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February 18, 2009

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

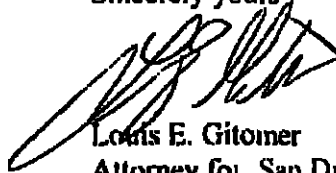
RE: Docket No. AB-1029 (Sub-No. 1X), *San Diego & Imperial Valley
Railroad Company, Inc. - Discontinuance of Service Exemption - in San
Diego County, CA*

Dear Acting Secretary Quinlan,

Enclosed for e-filing is a copy of the verification of the publication of notice in the
San Diego Union-Tribune on January 23, 2009.

I thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer
Attorney for San Diego & Imperial Valley
Railroad Company, Inc.

Enclosures

PO Box 120191, San Diego, CA 92112-0191

AFFIDAVIT OF PUBLICATION

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STATE OF CALIFORNIA ss
County of San Diego

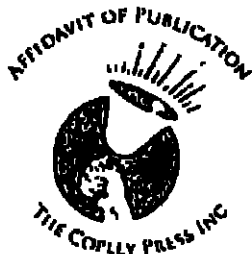
The Undersigned, declares under penalty of perjury under the laws of the State of California that she is a resident of the County of San Diego. That she is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and that she is not a party to, nor interested in the above entitled matter, that she is Chief Clerk for the publisher of

'The San Diego Union-Tribune

a newspaper of general circulation, printed and published daily in the City of San Diego, County of San Diego, and which newspaper is published for the dissemination of local news and intelligence of a general character, and which newspaper at all the times herein mentioned had and still has a bona fide subscription list of paying subscribers, and which newspaper has been established, printed and published at regular intervals in the said City of San Diego, County of San Diego, for a period exceeding one year next preceding the date of publication of the notice hereinafter referred to, and which newspaper is not devoted to nor published for the interests, entertainment or instruction of a particular class, profession, trade, calling, race, or denomination, or any number of same, that the notice of which the undersigned is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following date, to-wit:

JANUARY 23, 2000

[Signature]
Chief Clerk for the Publisher



Affidavit of Publication of

Legal Advertisement

Ad # 0183376

Ordered by Louis E. Gitomer

NOTICE

San Diego & Imperial Valley Railroad Company, Inc. ("SDIV") gives notice that on or about January 27, 2000 it intends to file with the Surface Transportation Board, Washington DC 20423, a petition for exemption under 49 U.S.C. 11502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the discontinuance of service over a 1.35 mile line of railroad between milepost 19.85 and milepost 21.2 in the vicinity of Escondido, all of which traverses through United States Postal Service ZIP Codes 92025 and 92029 in San Diego County, CA. The proceeding has been docketed as No. AB-1029 (Sub No. 1 X).

Appropriate offers of financial assistance to continue rail service through subsidy can be filed with the Board. Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Similarly, no environmental or historic documentation is required under 49 CFR 1105.6(c)(2) and 1105.6(b).

An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, S.W., Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.13(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0231. Copies of any comments or requests for conditions should be served on the applicant's representative: Louis E. Gitomer, Esq., Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, phone (202) 466-6532, fax (410) 321-0885, and email: Lou_Gitomer@verizon.net