

223542

LAW OFFICE
THOMAS F. MCFARLAND, PC.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. MCFARLAND

September 5, 2008

By e-filing

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

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

Dear Ms. Quinlan:

This is to notify the Board and San Joaquin Valley Railroad Company (SJVR) that Tulare County, California will not purchase the rail line involved in this proceeding at the price determined by the Board in its decision served August 26, 2008.

The Board and SJVR are reminded that pursuant to the Board's decision and notice of interim trail use or abandonment, served June 6, 2008, the Board has ordered that abandonment of the involved rail line be postponed pending a 180-day period, until December 3, 2008, for Tulare County Association of Governments (TCAG) and SJVR to negotiate for railbanking and interim recreational trail use of the right-of-way of that rail line (ordering paragraphs 2, 4-7).

Now that it is known that acquisition of the rail line under offer-of-financial-assistance procedures will not take place, negotiations for railbanking and interim recreational trail use can go forward

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Tulare County, California

TMCF kl wp8 01324efSTB1

cc. Louis E. Gitomer, Esq., *by e-mail to lou_gitomer@verizon.net*
Mack Shumate, Esq., *by e-mail to mackshumate@up.com*
Arlene Silva, Esq., *by e-mail to asilva@co.tulare.ca.us*
Mr. Gary V. Hunter, *by e-mail to gvh@railroadindustries.com*