Docket No AB-398 (Sub-No 8X), *San Joaquin Valley Railroad Company – Abandonment Exemption in Tulare County, CA (Between Exeter and Strathmore)*

Dear Acting Secretary Quinlan,

National Diversified Sales (NDS) is located at 851 North Harvard Ave, Lindsay, California Our company is an injection molding operation and provider of plastic products (see [www ndspro com](http://www.ndspro.com) for more information) We are a rail dependent facility, requiring this service to economically import the resins used in our manufacturing processes We use 5-10 carloads per month of material during peak production periods Resins are bulky materials that can only be shipped economically by rail If rail service is eliminated at our present site we would more than likely be forced to relocate to a site having more secure, long term rail service

Our manufacturing facility is located at Milepost 263 2 according to the San Joaquin Valley Railroad's timetable, putting it within the range of mileposts subject to abandonment under the San Joaquin Valley Railroad's Sub-No 8X Petition for Exemption (described as the "South Exeter Branch extending between Milepost 259 40, near Exeter, and Milepost 268 60, near Strathmore") NDS has, for this reason, assumed it may be part of the abandonment proceeding, although it is not clear from the description provided whether it is or isn't The uncertainty created by the Railroad's poor description of what it proposes to abandon is a major concern for our company

We are also very concerned with the long-term future of rail service provided by the San Joaquin Valley Railroad The company has openly discussed with several shippers and their representatives its desires to abandon still other sections of rail, raising serious doubt in our minds as to the company's commitment to continued rail service. The proposed abandonment of the South Exeter Branch is already leading to proposed consolidations of dispatching and marketing functions in remote locations (as far as away as Vermont in the former case) This will inevitably lead to a decline in the personal service on which we depend

Given the above, we strongly object to this Petition for Exemption. It simply doesn't provide enough information for us to fully understand the impacts on our business. Moreover, we fear the actions being taken will inexorably lead toward loss of all rail service to the area if approved by the Board. We urge you to deny this Petition.

Sincerely,

Gregory Crosson
Lindsay Plant Manager
851 N Harvard Ave
Lindsay, CA 93247
559 562 7474



Since 1985
Manufacturer of
Cellular
Concentrates

March 28, 2008

Mailing Address
PO Box 185
Strathmore, CA
93287

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. Street, SW, Suite 1149
Washington, D C 20024

Location
19994 Meredith Dr
Strathmore, CA
93287

RE: Docket No. AB-398 (Sub-No. ~~8~~X) San Joaquin Valley Railroad Company –
Abandonment Exemption – Tulare County, CA

Telephone
(559) 568-0190

Dear Acting Secretary Quinlan:

Facsimile
(559) 568-0271

Our company is located along the above referenced rail line. We object to the abandonment as proposed. Our company is interested in using rail service, however the surcharge and non-interest of San Joaquin Valley Railroad in improving the line has made it cost prohibitive. To keep our businesses profitable and growing in this area we need to have the same opportunities as industries in the larger cities. By cutting this area off and making it more remote, would definitely decline the amount of industry growth.

Email
email@cellucon.com

If you have any questions regarding our use or potential use of rail, please contact us at (559) 568-0190

Sincerely,

A handwritten signature in black ink that reads "Duane Hilty". The signature is written in a cursive, slightly slanted style.

Duane Hilty
President

Web Site
www.cellucon.com



Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW, Suite 1149
Washington, DC 20024

RE Docket No AB-398 (Sub-No 8X) San Joaquin Valley Railroad Company – Abandonment Exemption –
Tulare County, CA (between Exeter & Strathmore)

Dear Acting Secretary Quinlan

Our company is located along the above referenced rail line, located within the city of Lindsay. We object to the abandonment as proposed since this would affect our current business and the local industry. Our company is interested in continuing using the rail service, however the surcharge and non-interest of San Joaquin Valley Railroad in improving the line is making this cost prohibitive.

The future of rail in our minds is bright, consider the following:

- Trains are more fuel efficient per mile than any other mode of transportation
- Trains are cost effective because of the synergisms of fuel efficiency, current demand for fuel, environmental demands, cost per mile for construction, impact of road construction, its overall footprint in the environment and the general usage, and further development of high speed and intermodal services
- This connectivity of services such as high speed and intermodal offers many ways to reduce congestion, emissions, cost of operations and flexibility of services for now and into the future
- With the advent of fuel shortages, truck or worker stoppages, disasters requiring maximum lift and material and manpower movement rail is a step ahead
- Quality of life maintenance and improvement through traffic congestion reduction, less driver fatigue, smaller environmental footprint over highways, lower emissions and ease of controls, reduced motor vehicle usage (oil, smoke, tire emission and waste, and etc.) and so on

Considering this and the other items mentioned we firmly disagree with any abandonment ideas, once we lose the facilities and service as some have put it "it will never return." What are we leaving for our future generations?

If you have any questions regarding our use or potential use of rail, please contact me.

Sincerely yours,

Paul Gottschall
Technical Director
Vita-Pakt Citrus Products
Lindsay, California 93247
(559)562-6008
(559)562-1014 FAX



March 31, 2008

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. Street, SW, Suite 1149
Washington, DC 20024

RE: Docket No AB-398 (Sub-No 8X) San Joaquin Valley Railroad Company
Abandonment Exemption – Tulare County, CA (between Exeter & Strathmore)

Dear Acting Secretary Quinlan;

Our company is located in the Tulare County area that is serviced by the above referenced rail line. We object to the abandonment as proposed. Our company and suppliers have used the rail service however the surcharge and non-interest of San Joaquin Valley Railroad in improving the line has made it cost prohibitive. Last year alone we our suppliers use over 125 railcars to deliver raw materials to us. Our suppliers have switched to container shipments due to the surcharge.

If you have any questions regarding our use or potential use of rail, please contact us at 559-594-6123.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Byrne', with a long horizontal line extending to the right.

Ed Byrne
General Manager



SAN JOAQUIN REFINING Co., INC.

3129 Standard Street • PO Box 5576 • Bakersfield, CA 93388 • Phone 661 / 327-4257 • Fax 661 / 327-3236 • www.sjr.com

April 1, 2008

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW, Suite 1149
Washington, DC 20024

RE Docket No AB-398 (Sub-No 8X) San Joaquin Valley Railroad Company –
Abandonment Exemption – Tulare County, CA (between Exeter & Strathmore)

Dear Acting Secretary Quinlan

San Joaquin Refining Co , Inc is located in Bakersfield, CA (County of Kern) As a representative of San Joaquin Refining Co , Inc and in support of the objection to the abandonment as proposed, my concerns go beyond just the abandonment issues The San Joaquin Valley Railroad has serviced San Joaquin Refining Co , Inc since 1992. The BNSF and the UP were in agreement with the Kyle Railroad to bring in a shortline to service portions of Bakersfield At that time, San Joaquin Refining Co , Inc was opposed and did not believe in having a shortline railroad service customers which should have improved service, instead service interruptions would become a severe factor But we moved forward and accepted the fact we would work with the shortline railroad

Since that time we have experienced continual disruptions The Kyle Railroad selling to Rail America and now Rail America selling to Fortress In 2005, a southern coalition was formed to help protect our interest in continuing to do business with the railroads The southern California customers experienced a melt down causing a great loss in revenue due to the damages and changes that were transpiring internally with the San Joaquin Valley Railroad including the Class 1 railroads BNSF and UP We were fortunate to come to an agreement with all three (3) railroads to resolve the issues and since then Kern County Customers have expanded their businesses San Joaquin Refining Co , Inc expanded their refining production making it 40 percent of all production dependent on rail service

We are now being faced again with changes that are currently causing service problems and could create another melt down within the year adversely affecting the entire San Joaquin Valley The abandonment's, reduction in crews, outsourcing and relocating dispatch to Vermont, and including outsourcing and relocating customer service to Oregon, are just a few examples of what we are being faced with

Our main concern is with having all of these changes in service, by the San Joaquin Valley Railroad, the entire San Joaquin Valley will be forced to reduce their production, slow down the growth in all eight (8) counties and put more trucks on the road leaving us at a tremendous disadvantage. We are concerned. These changes will hurt the growth of the valley, with the possibility of putting rail served customers out of business.

Sincerely,

SAN JOAQUIN REFINING CO , INC

A handwritten signature in black ink that reads "Vickie Wood". The signature is written in a cursive, flowing style.

**Vickie Wood
Manager of Rail Transportation**

/vw



2035 Tulare Street, Suite 201
Fresno, California 93721

Telephone (559) 233-4148 ♦ FAX: (559) 233-9645
Website Address: www.fresnocog.org

April 3, 2008

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street, SW, Suite 1149
Washington, DC 20024

RE: Docket No. AB-398 (Sub-No. 8X) San Joaquin Valley Railroad Company –
Abandonment Exemption – Tulare County, CA (between Exeter and Strathmore)

Dear Acting Secretary Quinlan:

The Council of Fresno County Governments (Fresno COG) Rail Committee is comprised of elected officials, appointed officials, and interested citizens. At its meeting on Friday, March 28, 2008, the Rail Committee acted to support Tulare County's opposition to the abandonment by the San Joaquin Valley Railroad of the railroad feeder line between Exeter and Strathmore in Tulare County.

Tulare County and the Fresno COG Rail Committee are concerned that the proposed abandonment will negatively impact the economic development prospects of communities served by the branchline and the region's air quality, would sever a vital link in transporting goods from farm to market, and would preclude any future potential use of the rail line for passenger rail service. The Rail Committee is also concerned about the precedent-setting nature of this abandonment for future abandonments along the branchline extending to and into Fresno County, with similar economic and environmental repercussions.

This action of the Fresno COG Rail Committee will be referred to the Fresno COG Board later this month for its review and potential further action. If you have any questions, please feel free to contact either myself at (559) 906-0017 or by email at tom@movethetracks.org or Fresno COG staffperson Clark Thompson at (559) 233-4148 or by email at clarkt@fresnocog.org. Thank you for your consideration.

Sincerely,

Thomas Bailey, Chairman
Fresno COG Rail Committee

Cc: Paul Saldana, President and CEO
Tulare County Economic Development Corporation
Ted Smalley, Executive Director
Tulare County Association of Governments

Member Agencies: The cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma & Fresno County

**BEFORE THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
COUNTY OF TULARE, STATE OF CALIFORNIA**

In the matter of

OPPOSING ABANDONMENT)	
OF A RAILROAD FEEDER LINE)	
BETWEEN EXETER AND THE)	Resolution No. 08-020
KERN COUNTY LINE BY THE)	
SAN JOAQUIN VALLEY RAILROAD)	

WHEREAS, the San Joaquin Valley Railroad, a subsidiary of RailAmerica, Inc., provides freight rail service between Exeter and the Kern County line (Jovista) on the Exeter Branch feeder line in southern Tulare County, and

WHEREAS, on February 19, 2008, the San Joaquin Valley Railroad submitted an application (Surface Board of Transportation Docket No AB-398 (Sub-No 7X)) to abandon a 30 57 mile rail line between Strathmore, milepost 268 60 and Jovista, milepost 299 17, and

WHEREAS, on February 28, 2008, the San Joaquin Valley Railroad submitted an application (Surface Board of Transportation Docket No AB-398 (Sub-No 8X)) to abandon a 9 20 mile rail line between Exeter, milepost 259 40 and Strathmore, milepost 268 60, and

WHEREAS, Tulare Frozen Foods, successor in interest to Lindsay Foods International, has successively increased its use of the northern portion of the feeder line located at milepost 264 1 from 39 carloads in 2005 to 67 carloads in 2006 to 79 carloads in 2007 and plans to ultimately ship 150 carloads per year, and

WHEREAS, while the feeder line south of milepost 264.1 was not used in 2007, the abandonment of the line would preclude future use by historical users which include Tri K Truss, Sierra Forest Products and Britz Fertilizer, and

WHEREAS, the abandonment of the Exeter Branch feeder line would leave the Cities of Lindsay and Porterville and the communities of Strathmore, Terra Bella, Ducor, Richgrove and others in southern Tulare County (comprising a population of over 80,000 people) without any rail service, and

WHEREAS, the absence of rail service will adversely affect current industry and air quality, requiring shipment by truck and will make the southern Tulare County region less attractive for the development of future industry, and

WHEREAS, the abandonment of the Exeter Branch feeder line would preclude any future potential uses of the rail line such as commuter rail service, and

WHEREAS, the TCAG Board is opposed to the loss of any freight rail service in Tulare County on the grounds that such rail service is a vital link in transporting goods from farm to market

NOW, THEREFORE, BE IT RESOLVED THAT

- 1) The Board hereby opposes the abandonment and abandonment exemptions of the entire 39 77 mile Exeter Branch feeder line between Exeter, milepost 259.40 and Joveista, milepost 299 17 by the San Joaquin Valley Railroad

The foregoing Resolution was adopted upon the motion of Member McKinley, seconded by Member Martinez, at a regular meeting on the 17th day of March, 2008, by the following vote

AYES Ishida, Conway, Cox, Worthley, Ennis, McKittreck, Allwardt, Santana, Kimball, Martinez, Ortega, Link, Ritchie, McKinley, Jaramillo

NOES

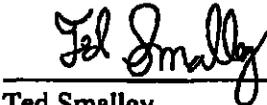
ABSTAIN. Zimmerman

ABSENT

TULARE COUNTY ASSOCIATION OF GOVERNMENTS



Allen Ishida
Chair, TCAG



Ted Smalley
Executive Director, TCAG



County of Tulare

BOARD OF SUPERVISORS

April 2, 2008

Allen R. Ishida
District One

Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW, Suite 1149
Washington, D C 20423

Connie Conway
District Two

Regarding: Docket AB 398 (Sub-No. 7x)
Docket AB 398 (Sub-No. 8x)

Phillip A. Cox
District Three

Dear Ms Quinlan

J Steven Worthley
District Four

The Tulare County Board of Supervisors joins the Protest filed by the Tulare County Economic Development Corporation against the rail abandonment applications filed by the San Joaquin Valley Railroad Company (SJVR) referenced above

Mike Ennis
District Five

Tulare Frozen Foods, successor in interest to Lindsay Foods International, has increased its use of the northern portion of the feeder line located at milepost 264 1 from 39 carloads in 2005 to 79 carloads in 2007 and plans to ultimately ship 150 carloads per year They are located on the line that is the subject of Docket AB 398 (Sub-No. 8x)

*

BOARD STAFF

Jeff Forbes

A number of companies, such as Tri K Truss, Sierra Forest Products and Britz Fertilizer have been impacted by the excessive surcharge levied by SJVR in 2006 As the evidence demonstrates, these and other companies are interested in using rail service if the surcharge was removed from the section of line that is subject to Docket AB 398 (Sub-No 7x)

Jed Chernabaeff

*

CLERK OF THE BOARD

Michelle Baldwin
Chief Clerk

The proposed abandonment of the Exeter Branch feeder line would leave the Cities of Lindsay and Porterville and the unincorporated communities of Strathmore, Terra Bella, Ducor, Richgrove and others in southern Tulare County (comprising a population of over 80,000 people) without any rail service The absence of rail service will adversely affect current industry and air quality, requiring shipment by truck and will make the southern Tulare County region less attractive for the development of future industry

*

Administration Bldg
2800 West Burrel
Visalia, CA 93291

TEL (559) 733-6271
FAX (559) 733-6898

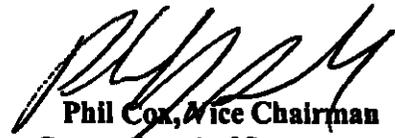
The abandonment of the Exeter Branch feeder line would preclude any future potential uses of the rail line such as commuter rail service. The Board of Supervisors is opposed to the loss of any freight rail service in Tulare County on the grounds that such rail service is a vital link in transporting goods from farm to market.

Thank you for your attention on this matter. We respectfully ask that the Surface Transportation Board deny the request by the San Joaquin Valley Railroad Company.

Sincerely,



Connie Conway, Chairman
Tulare County Board of Supervisors



Phil Cox, Vice Chairman
Tulare County Board of Supervisors



Allen Ishida, District One
Tulare County Board of Supervisors



J. Steven Worthley, District Four
Tulare County Board of Supervisors



Mike Ennis, District Five
Tulare County Board of Supervisors

cc Tulare County Economic Development Corporation
San Joaquin Valley Railroad
Rail America, Inc



ATTACHMENT 6

RESOLUTION NO. 31 -2008



**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OPPOSING ABANDONMENT OF A RAILROAD FEEDER LINE BETWEEN EXETER
AND THE KERN COUNTY LINE BY THE SAN JOAQUIN VALLEY RAILROAD**

WHEREAS, the San Joaquin Valley Railroad, a subsidiary of RailAmerica, Inc , provides freight rail service between Exeter and Kern County line (Jovista) on the Exeter Branch feeder line in southern Tulare County; and

WHEREAS, on February 19, 2008, the San Joaquin Valley Railroad submitted an application (Surface Board of Transportation Docket No. AB-398 (Sub-No 7X) to abandon a 30 57 mile rail line between Strathmore, milepost 268.60 and Jovista, milepost 299 17, and

WHEREAS, on February 28, 2008, the San Joaquin Valley Railroad submitted an application (Surface Board of Transportation Docket No AB398 (Sub-No. 8X) to abandon a 9 20 mile rail line between Exeter, milepost 259 40 and Strathmore, milepost 268 60, and

WHEREAS, Tulare Frozen Foods, successor in interest to Lindsay Foods International, has successively increased its use of the northern portion of the feeder line located at milepost 264 1 from 39 carloads in 2005 to 67 carloads in 2006 to 79 carloads in 2007 and plans to ultimately ship 150 carloads per year, and

WHEREAS, while the feeder line south of milepost 264 1 was not used in 2007, the abandonment of the line would preclude future use by historical users which include Tri K Truss, Sierra Forest Products and Britz Fertilizer, and

WHEREAS, the abandonment of the Exeter Branch feeder line would leave the Cities of Lindsay and Porterville and the communities of Strathmore, Terra Bella, Ducor, Richgrove and others in southern Tulare County (comprising a population of over 80,000 people) without any rail service, and

WHEREAS, the absence of rail service will adversely affect current industry and air quality, requiring shipment by truck and will make the southern Tulare County region less attractive for the development of future industry; and

WHEREAS, the abandonment of the Exeter Branch feeder line would preclude any future potential uses of the rail line such as commuter rail service, and

WHEREAS, the City of Porterville is opposed to the loss of any freight rail service in Tulare County on the grounds that such rail service is a vital link in transporting goods from farm to market

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby opposes the abandonment and abandonment exemptions of the entire 39.77 mile Exeter Branch feeder line between Exeter, milepost 259.40 and Jovista, milepost 299.17 by the San Joaquin Valley Railroad

APPROVED AND ADOPTED this 1st day of April, 2008


Cameron Hamilton, Mayor

ATTEST

John Longley, City Clerk


by Luisa Herrera, Deputy City Clerk

STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 1st day of April, 2008

THAT said resolution was duly passed adopted by the following vote

Council	McCRACKEN	P MARTINEZ	F MARTINEZ	HERNANDEZ	HAMILTON
AYES	X	X	X	X	X
NOES					
ABSTAIN					
ABSENT					

JOHN LONGLEY, CITY CLERK

By *Luisa Herrera*
Luisa Herrera, Deputy City Clerk

RESOLUTION 08-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TULARE
OPPOSING ABANDONMENT OF A RAILROAD FEEDER LINE
BETWEEN EXETER AND THE KERN COUNTY LINE BY THE SAN
JOAQUIN VALLEY RAILROAD**

WHEREAS, the San Joaquin Valley Railroad, a subsidiary of RailAmerica, Inc , provides freight rail service between Exeter and the Kern County line (Jovista) on the Exeter Branch feeder line in southern Tulare County; and

WHEREAS, on February 19, 2008, the San Joaquin Valley Railroad submitted an application (Surface Board of Transportation Docket No. AB-398 (Sub-No. 7X)) to abandon a 30.57 mile rail line between Strathmore, milepost 268.60 and Jovista, milepost 299.17; and

WHEREAS, on February 28, 2008, the San Joaquin Valley Railroad submitted an application (Surface Board of Transportation Docket No. AB-398 (Sub-No. 8X)) to abandon a 9.20 mile rail line between Exeter, milepost 259.40 and Strathmore, milepost 268 60; and

WHEREAS, Tulare Frozen Foods, successor in interest to Lindsay Foods International, has successively increased its use of the northern portion of the feeder line located at milepost 264.1 from 39 carloads in 2005 to 67 carloads in 2006 to 79 carloads in 2007 and plans to ultimately ship 150 carloads per year; and

WHEREAS, while the feeder line south of milepost 264.1 was not used in 2007, the abandonment of the line would preclude future use by historical users which include Tr K Truss, Sierra Forest Products and Britz Fertilizer, and

WHEREAS, the abandonment of the Exeter Branch feeder line would leave the Cities of Lindsay and Porterville and the communities of Strathmore, Terra Bella, Ducor, Richgrove and others in southern Tulare County (comprising a population of over 80,000 people) without any rail service; and

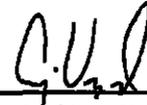
WHEREAS, the absence of rail service will adversely affect current industry and air quality, requiring shipment by truck and will make the southern Tulare County region less attractive for the development of future industry, and

WHEREAS, the abandonment of the Exeter Branch feeder line would preclude any future potential uses of the rail line such as commuter rail service, and

WHEREAS, the City of Tulare is opposed to the loss of any freight rail service in Tulare County on the grounds that such rail service is a vital link in transporting goods from farm to market

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Tulare hereby opposes the abandonment and abandonment exemptions of the entire 39.77 mile Exeter Branch feeder line between Exeter, milepost 259.40 and Joveista, milepost 299.17 by the San Joaquin Valley Railroad.

PASSED, APPROVED, AND ADOPTED this 18th day of March, 2008.



President of the Council and Ex-Officio
Mayor of the City of Tulare

ATTEST

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

I, Darrell L. Pyle, City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 08- 12 passed and adopted by the Council of the City of Tulare at a regular meeting held on March 18, 2008, by the following vote:

Aye(s) Richard Ortega; David Macedo; Phil Vandegrift; Craig Vejvoda
Noe(s) N/A Abstention(s) Carlton Jones (Absent)

Dated 3/19/08

DARRELL PYLE, CITY CLERK


By Roxanne Yoder, Chief Deputy



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 corridor 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
By Donja Huffman, Chief Deputy

**CITY OF WOODLAKE
COUNTY OF TULARE, STATE OF CALIFORNIA**

In the matter of

**OPPOSING ABANDONMENT)
OF A RAILROAD FEEDER LINE)
BETWEEN EXETER AND THE)
KERN COUNTY LINE BY THE)
SAN JOAQUIN VALLEY RAILROAD)**

Resolution No [08-09]

WHEREAS, the San Joaquin Valley Railroad, a subsidiary of RailAmerica, Inc , provides freight rail service between Exeter and the Kern County line (Jovista) on the Exeter Branch feeder line in southern Tulare County, and

WHEREAS, on February 19, 2008, the San Joaquin Valley Railroad submitted an application (Surface Board of Transportation Docket No AB-398 (Sub-No 7X)) to abandon a 30 57 mile rail line between Strathmore, milepost 268.60 and Jovista, milepost 299 17, and

WHEREAS, on February 28, 2008, the San Joaquin Valley Railroad submitted an application (Surface Board of Transportation Docket No AB-398 (Sub-No 8X)) to abandon a 9 20 mile rail line between Exeter, milepost 259 40 and Strathmore, milepost 268 60, and

WHEREAS, Tulare Frozen Foods, successor in interest to Lindsay Foods International, has successively increased its use of the northern portion of the feeder line located at milepost 264 1 from 39 carloads in 2005 to 67 carloads in 2006 to 79 carloads in 2007 and plans to ultimately ship 150 carloads per year, and

WHEREAS, while the feeder line south of milepost 264 1 was not used in 2007, the abandonment of the line would preclude future use by historical users which include Tri K Truss, Sierra Forest Products and Britz Fertilizer, and

WHEREAS, the abandonment of the Exeter Branch feeder line would leave the Cities of Lindsay and Porterville and the communities of Strathmore, Terra Bella, Ducor, Richgrove and others in southern Tulare County (comprising a population of over 80,000 people) without any rail service, and

WHEREAS, the absence of rail service will adversely affect current industry and air quality, requiring shipment by truck and will make the southern Tulare County region less attractive for the development of future industry; and

WHEREAS, the abandonment of the Exeter Branch feeder line would preclude any future potential uses of the rail line such as commuter rail service, and

WHEREAS, the City of Woodlake is opposed to the loss of any freight rail service in Tulare County on the grounds that such rail service is a vital link in transporting goods from farm to market

NOW, THEREFORE, BE IT RESOLVED THAT

- 1) The City Council of the City of Woodlake hereby opposes the abandonment and abandonment exemptions of the entire 39.77 mile Exeter Branch feeder line between Exeter, milepost 259.40 and Joverista, milepost 299.17 by the San Joaquin Valley Railroad

The foregoing Resolution was adopted upon the motion of Council Member Ortiz, seconded by Council Member Ritchie, at a regular meeting on the 24th day of March, 2008, by the following vote

AYES Council Members Ortiz, Ray, Dela Rose, Ritchie

NOES

ABSTAIN

ABSENT Council Member Gonzalas

City of Woodlake

Shush Ray
Mayor

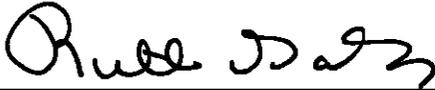
ATTEST

Rue Dery
City Clerk



**STATE OF CALIFORNIA
COUNTY OF TULARE
CITY OF WOODLAKE**

I, Ruth Gonzalez, City Clerk of the City of Woodlake, certify that the foregoing is the full and true copy of Resolution 08-09 passed by Councilmember's Ortiz, Ritchie, De La Rosa & Ritchie Absent Councilmember Gonzales and adopted by the Woodlake City Council at their regular meeting held on March 24, 2008



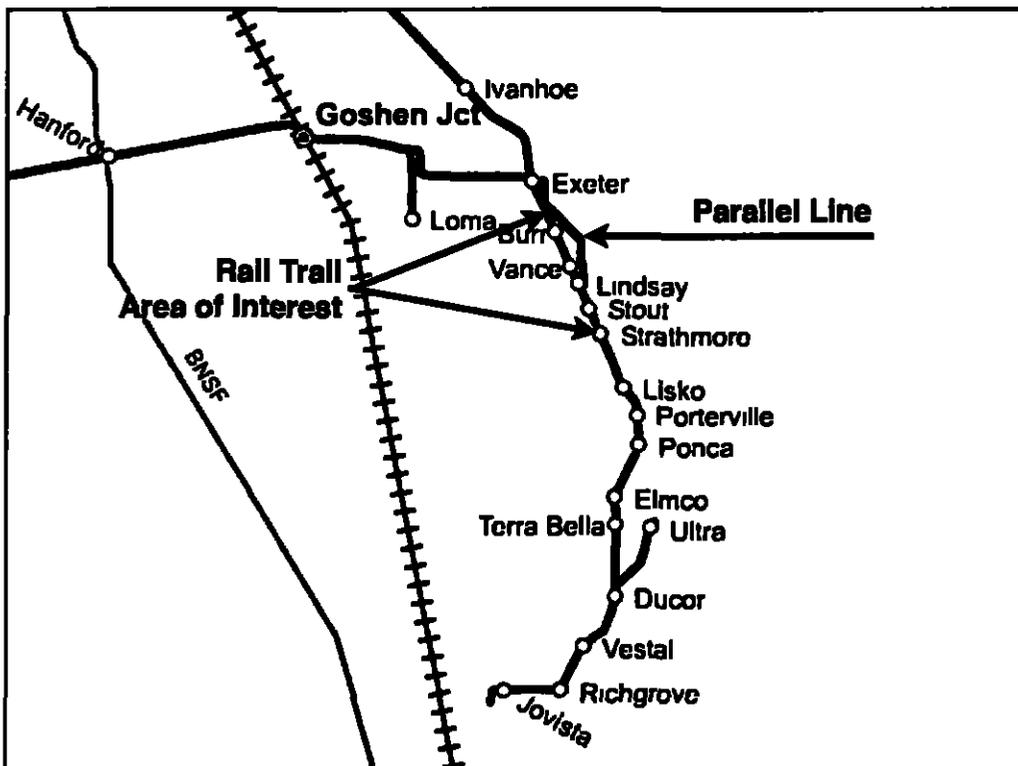
Ruth Gonzalez, City Clerk

March 27, 2008



ATTACHMENT 2

Railroad Map



ATTACHMENT 3

SAN JOAQUIN VALLEY RAILROAD CO.

A RailAmerica Company



Freight Tariff ICC SJVR 8000 - A

**NAMING
SWITCHING AND ACCESSORIAL CHARGES
AT LOCATIONS ON THE SAN JOAQUIN VALLEY RAILROAD CO.**

THIS TARIFF APPLIES ON INTERSTATE TRAFFIC AND INTRASTATE TRAFFIC IN THE STATE OF

CA

NOTICE

THE PROVISIONS HEREIN WILL, IF EFFECTIVE, NOT HAVE A NEGATIVE IMPACT ON THE QUALITY
OF THE HUMAN ENVIRONMENT OR ENERGY CONSUMPTION

FOR GOVERNING CLASSIFICATIONS, SEE ITEM 5

ISSUED NOVEMBER 1, 2005

EFFECTIVE NOVEMBER 1, 2005

ISSUED BY
SAN JOAQUIN VALLEY RAILROAD CO.
P O BOX 937
EXETER, CA 93221S

SECTION 2 – ACCESSORIAL CHARGES	
ITEM	APPLICATION
455	<p>NOT APPLICABLE ON <u>SJVR</u> - FAILURE TO DELIVER LOAD TO <u>SJVR</u></p> <p>When <u>SJVR</u> delivers a car for loading to a customer, and customer fails to return the loaded car to <u>SJVR</u>, but instead ships the loaded car via another railroad, the customer will pay a charge of <u>\$500.00</u> for each loaded car not delivered to <u>SJVR</u></p> <p>This charge shall not apply to cars ordered and not used as covered in item 460 of this tariff</p>
460	<p>EMPTY CARS ORDERED AND NOT USED</p> <p>If <u>SJVR</u> receives an order for empty cars, and such order is canceled by the ordering party after such empty car is dispatched in a <u>SJVR</u> train to a shipper, a charge of <u>\$150.00</u> per car will be assessed to the ordering party</p>
470	<p>LEASE OF RAILROAD TRACKS FOR STORAGE</p> <p>Tracks of <u>SJVR</u> may be leased to shippers, receivers or private car owners, subject to availability, pursuant to terms and conditions of special agreements. In absence of such agreements, the charge is <u>\$7.00</u> per YEAR per lineal track foot, subject to a minimum charge of <u>\$100.00</u>. Contact the appropriate Manager of Marketing & Sales regarding the creation of a track lease</p> <p>Request for lease of tracks for storage must be received in writing by <u>SJVR</u>, stating the amount of track or number of car spots requested and the estimated duration of the storage</p> <p>Cars placed in storage must be privately owned or free of car hire. Cars held on storage tracks will not be subject to demurrage</p> <p>Switching cars from the leased storage track to another track will be charged <u>\$123.00</u> per car for the additional switch</p>
475	<p>HANDLING EMPTY FREIGHT CARS FOR STORAGE</p> <p>This item applies on all types of rail cars destined for storage on <u>SJVR</u>, including, but not limited to, cars provided by railroads, leased cars and cars bearing other than railroad reporting marks, but not including passenger train cars</p> <p><u>SJVR</u>'s maximum liability for loss and damage is <u>\$100.00</u> per railcar (NO LIABILITY WILL BE ASSUMED FOR PAINTING, DEFACING OR VANDALISM)</p> <p style="text-align: center;">AND</p> <p>Flat rate on a last in first out basis is the same as inbound move, and for any other special switching requirement please contact the Manager of Marketing and Sales</p>

480 SURCHARGES

Surcharges published in this tariff will be additional to the line-haul transportation charge or charges on regulated traffic published in tariffs or other instruments whatsoever as well as deregulated traffic having application from or to stations on the San Joaquin Valley Railroad Co , as shown in item 485

485

The surcharge payments shown below are payable by the shipper or consignor on outbound shipments and receiver or consignee on inbound shipments at San Joaquin Valley Railroad Co stations on shipments originating or terminating at said stations These surcharge payments are to be collected by and accrue solely to the San Joaquin Valley Railroad Co The surcharges established in this item are not freight or other lawful charges within the meaning of section 7 of the uniform bills of lading and the execution of section 7 shall not in any way relieve the shipper/consignor nor receiver/consignee from liability for the payment of the surcharges set forth in this item When more than one surcharge applies each surcharge will be assessed

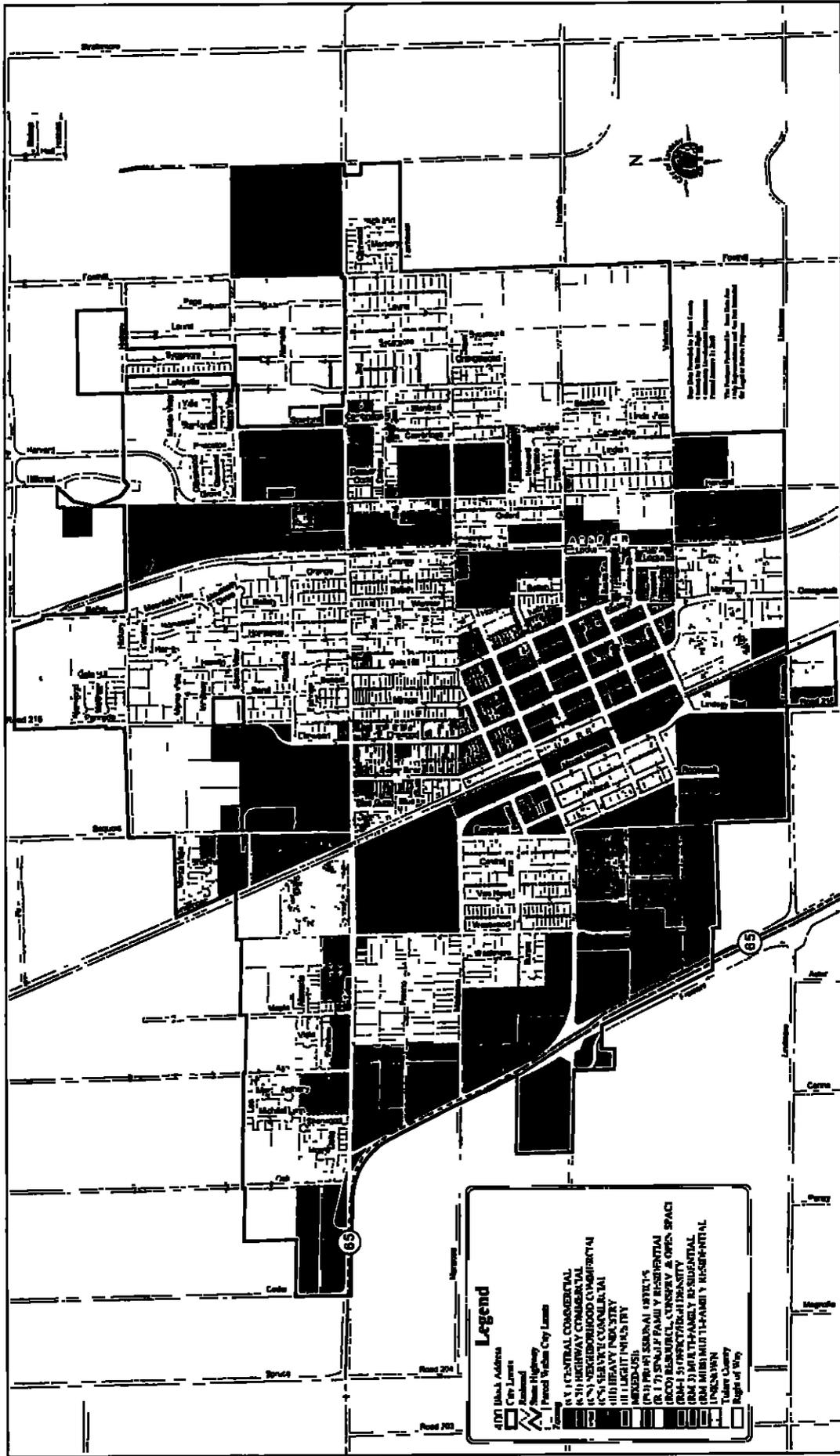
SURCHARGE IN DOLLARS AND CENTS PER CAR

<u>SJVR STATIONS</u>	<u>SURCHARGE</u>	<u>EFFECTIVE DATE</u>
SOUTH OF LINDSAY TO AND INCLUDING TERRA BELLA	\$950 00	ARIL 21, 2006
LAMONT	\$950 00	MAY 3, 2006
PATCH	\$950 00	MAY 3, 2006
RIBIER	\$950 00	MAY 3, 2006
DI GIORIO	\$950 00	MAY 3, 2006
ARVIN	\$950 00	MAY 3, 2006

490	<p>MOVEMENT OF LOCOMOTIVES</p> <p>Privately owned, leased or foreign line locomotives will be moved over the <u>SJVR</u> subject to a minimum charge of <u>\$200.00</u> for movement on own wheels, but not on own power <u>SJVR</u> will not absorb any switching charges applicable to shipments of locomotives</p> <p>All Privately owned, leased or foreign line locomotives are subject to a joint inspection at interchange by both <u>SJVR</u> mechanical personnel and connecting carrier mechanical personnel Any locomotives that fail inspection with be rejected at interchange</p> <p><u>SJVR</u>'s maximum liability for loss and damage is <u>\$100.00</u> per locomotive</p>
<p>EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS</p>	
AAR	Association of American Railroads
OPSL	Official List of Open and Prepay Stations, Station List Publishing Company, Agent
RER	The Official Railway Equipment Register, R E R Publishing Company, Agent
RPS	Railroad Publication Services, Agent
STB	Surface Transportation Board
STCC	Standard Transportation Commodity Code
UFC	Uniform Freight Classification, Uniform Freight Classification Committee, Agent
A	Increase
C	Changes resulting in neither an increase nor a decrease
R	Decrease

ATTACHMENT 4

Lindsay Zoning



NOTE Even Addresses on East and South Side of Street.
Odd Addresses on West and North Side of Street.

Scale: 0 1000 2000 3000 4000 5000 Feet

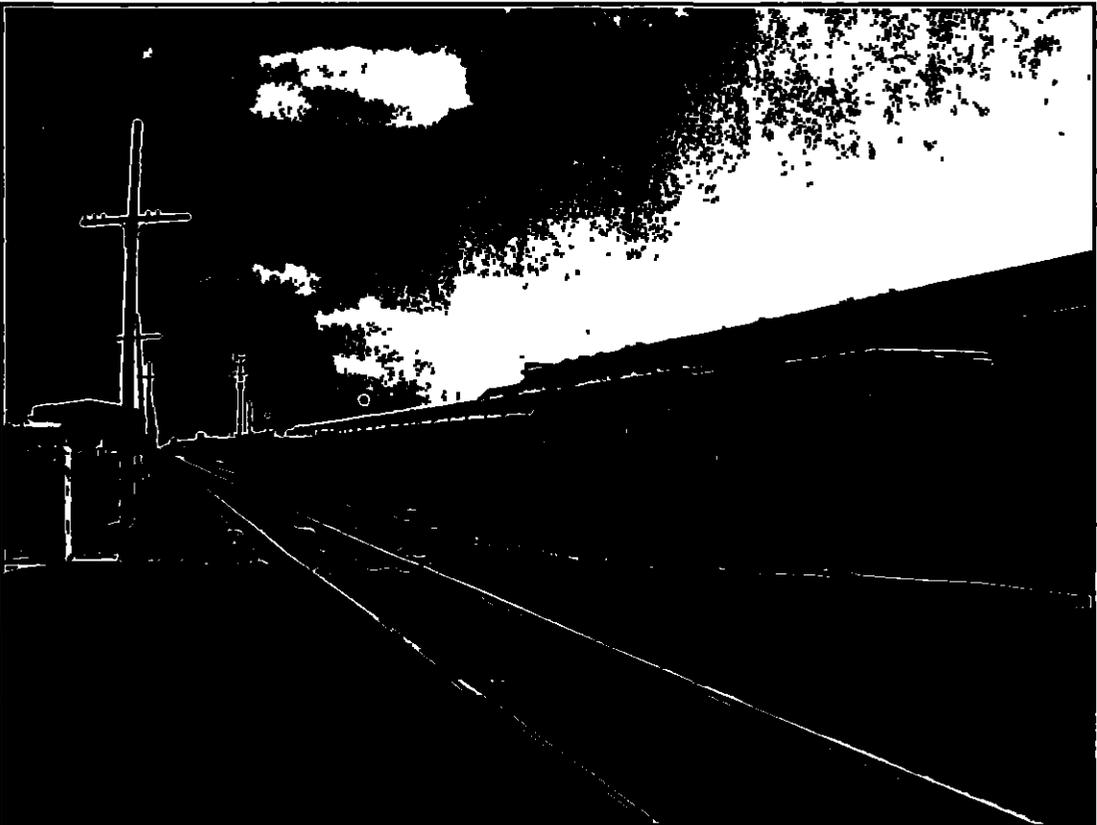
Legend

- 4011 Block Address
- City Limits
- Railroad
- State Highway
- Parcel Within City Limits
- R-1 CENTRAL COMMERCIAL
- R-2 HIGHWAY COMMERCIAL
- R-3 NEIGHBORHOOD COMMERCIAL
- R-4 HEAVY INDUSTRIAL
- R-5 LIGHT INDUSTRIAL
- M-1 MEDIUM-DENSITY RESIDENTIAL
- M-2 SINGLE-FAMILY RESIDENTIAL
- M-3 SINGLE-FAMILY RESIDENTIAL
- M-4 SINGLE-FAMILY RESIDENTIAL
- M-5 SINGLE-FAMILY RESIDENTIAL
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- M-99 SINGLE-FAMILY RESIDENTIAL
- M-100 SINGLE-FAMILY RESIDENTIAL

ATTACHMENT 5



ATTACHMENT 6



ATTACHMENT 7



NASS

FACT FINDERS FOR AGRICULTURE
UNITED STATES DEPARTMENT OF AGRICULTURE
Washington, D.C.

2002 Census of Agriculture County Profile

Tulare, California



Number of farms

5,738 farms in 2002, 6,223 farms in 1997, down 8 percent

Land in farms

1,393,456 acres in 2002, 1,375,820 acres in 1997, up 1 percent

Average size of farm

243 acres in 2002, 221 acres in 1997, up 10 percent

Market Value of Production

\$2,338,577,000 in 2002, \$1,942,152,000 in 1997, up 20 percent

Crop sales accounted for \$1,194,237,000 of the total value in 2002

Livestock sales accounted for \$1,144,340,000 of the total value in 2002

Market Value of Production, average per farm

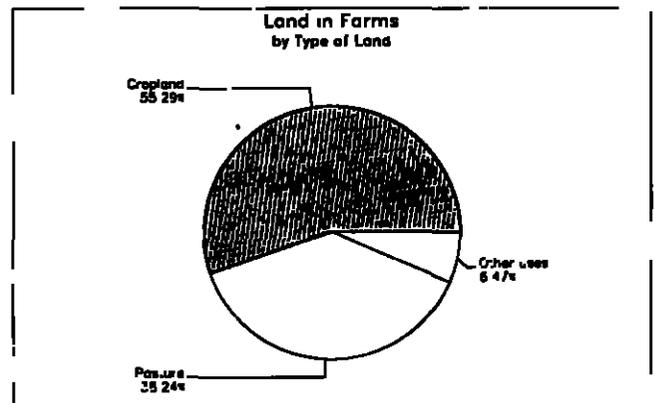
\$407,560 in 2002, \$312,093 in 1997, up 31 percent

Government Payments

\$12,816,000 in 2002, \$7,727,000 in 1997, up 66 percent

Government Payments, average per farm receiving payments

\$24,318 in 2002, \$13,533 in 1997, up 80 percent



**2002 Census of Agriculture
County Profile
United States Department of Agriculture, California Agricultural Statistics Service**

Tulare, California

Ranked items among the 58 state counties and 3,078 U.S. counties, 2002

Item	Quantity	State Rank	Universe ¹	US Rank	Universe ¹
MARKET VALUE OF AGRICULTURAL PRODUCTS SOLD (\$1,000)					
Total value of agricultural products sold	2 338 577	2	48	2	3 075
Value of crops including nursery and greenhouse	1,194 237	4	48	4	3 070
Value of livestock poultry and their products	1 144 340	1	48	1	3 070
VALUE OF SALES BY COMMODITY GROUP (\$1,000)					
Grains, oilseeds, dry beans, and dry peas	56 576	5	48	178	2,871
Tobacco	-	-	-	-	560
Cotton and cottonseed	45 454	5	17	13	656
Vegetables, melons, potatoes, and sweet potatoes	22 138	22	56	95	2 747
Fruits, tree nuts, and berries	933 069	3	55	3	2 638
Nursery, greenhouse, floriculture, and sod	74 501	14	55	33	2 708
Cut Christmas trees and short rotation woody crops	42	29	43	697	1 774
Other crops and hay	62 458	4	57	12	3,046
Poultry and eggs	79,447	8	56	174	2 918
Cattle and calves	176 826	3	57	36	3,053
Milk and other dairy products from cows	898 122	1	47	1	2 493
Hogs and pigs	(D)	(D)	53	(D)	2 919
Sheep, goats, and their products	(D)	(D)	56	(D)	2 997
Horses, ponies, mules, burros, and donkeys	460	22	56	432	3 014
Aquaculture	82	33	51	613	1 520
Other animals and other animal products	10 268	1	54	7	2 727
TOP LIVESTOCK INVENTORY ITEMS (number)					
Broilers and other meat-type chickens	2,057 193	4	40	189	2,599
Cattle and calves	900 124	1	57	1	3 059
Turkeys	238,136	7	48	98	2 328
Hogs and pigs	(D)	1	54	(D)	2,926
Sheep and lambs	64,913	3	57	9	2,867
TOP CROP ITEMS (acres)					
Forage - land used for all hay and hayslage, grass silage, and greenchop	168 110	2	57	7	3 059
Corn for silage	116,752	1	31	1	2,307
Oranges	111 599	1	42	1	123
Grapes	63 379	5	52	5	1 830
All Cotton	58,946	4	17	57	663

Other County Highlights

Economic Characteristics	Quantity	Operator Characteristics	Quantity
Farms by value of sales		Principal operators by primary occupation	
Less than \$1,000	742	Farming	3 813
\$1,000 to \$2,499	326	Other	1 925
\$2,500 to \$4,999	312		
\$5,000 to \$9,999	405	Principal operators by sex	
\$10,000 to \$19,999	486	Male	5 196
\$20,000 to \$24,999	197	Female	542
\$25,000 to \$39,999	462		
\$40,000 to \$49,999	191	Average age of principal operator (years)	57.5
\$50,000 to \$99,999	684		
\$100,000 to \$249,999	753	All operators² by race	
\$250,000 to \$499,999	382	White	7 895
\$500,000 or more	798	Black or African American	14
		American Indian or Alaska Native	122
Total farm production expenses (\$1,000)	1 924 877	Native Hawaiian or Other Pacific Islander	18
Average per farm (\$)	335 754	Asian	289
		More than one race	62
Net cash farm income of operation (\$1,000)	471 279	All operators² of Spanish, Hispanic, or Latino Origin	1 170
Average per farm (\$)	82 205		

(D) Cannot be disclosed (Z) Less than half of the unit shown. See "Census of Agriculture Volume I, Geographic Area Series" for complete footnotes.

¹ Universe is number of counties in state or U.S. with item.

² Data were collected for a maximum of three operators per farm.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Protest was served upon the following entities by overnight mail on April 3, 2008

Louis E Gitomer
Attorney for San Joaquin Railroad Company
The Adams Building, Suite 301
600 Baltimore Avenue
Townson, MD 21204-4022

Scott G Williams Esq
Senior Vice President & General Counsel
Rail America, Inc
5300 Broken Sound Boulevard N W
Second Floor
Boca Raton, FL 33487



Paul Saldana,
President and Chief Executive Officer
Tulare County Economic Development Corporation

Date April 3, 2008