



Robert T. Opal
General Commerce and FRA Counsel

December 13, 2007

Via E-Filing

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, N.W.
Washington, D.C. 20024

**Re: Finance Docket No. 35091; Pacific Unified Railroad Corporation -- Operation
Exemption -- Kaiser Eagle Mountain Railroad**

Dear Mr. Williams:

Enclosed for filing in the above proceeding is the Verified Petition of Union Pacific Railroad Company for a Housekeeping Stay and for Commencement of a Proceeding.

Very truly yours,

A handwritten signature in blue ink, appearing to read "R. T. Opal", written over a horizontal line.

Robert T. Opal
General Commerce and FRA Counsel

cc: (w/attachments)
Persons shown on Certificate of Service

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35091

**PACIFIC UNIFIED RAILROAD CORPORATION
-- OPERATION EXEMPTION --
KAISER EAGLE MOUNTAIN RAILROAD**

**VERIFIED PETITION OF UNION PACIFIC RAILROAD COMPANY
FOR A HOUSEKEEPING STAY AND FOR COMMENCEMENT OF A PROCEEDING**

UNION PACIFIC RAILROAD COMPANY

Robert T. Opal
General Commerce and FRA Counsel
1400 Douglas Street
STOP 1580
Omaha, Nebraska 68179
(402) 544-3072
(402) 501-0132 (FAX)

Dated & Filed: December 13, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35091

**PACIFIC UNIFIED RAILROAD CORPORATION
-- OPERATION EXEMPTION --
KAISER EAGLE MOUNTAIN RAILROAD**

**VERIFIED PETITION OF UNION PACIFIC RAILROAD COMPANY
FOR A HOUSEKEEPING STAY AND FOR COMMENCEMENT OF A PROCEEDING**

Union Pacific Railroad Company ("UP) requests that the Board (i) issue a "housekeeping stay" of the "Verified Notice of Exemption" filed November 23, 2007 by an entity calling itself "Pacific Unified Railroad Corporation" ("PURC"), and (ii) commence a proceeding to determine whether PURC is a "scam railroad" invoking the Board's § 10901 class exemption for purposes other than the operation of a legitimate common carrier railroad.

PURC's notice of exemption purports to cover PURC's "operation and nonexclusive trackage rights over the right-of-way" of an entity called variously "Kaiser Eagle Mountain Railroad" or "Eagle Mountain Railroad" (collectively "KEM").¹ Based on information UP has learned about PURC, there is a strong probability that this transaction is intended to provide regulatory legitimacy for PURC's private security business as "railroad police", rather than to provide common carrier rail service. If so, it

¹ PURC's November 23 notice is filed under 49 C.F.R. § 1150.31(a) and replaces an earlier notice of exemption filed November 13, 2007 under the Board's trackage rights class exemption. According to PURC, it withdrew the earlier notice because it had "incorrectly filed the wrong type of exemption being a non-carrier"

is an abuse of the Board's processes and raises serious issues which should be addressed by the Board before the exemption is allowed to become effective

PURC is no stranger to UP UP's police department has been cooperating in a criminal investigation of PURC's activities by the Los Angeles County Sheriff's Department The Board will note that the person who verified PURC's notice of exemption in this proceeding is Aaron K Echols, who has described himself variously as PURC's "Chairman, "President", "Chief of Police" and "Assistant Director". According to the Los Angeles County Sheriff's office, Mr Echols was arrested on May 6, 2006 for impersonating a police officer and kidnapping. As shown in Exhibit 1, these charges arise from Mr Echols' activities representing himself as a PURC "railroad police" officer, making vehicle stops around the county in a PURC "railroad police" car, issuing citations, impounding vehicles and, in at least one instance, making an arrest He is currently on bail awaiting a criminal trial.

The purpose of transaction involved in this proceeding is obviously not to provide common carrier rail service KEM never was a common carrier. It was a private railroad owned by the former Kaiser Steel Co which existed to serve Kaiser's iron ore mines at Eagle Mountain. Both the mines and the railroad were shut down in 1983, so KEM is currently a defunct private railroad to nowhere UP is not aware of any current traffic that PURC could move over KEM (UP would be PURC's only connection, so UP would have to be involved in any traffic movements and would know of any traffic opportunities) To our knowledge, PURC has done nothing (other than the filing of the notice) that would put it in a position to restore the dormant KEM line or conduct rail operations over it It has not even secured reporting marks PURC appears to have no

rail equipment, either locomotives or cars. It has not approached UP on any interchange arrangements at Ferrum or any arrangements for handling interline traffic, all of which would be necessary if PURC were to conduct rail operations over KEM. It is highly unlikely that PURC will ever turn a wheel, or that it has any real interest in doing so.²

What really is going on here is that PURC is a private security firm that wants to have its personnel recognized as "railroad police". This is very advantageous for a security firm because "railroad police", once commissioned in their state of residence, have broad police authority in any state in which their railroad "owns property" (real or personal), including authority to carry arms (even on commercial aircraft) and make arrests, see 49 U.S.C. § 28101 and 49 C.F.R. Part 207. Under recent statutory amendments, they can in some circumstances also act in jurisdictions where other railroads own property, see 49 U.S.C. § 28101(b) as amended by 9/11 Act, August 3, 2007. Private security personnel do not have, and cannot obtain, this kind of authority, unless they are also employed by a police department (and even then, they cannot exercise this authority outside of the area over which the police department has jurisdiction). As shown in the attached exhibits, PURC has been holding itself out to the public as a "railroad police" force even though, by its own admission, it is a "non-carrier" (see footnote 1). However, its actual business appears to be providing bodyguard services for celebrities such as rap musicians. PURC's key personnel (including Mr

² It is questionable whether PURC has even negotiated anything with KEM or its owner (Kaiser Ventures) for the transaction covered by the notice. The Board's class exemption rules specifically require a notice of exemption to include "a statement that an agreement has been reached or details about when an agreement will be reached", 49 C.F.R. § 1150.33(c). But PURC's notice says only that "an agreement will be signed for operation and non-exclusive Trackage Rights of the rail line" (unnumbered sheet 3). In other words, no agreement has been reached and there are no "details" provided as to when an agreement will be reached. The most likely reason PURC would fail to provide any of the "details" required by the Board's rules is that there are none - nothing has been negotiated.

Echol's, PURC's "President") have law enforcement or military backgrounds, not transportation. PURC has been trying to get state commissioning authorities in both California and Tennessee to commission its personnel as "railroad police" but has, to date, been unsuccessful. Seen against this backdrop, the purpose of the notice of exemption is evident. If the notice becomes effective, it would give PURC an "official" document from STB which it will use with state commissioning authorities to show it is a real "railroad" in order to obtain commissions for its "railroad police" force.

Attached as exhibits are several documents which should speak for themselves.

Exhibit 1 - Los Angeles County Sheriff's Department Bulletin, May 3, 2006 advising of the arrest of Aaron K. Echols (PURC's "Chairman, "President", etc.) for impersonating a police officer and kidnapping (note the PURC "police car" shown in the bulletin).

Exhibit 2 - PURC website materials. Note how heavily these materials emphasize PURC's supposed status as a "railroad police" force (even though, as previously discussed, PURC has admitted to the Board that it is a "non-carrier"). Interestingly, the PURC home page was pulled down shortly after November 12, 2007, and replaced with a notice advising that it would be down until PURC's "corporate site" becomes available. This closely coincides with the filing of PURC's first notice of exemption.

Exhibit 3 - Copies of PURC police badges and insignia used by PURC's "railroad police".

Exhibit 4 - PURC letter to California Commission on POST, February 15, 2007 claiming status as a rail carrier with authority under federal law to create or have law enforcement personnel based, in part, on a reported conversation with STB personnel.

Exhibit 5 - Correspondence between PURC and Tennessee Department of Safety, August 24 - October 9, 2007 regarding PURC's request that certain of its employees be commissioned as "railroad police officers" Note PURC's claim in its August 24 letter that it was currently constructing an intermodal yard and 7 miles of track, which was false.³ The Department declined PURC's request by letter dated October 9, 2007, in part because PURC did not own or operate a railroad in Tennessee (contrary to the representation in PURC's August 24 letter)

This is not the first time the Board has been faced with an attempt by a security firm to use the Board's exemption procedures to enable it to do business as "railroad police " In 2003, the Board's office of Compliance and Enforcement conducted an

³ This representation appears to have been based on telephone conversations between Mr. Echols and Raymond Allamong, UP Senior Manager - Rail Line Planning in late summer and early fall, 2007 concerning UP trackage that might become available in the Memphis area. These calls were strictly informational. No proposals were made and no negotiations took place.

investigation of Comrail International Railroad ("Comrail") because of questions as to whether Comrail was simply using its "railroad" status to establish a police force. The conclusions of the investigation were not made public, but the result was that Comrail requested revocation of its own exemption, which the Board granted in Finance Docket No. 34291, *Comrail International Railroad - Operation Exemption* (decision served February 26, 2003). The Board was also reportedly involved in another investigation of an entity calling itself "Atlantic and Pacific Railroad" for becoming a "railroad" to establish a commercial police force. This investigation was resolved when A&P's owner disbanded its "police force" under threat of criminal prosecution.

Congress has itself recognized that the potential misuse of Board exemption procedures by scam railroads seeking to establish "railroad police" forces is a serious problem. In the recent 9/11 Act, Congress expressly directed the Federal Railroad Administration to develop model state legislation "to address the problem of entities that claim to be railroad carriers in order to establish and run a police force when the entities do not in fact provide railroad transportation."⁴ In compliance with this directive, FRA recently proposed legislation dealing with "scam railroads" (FRA's term) which attempt to obtain commissions for "railroad police." See DOT Press Release 118-07, November 9, 2007 (<http://www.fra.dot.gov/us/press-releases/165>). Since PURC appears to be just such a "scam railroad", the Board should not permit PURC's notice of exemption to become effective without a searching inquiry into what PURC is really up to.

⁴ P.L. 100-53, "Implementing Recommendations of the 9/11 Commission Act of 2007," § 1528

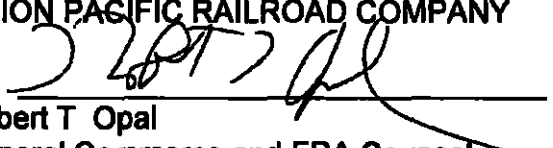
III

CONCLUSION

For the reasons stated above, UP respectfully requests that the Board (i) issue a "housekeeping stay" of the effectiveness of PURC's Notice of Exemption, and (ii) commence a proceeding to determine whether PURC is invoking the Board's 10901 class exemption for purposes other than the operation of a legitimate common carrier railroad. As part of such a proceeding, the Board should require PURC to provide detailed information about the rail operations it is supposedly proposing to conduct which, at a minimum, should include information similar to the requirements proposed by the petitioners in Ex Parte No. 673)⁵, and also to provide detailed information as to its planned "police" activities. If, as appears likely, PURC is simply using the Board's exemption procedures to gain "railroad police" status for its security personnel, the Board must not allow the exemption to become effective. This is a far more serious matter than scam railroads which have misused Board exemptions to claim preemption for waste processing facilities or gambling casinos. This case involves people who want to carry guns.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

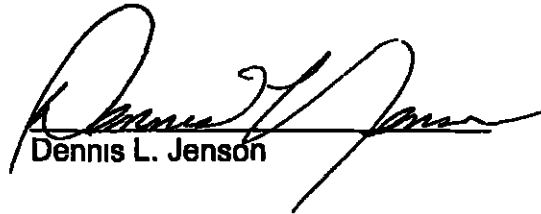
By 
Robert T. Opal
General Commerce and FRA Counsel
1400 Douglas Street
STOP 1580
Omaha, Nebraska 68179
(402) 544-3072
(402) 501-0132 (FAX)

⁵ See Ex Parte No. 673, Petition of BNSF Railway, et al., to Institute a Rulemaking, filed June 7, 2007

VERIFICATION

Dennis L. Jenson, Assistant Vice President - Chief of Police, and
Raymond E. Allamong, Jr., Senior Manager - Rail Line Planning of Union Pacific
Railroad Company, under penalty of perjury, declare and verify that they have read the
foregoing Petition in Finance Docket No. 39051, know the facts stated therein, and that
said facts are true as stated.

Dated. December 13, 2007


Dennis L. Jenson


Raymond E. Allamong, Jr.

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing document upon
the following

Gerald Lee
Pacific Unified Railroad Corporation
3200 West End Avenue
Suite 500
Nashville, TN 37203
(via UPS)

Terry L. Cook, Esq
General Counsel
Kaiser Ventures, LLC
3633 E. Inland Empire Blvd
Suite 480
Ontario, CA 91764
(via E-mail)

Gary D. Manini, Senior Consultant
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
(via First Class Mail)

Lizabeth Hale, Esq
Staff Attorney
State of Tennessee
Department of Public Safety
1150 Foster Avenue
Nashville, TN 372-1000
(via First Class Mail)

Dated at Omaha, Nebraska this 13th day of December, 2007

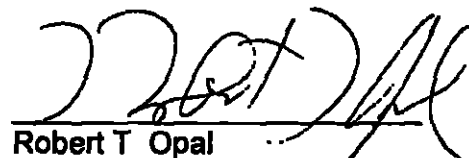

Robert T. Opal

EXHIBIT 1

Los Angeles Sheriff's Department Bulletin, May 3, 2006

00011



LEROY D. BACA
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

FOR LAW ENFORCEMENT USE ONLY!

Special Bulletin

INFORMATION WANTED

Police Impersonator Arrested

Name: Echols, Aaron Keith
Address: 7440 Kemster Ave, Fontana
Height: 510
Weight: 190
Hair: BLK
Eyes: BRO
Race: African-American
DOB: 7/29/69
CII #: A08632040
Booking #: 9025998



Suspect Echols was arrested at Pico Rivera Station for impersonating a police officer and kidnaping. Echols was making vehicle stops around the county, issuing citations and impounding vehicles. In at least one case he arrested a warrant suspect and booked him at a county facility. He was driving a white Ford Crown Victoria equipped with a windshield mounted red light, siren and flashing blue/amber lights in the back window and a push bar. The word POLICE was displayed on both front doors, with round decals reading "Pacific Unified Railroad" (photos attached)



Any station with similar incidents or contact with suspect Echols is asked to call the

Pico Rivera Detective Bureau at the below number



Refer to File # 406-03801-1576-326
Sgt. Al Leyva and Detective Stephen Rostomian
(562) 949-2421
May 3, 2006

Prepared by Crime Analyst Joe Walker

00012

EXHIBIT 2

Pacific Unified Railroad Website Materials (excerpts), November, 2007

00013



EMERGENCY | 1-866-410-3611

**PACIFIC UNIFIED RAILROAD
POLICE * DEPARTMENT**

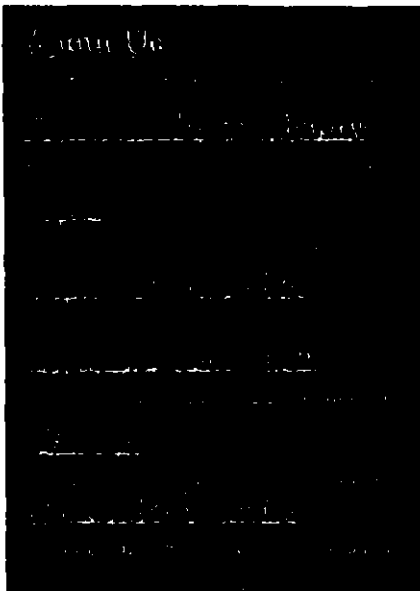
FAQ'S CONTACT US HOME

SAFETY & SECURITY ON TRACK

Read about the unique
roles in history railway
agents have served.



HOME



Welcome to the Pacific Unified Police official website. At Pacific Unified Police Department, we are committed to the safety and security of our railway patrons, employees and local communities. Our comprehensive knowledge of the railroad industry brings unparalleled professionalism and expertise to this specialized branch of law enforcement. We employ experienced and dedicated state-commissioned police officers to safeguard the property and lives of the people we serve.

**Protecting America
Railroads**

00014



EMERGENCY | 1-866-410-3611

PACIFIC UNIFIED RAILROAD

POLICE * DEPARTMENT

http://purpolice.org/Frequently_Ask_Questions.html

FAQ'S CONTACT US HOME

Protecting America Railroads

Our team at Pacific Unified Police Department is based in Nashville, Tennessee and directs police operations along 200 miles of railway route miles. Dedicated agents are stationed in 3 field offices throughout 2 states to support the safety and security commitments of the Pacific Unified Corporation. The Corporation controls Pacific Unified Railroad Company, a class III freight railroad.

At Pacific Unified, our comprehensive knowledge of railway infrastructure and policing makes us a leader in this distinctive branch of law enforcement. Our experienced Special Agents are state-commissioned police officers with a vital mission to safeguard the property and lives of the people we serve. We embrace the responsibility to uphold and enforce the law, to secure our customers' loading, and to provide for the safety of our employees, customers, and the general public.

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MISSION OF DEPARTMENT

Protecting America Railroads

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Our focal mission at Pacific Unified is to safeguard the property and lives of the people we serve. We strive to keep safety and security on track with our experienced staff of motivated and highly trained law enforcement professionals. With a steadfast spirit and great pride, we bring an extraordinary level of integrity, valor and commitment to our work each day.

[FAQ'S](#) [CONTACT US](#) [HOME](#)



FIELD OPERATIONS

Every agent within Field Operations has broad experience and expertise in the railway security profession. A strict chain of command ensures that we provide the highest level of protection. Our pride, integrity and service is tested and upheld in the field each day.

Field Operations are organized into 2 geographical areas and support several offices within each region. Offices are managed by dedicated Special Agents who provide vital security information to their experienced and knowledgeable Supervisory Special Agents. Daily reports are relayed up a critical chain of command to the Special Agent in Charge, followed by the Deputy of Line Operations and finally the Chief of Police.

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***PACIFIC UNIFIED RAILROAD
POLICE * DEPARTMENT***

EMERGENCY | 1-866-410-3611



FREQUENTLY ASK QUESTIONS

Who do I call to make a report related to the railroad?

To report an in-progress, life-threatening emergency, call 9-1-1.

- Tell the dispatcher where you are and what is happening.
- Stay on the line with the dispatcher in case responding officers have questions for you.

Report all crimes occurring on railroad property to the railroad or transit authority operating in your area. For Pacific Unified Railroad train stations, depots, yards, and all railroad right-a-ways, call 866-410-3611.

To report a malfunctioning railroad crossing signal, call 866-410-3611. To report damage or vandalism to railroad property, call 866-410-3611.

Pacific Unified Railroad Police are available 24 hours a day. If you are reporting an emergency, hang up and dial 911.

Are Pacific Unified Railroad Police Officers "real cops?"

Yes. Each of our Special Agents are Commissioned by the Governor of the State of California, as a State Police Officer under the authority of 830 33(e)(1) of the California Penal Code. Our officers have peace officer authority 24 hours a day anywhere in the State of California the same as any city police officer or county deputy sheriff. Our primary jurisdiction extends to, in, and around property of the Pacific Unified Railroad. Our Secondary jurisdiction is to take action on crimes that occur in our presence throughout the State of California. Railroad police can also cross state lines to enforce railroad laws in other states.

Are Railroad Police Officers trained the same way a city police officer is trained?

Yes. Although the law does not require equivalent training, we hire only officers who have training equivalent to the basic police academy (POST) - the same training that all city police officers and county deputy sheriffs complete. In addition, our officers receive specialized training in grade crossing, collision investigation, train accident investigation, and Operation Lifesaver presentation.

Can Pacific Unified Railroad Police Officers write traffic and parking tickets?

Yes. Our Special Agents can enforce all of the laws of the State of California including all sections of the California Vehicle Code. Enforcement is an essential component of carrying out our public safety mission. We focus our attention on violations related to the railroad and those that would endanger public safety.

How does the local community benefit from the Pacific Unified Railroad Police?

Our department is committed to supporting the law enforcement mission of all local, state and federal agencies. We participate in law enforcement mutual aid agreements and regularly assist other agencies in our daily work. Our officers drive marked black and white patrol vehicles and will take action anytime they witness a violation of the law.

We believe in the community policing philosophy that includes preventing crime before it occurs.

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**Protecting America
Railroads**



PACIFIC UNIFIED RAILROAD

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FAQ'S CONTACT US HOME

Protecting America
Railroads



CAREERS

At Pacific Unified, we work as a cohesive unit to provide a supreme level of safety and security on our railways. Our team is a diverse group of perceptive and courageous professionals who have extensive experience in the law

enforcement field. We offer engaging and challenging careers in a fast-paced and specialized policing environment.

Our Special Agents are state-commissioned police officers tasked with safeguarding lives and property on the railway system. Sanctioned by state and federal law, Special Agents investigate all categories of property and violent crime and handle special event and executive protection assignments. They endeavor to prevent crime by performing security inspections and conduct railroad safety activities.

Police responsibilities vary widely throughout the Pacific Unified railway system, but basic duties are similar to law enforcement requirements across the nation. Patrol, inspection, report writing, surveillance, crime prevention, employee and executive protection, and accident investigation are routine. Tasks more unique to railway policing include freight inspection and protection, trespasser abatement, infrastructure protection, and interaction with multiple law enforcement agencies to ensure the railway police mission is accomplished.

In addition to the fundamental role of Special Agent, the department offers opportunities for advancement into Police Specialist positions in the areas of surveillance, K-9, and field training.

Current openings include the following entry-level positions:

Special Agent
Special Agent - Facility
Special Investigative Unit
Police Communications Officer
Administrative and Clerical

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[Click Here to apply](#)

POLICE * DEPARTMENT

EMERGENCY | 1-866-410-3611

FAQ'S CONTACT US HOME

**Protecting America
Railroads**

CONTACT US

We value your insight and opinions! Contact us below or offer us feedback on our performance, security and professionalism.

If this is an emergency, please call the Police Communication Center at 1-866-410-3611

PURPD HEADQUARTER

ADDRESS

Pacific Unified Police Department
3200 West End Avenue,
Nashville, TN 37243

EMAIL

CrimeLine@purpolice.org

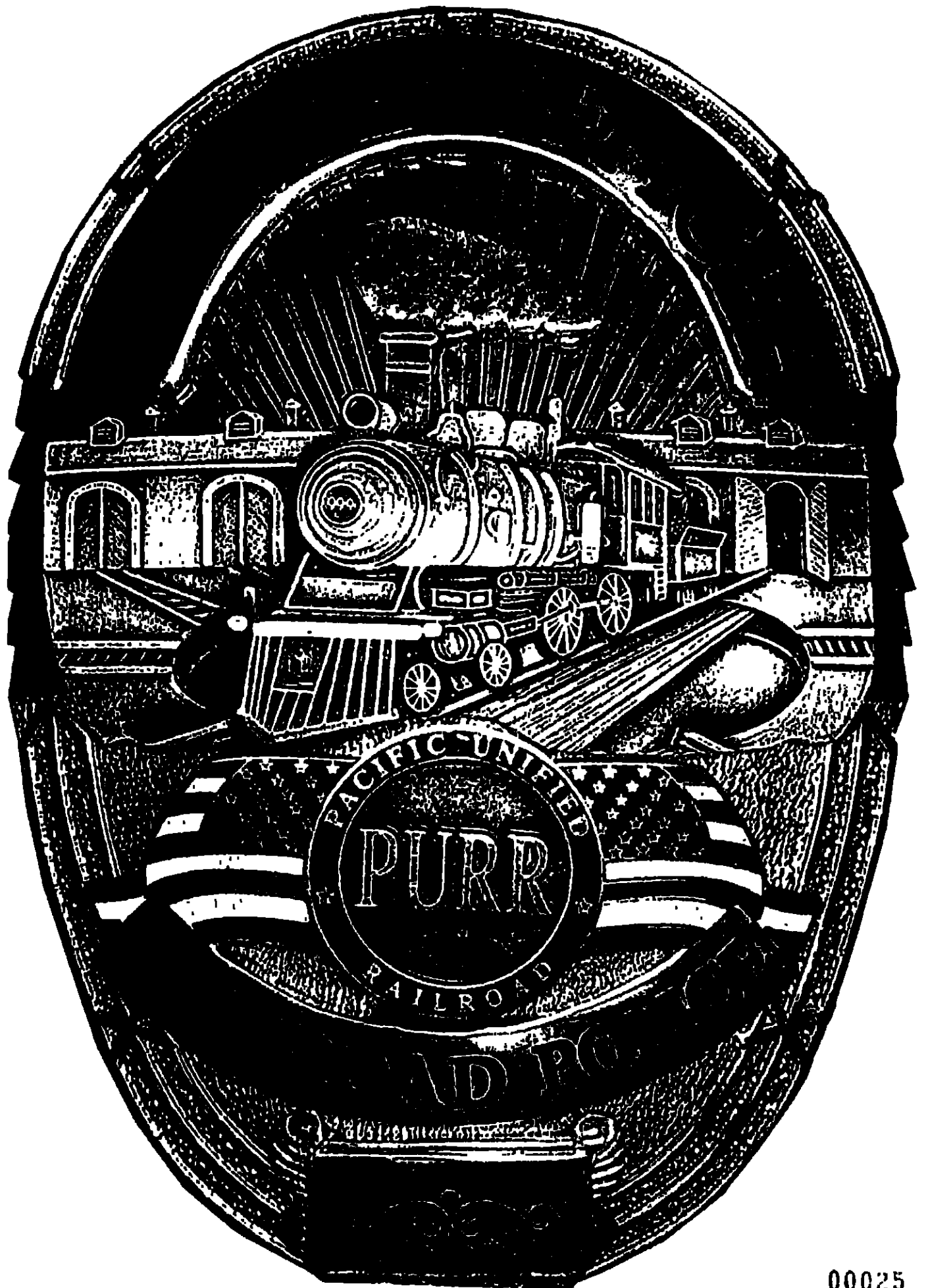
POLICE COMMUNICATION CENTER (PCC)

1-866-410-3611

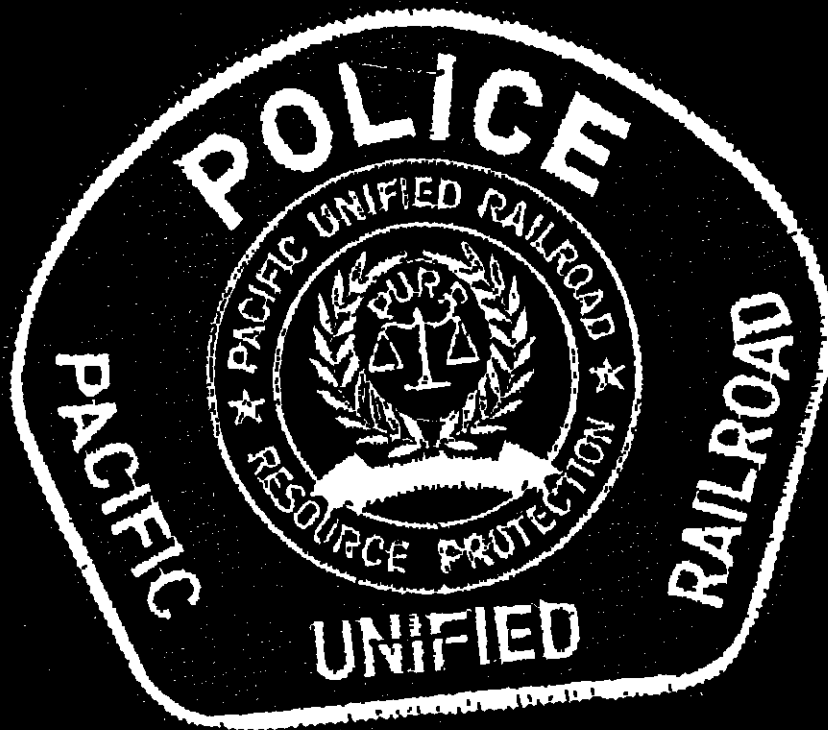
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EXHIBIT 3

Pacific Unified Railroad Police Badges and Insignia



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EXHIBIT 4

Pacific Unified Railroad Letter to California POST, February 15, 2007

Pacific Unified Railroad Corporation

Headquarters 678 S Indian Hill Blvd, Ste 204, Claremont, California 91711
Mailing Address P O Box 34309, Los Angeles, California 90034-0309
Telephone (310)424-5383 - Fax (310) 402-5584



Micheal Garcia
Director

February 15, 2007

Gary D Manini, Senior Consultant
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Dear Mr Gary Manini

Per Our Conversation on Tuesday February 13, 2007, regarding the source of authorization for Pacific Unified to establish law Enforcement Personnel, Mr Rudy Saint-Louis of the Surface Transportation Board was contacted Below is the information that was provided to address your question

Information relating to authority granted to us or any other rail carrier to create or have Law Enforcement Personnel comes from Title 45 United State Code Section 431(e) of Chapter 28101, Congressional Law Regulation prescribed by the Secretary of Transportation under Section 28101 of title 49, United States Code also covers this

No other authority is needed, other than what is prescribed by law This is once a designated person(s) or employee(s) is appointed to the position of Police Officer, the company must then have the officer certified or commission in the officer state of residence or place of employment California is one of the only States that require any Railroad Company to become a member of the POST Program, prior to having its officer's commission by the governor Federal Law only requires one or the other

Information relating to the Surface Transportation Board

We are not required to file any document(s) with the board until we have completed a purchase, construction or a lease agreement of a right-a-way from any rail carrier or new construction No authority from the board or any other agency to develop or create any section of our company is needed, that also includes Law Enforcement Regulation prescribed by law automatically grants us authority to have law enforcement personnel to protect our property and employees Once we file with the board, this filing is to only get authority to operate that right-a-way

Should you have any questions regarding the above information, please contact Rudy Saint-Louis of The Surface Transportation Board at (202) 565-1590 I hope that this helps and will assist us on moving forward

Sincerely,

Micheal J Garcia, Director
Pacific Unified Railroad Corporation

00028

EXHIBIT 5

**Correspondence between Pacific Unified Railroad and Tennessee Department of
Safety, August 24 - October 9, 2007**

Pacific Unified Railroad Police Department

Headquarters 11400 W Olympic Blvd, Suite 200, Los Angeles, California 90064

Mailing Address P O Box 34309, Los Angeles, California 90034-0309

Telephone (310) 424-5183 - Fax (310) 492-5391



Micheal Garcia

Director

August 24, 2007

Stephanie Hamby
TN. Department of Safety
1150 Foster Avenue
Commissioner's Office
Nashville, TN. 37243

Dear Stephanie,

May this document serve as a formal communication from the Personnel Section of the Pacific Unified Railroad Police Department? We are hereby requesting the Tennessee Department of Safety to Commission designated employee(s) of Pacific Unified Railroad Corporation as Railroad Police Officer for our company.

The purpose for this request is to protect and safeguard Company assets including personnel, property, information and customer loading. The officers will also conduct criminal and civil investigations, inappropriate conduct committed on railroad property, and arrest criminal offenders.

Below are the names of the officer's that we're requesting to be commissioned

- Randy Norwood
- Shawn Lindo
- Nathan Tapper
- Brandon Taylor
- Lapekas Mayfield
- Troy Elam Jr.
- Sharon Tripp
- Tai Vaimaona
- Roddrick Clayton

We're currently processing several other officer's for the position of Railroad Police Officer. I will forward the names as we process them.

If you have any questions, please feel free to contact me by phone or by e-mail

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Echols".

Aaron Echols
Assistant Director

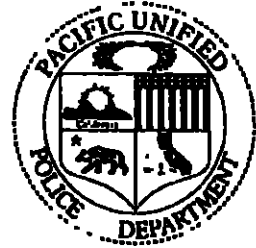
00030

Pacific Unified Railroad Police Department

Headquarters 11400 W Olympic Blvd, Suite 200, Los Angeles, California 90064

Mailing Address P O Box 34309, Los Angeles, California 90034-0309

Telephone (310) 424-5383 - Fax (310) 492-5393



Micheal Garcia

Director

August 24, 2007

Stephanie Hamby
TN Department of Safety
1150 Foster Avenue
Commissioner's Office
Nashville, TN. 37243

Dear Stephanie,

We currently have a Regional Office located at

3200 West End Avenue, Suite 500
Nashville, Tennessee 37203
(615) 469-0634

We're currently constructing an Intermodal yard and 7 miles of track in Shelby County Tennessee that will provide service in and out of Memphis.

If you have any other questions, please feel free to give me a call

Sincerely,

Aaron Echols
Assistant Director

00031



STATE OF TENNESSEE
DEPARTMENT OF SAFETY
1150 FOSTER AVENUE
NASHVILLE, TENNESSEE 37249-1000

October 9, 2007

Mr. Aaron Echols
President
Pacific Unified Railroad Corporation
West Coast Regional Office
11400 W. Olympic Boulevard, Suite 200
Los Angeles, CA 90064-1550

Re: Request for Commissions for Railroad Police Officers

Dear Mr. Echols,

Your request for certain employees of the Pacific Unified Railroad Corporation to be commissioned as rail road police officers under Tenn. Code Ann. § 65-6-133 has been given to me for review.

After reviewing the documentation you have submitted, as well as the Tennessee Statute and applicable Federal regulations, I have been unable to confirm that your request meets the requirements

Specifically, there is no documentation showing that your company owns or operates a railroad in Tennessee, as required by Tenn. Code Ann. § 65-6-133(a). Additionally, there is no showing that the personnel named are either Tennessee residents or that Tennessee will be their place of primary employment, as required by 49 Code of Federal Regulations § 207.3(b).

As a result, I cannot at this time recommend that the Commissioner approve your request for rail road police officer commissioners.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Hale", is written over the typed name.

Elizabeth Hale
Staff Attorney

cc: Roger Hutto, General Counsel
Bob Pack, Tennessee Department of Transportation.

00032