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Office of Proceedings
December 2, 2022
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December 2, 2022

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: STB Docket No. FD 36651
Ventura County Railroad Company
- Operation Exemption-
Ventura County Railway Company, LLC

Dear Ms. Brown:

Enclosed for e-filing on behalf Ventura County Railroad Company is a Notice of Exemption being filed in accordance with 49 C.F.R. § 1150.43.

The filing fee was paid using Pay.gov. Please let me know if there are any questions regarding this filing.

Sincerely,

Justin J. Marks
Counsel for Ventura County Railroad Company

Enclosure

FILED
December 2, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
December 2, 2022
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36651

VENTURA COUNTY RAILROAD COMPANY
–OPERATION EXEMPTION –
VENTURA COUNTY RAILWAY COMPANY, LLC

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902

(includes color images)

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*Attorneys for Ventura County
Railroad Company.*

Dated: December 2, 2022

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36651

VENTURA COUNTY RAILROAD COMPANY
–OPERATION EXEMPTION –
VENTURA COUNTY RAILWAY COMPANY, LLC

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902

Ventura County Railroad Company (“VCRR”), a Class III railroad, files this Notice of Exemption under 49 U.S.C. § 10902 to exempt from regulation VCRR’s entry into, and operations under, an Operating and Maintenance Agreement (the “O/M Agreement”) with Ventura County Railway Company, LLC, a wholly owned subsidiary of the Port of Hueneme (“VCRC, LLC”). The O/M Agreement will replace and supersede the current Lease of Railroad Assets (“Current Lease”) entered into between VCRR and VCRC, LLC in August 1998.¹ The O/M Agreement provides for VCRR’s operation of approximately 12.19 miles of rail line (“Rail Line”). The Rail Line includes: the mainline from milepost 0.0 (the interchange with Union Pacific Railroad Company) to approximately milepost 5.8 on the docks at Port Hueneme, and three branches: the 1.05-mile Diamond Branch; the 1.71-mile Edison Branch, and the approximately 3.63-mile Patterson Branch in the Port of Hueneme and Oxnard, CA.

The O/M Agreement allows VCRR to continue operating the Rail Line and revises other commercial terms.

¹ *Ventura County Railroad Company – Lease and Operation Exemption – Ventura County Railway Company*, STB Finance Docket No. 33649 (served Sept. 24, 1998).

Notice

In accordance with 49 C.F.R. §1150.43, VCRR hereby provides the following information:

(a) The full name and address of Applicant: Ventura County Railroad Company,
1855 W. Baseline Rd, Suite 200, Mesa, AZ 85202.

(b) Applicant's Representatives:

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(c) VCRR has been operating the Rail Line under the Current Lease. VCRR and VCRC, LLC have reached agreement on the terms of a new O/M Agreement for the Rail Line. The O/M Agreement will replace and supersede the Current Lease.

(d) The current operator of the Rail Line is VCRR. VCRR will continue to be the operator after the transaction.

(e) Brief Summary of the Proposed Transaction: VCRR is currently operating the Rail Line under the Current Lease. The O/M Agreement allows VCRR to continue operating the Rail Line and revises other commercial terms.

i. The name and address of the owner of the Rail Line is Ventura County

Railway Company, LLC, Port of Hueneme, 333 Ponoka Street, Port Hueneme, CA 93044-0608.

- ii. The parties anticipate executing the O/M Agreement on or before the effective date of this Notice of Exemption, thirty days after filing, and that operations under the O/M Agreement will commence at that time. VCRR is currently operating the Rail Line under the terms of the Current Lease and will continue to do so until the O/M Agreement has been executed and this Notice of Exemption becomes effective.
- iii. The mileposts of the Rail Line are from milepost 0.0 (the interchange with Union Pacific Railroad Company) to milepost 5.8 on the docks at Port Hueneme. In addition, the Rail Line includes three branches without mileposts: the 1.05-mile Diamond Branch; the 1.71-mile Edison Branch, and the 3.63-mile Patterson Branch in the Port of Hueneme and Oxnard, CA.
- iv. The total mileage to be leased and operated is approximately 12.19 miles.
- (f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Line.
- (g) VCRR certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier.
- (h) VCRR certifies that the O/M Agreement does not include an interchange commitment.
- (i) In addition to the information set forth above, VCRR certifies that its annual operating revenues after the transaction will not exceed \$5,000,000.

Labor Protection

VCRR is a Class III carrier, and pursuant to 49 U.S.C. §10902(d), approval of this transaction may not be subjected to labor protection conditions. Additionally, since VCRR is already operating the Rail Line, there will be no employees adversely affected by the amended operating arrangements.

Environmental and Historic Reports

This transaction involves entry into an O/M Agreement for continued rail operations that will not result in changes in carrier operations or that will exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (5). Further Board approval is required for VCRR to discontinue service (or for VCRC, LLC to abandon), or to dispose of or alter any properties subject to the Board's jurisdiction that are 50 years old or older. Accordingly, no environmental or historic documentation is required. *See* 49 C.F.R. §1105.6(c)(2); 49 C.F.R. §1105.8(b)(1).

Caption Summary

Attached hereto as Exhibit C is the caption summary required by 49 C.F.R. §1150.44.

Conclusion

Accordingly, VCRR requests that the Board issue a notice allowing the O/M Agreement to become effective 30 days from the filing of this Notice of Exemption.

Respectfully submitted,



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*Attorneys for Ventura County
Railroad Company*

Dated: December 2, 2022

VERIFICATION

I, Brad Ovitt, President of Ventura County Railroad Company, verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file the foregoing document.

Executed on December 2, 2022



Brad Ovitt

EXHIBIT A

MAP



EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Docket No. FD 36651

**VENTURA COUNTY RAILROAD COMPANY
–OPERATION EXEMPTION –
VENTURA COUNTY RAILWAY COMPANY, LLC**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902**

Ventura County Railroad Company (“VCRR”), a Class III railroad, files this Notice of Exemption under 49 U.S.C. § 10902 to exempt from regulation VCRR’s entry into an Operating and Maintenance Agreement (the “O/M Agreement”) with Ventura County Railway Company, LLC, a wholly owned subsidiary of the Port of Hueneme (“VCRC, LLC”). The O/M Agreement will replace and supersede the current Lease of Railroad Assets entered into between VCRR and VCRC, LLC in August 1998. The O/M Agreement provides for VCRR’s operation of approximately 12.19 miles of rail line (“Rail Line”) covered by the current Lease. The Rail Line includes: the mainline from milepost 0.0 (the interchange with Union Pacific Railroad Company) to milepost 5.8 on the docks at Port Hueneme, and three branches: the 1.05-mile Diamond Branch; the 1.71-mile Edison Branch, and the 3.63-mile Patterson Branch in the Port of Hueneme and Oxnard, CA.

Comments must be filed with the Board and served on VCRR’s representative, Justin J. Marks, Clark Hill, PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington DC 20004, jmarks@clarkhill.com; (202) 772-0916.

The Notice is filed under 49 C.F.R. §1150.41. If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C.

§10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Board decisions and notices are available at www.stb.gov.

Decided: _____, 2022

By the Board, Mai Dinh, Director, Office of Proceedings.