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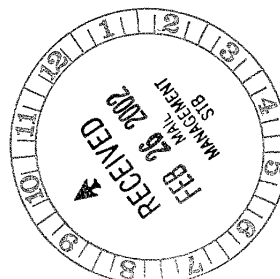
Taro Kusunose

eMail: tkusunose@bpmlaw.com

February 25, 2002

VIA FEDERAL EXPRESS

Surface Transportation Board
1925 K. Street N.W.
Washington, D.C. 20423-0001



Re: **STB Docket No. AB-573X**, *Trinidad Railway, Inc. – Abandonment Exemption – in Las Animas County, CO*

STB Finance Docket No. 34087, *Trinidad Railway, Inc. – Lease and Operation Exemption – Kern Valley Railroad Company*

STB Finance Docket No. 33956, *Kern Valley Railroad Company – Lease and Operation Exemption – Trinidad Railway, Inc.*

Dear Sir or Madam:

Please find enclosed four (4) courtesy copies of a letter submitted to the STB. Please distribute the copies to Hon. Linda J. Morgan, Hon. Wayne O. Burkes, Hon. Vernon A. Williams, and Ms. Ellen Hanson, Esq. Please call us with any questions or concerns ((206) 292-9988).

Respectfully submitted,

Taro Kusunose



**Betts
Patterson
Mines**

ATTORNEYS

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February 25, 2002

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VIA FEDERAL EXPRESS

David M. Konschnik
Director
Office of Proceedings
Surface Transportation Board
1925 K. Street N.W.
Washington, D.C. 20423-0001

Re: **STB Docket No. AB-573X**, *Trinidad Railway, Inc. – Abandonment Exemption – in Las Animas County, CO*

STB Finance Docket No. 34087, *Trinidad Railway, Inc. – Lease and Operation Exemption – Kern Valley Railroad Company*

STB Finance Docket No. 33956, *Kern Valley Railroad Company – Lease and Operation Exemption – Trinidad Railway, Inc.*

Hon. Konschnik:

We have received the enclosed letter from Mr. Fritz Kahn, counsel for Kern Valley Railroad Company ("Kern Valley"), in response to our request dated February 21, 2002 that the Surface Transportation Board ("Board") clarify the applicable deadline date for the parties to request that the Board set terms and conditions (the "Request") in this matter.

As can be seen in the letter, Kern Valley "does not oppose a reasonably brief extension of date when the price and terms request shall be due." Although we contend that no "extension" should be necessary at this time because the applicable 20 day period does not even begin to run until the date of the inspection, out of an abundance of caution, we hereby request an "extension" of the due date until the Board is able to establish a date certain "20 days after the date Rail

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Ventures. . . is granted access to the line," as the Board ordered in its decision dated December 11, 2001.

Our client, Rail Ventures, Inc. ("Rail Ventures") intends to visit and physically inspect the rail line at issue on the two days of February 26th, and February 27th, 2002. If the visit occurs as planned, we request that the Board set the Request due date as March 18, 2002: 20 days from the first day that Rail Ventures inspects the line. This would allow Rail Ventures an opportunity to attempt to reach an agreement with Kern Valley regarding the purchase price and terms, and then only if needed, to file its Request to the Board.

The original and ten (10) copies of this letter, one additional copy of the first page of this letter marked "COPY," a stamped, self-addressed envelope, and a Certificate of Service are enclosed. If you could direct someone in your office to send us the additional copy with a "received" stamp, or some other stamp of similar designation, affixed, in the enclosed envelope, it would be greatly appreciated. Please call us with any questions or concerns ((206) 292-9988).

Respectfully submitted,



Stephen L. Day
Taro Kusunose
Attorneys for
Rail Ventures, Inc.
One Convention Place
701 Pike Street, Suite 1400
Seattle, WA 98101
(206) 292-9988 – Telephone
(206) 343-7053 – Fax

TK:ltg

Encl.

cc: Hon. Linda J. Morgan (via overnight mail)
Hon. Wayne O. Burkes (via overnight mail)
Hon. Vernon A. Williams (via overnight mail)
Ms. Ellen Hanson, Esq. (via overnight mail)
Mr. John Reed (via facsimile)
Mr. Fritz Kahn, Esq. (via facsimile and post)
Mr. John Heffner, Esq. (via facsimile and post)

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February 25, 2002

VIA FAX (202) 565-9004

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

Dear Secretary Williams:

This refers to STB Docket No. AB-573X, Trinidad Railway, Inc. -- Abandonment Exemption In Las Animas County, and the letter, dated February 21, 2002, addressed to Director David M. Konschnik from counsel for Rail Ventures, Inc. ("RVI"), Taro Kusunose, Esq., seeking clarification of the Board's Decisions, served December 12, 2001, insofar as it set the due date for either party to "request the Board to establish the terms and conditions for the purchase [of the line] on or before a date 20 days after the date Rail Ventures . . . is granted access to the line."

By its Decision, served February 5, 2002, the Board ordered that "Kern Valley Railroad Company shall immediately afford Rail Ventures access to the rail line." Not having heard from RVI's counsel in the meantime, I, on February 6, 2002, filed with the Board a letter assuring it that KVR was ready, willing and able to afford RVI immediate access to the line. A copy of the letter was served on counsel for RVI by facsimile transmission.

It was RVI which asked to put off its inspection of the line until Tuesday and Wednesday of this week, February 26 and 27, 2002, when a KVR representative personally will escort RVI's representatives on their inspection of the line. It is unclear from his letter, but Mr. Kusunose evidently reads the Board's decision as allowing 20 days from the date RVI completes its inspection of the line as the day when the price and terms request is due; however, I don't believe that is what the Board's Decision says.

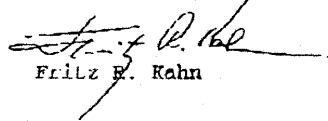
Notwithstanding RVI's belated inspection of the line, KVR does not oppose a reasonably brief extension of date when the

Hon. Vernon A. Williams
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price and terms request shall be due.

If you have any question concerning the foregoing which you believe I may be able to answer or if I otherwise can be of assistance, please let me know.

Sincerely yours,


Fritz E. Kahn

cc: Hon. Linda J. Morgan
Hon. Wayne O. Burke
David M. Konschnik, Esq.
Riley D. Hanson, Esq.
Taro Kusunose, Esq.
John D. Reffner, Esq.

** TOTAL PAGE.03 **

Certificate of Service

STB Docket No. AB-573X, *Trinidad Railway, Inc. – Abandonment Exemption – in Las Animas County, CO*

STB Finance Docket No. 34087, *Trinidad Railway, Inc. – Lease and Operation Exemption – Kern Valley Railroad Company*

STB Finance Docket No. 33956, *Kern Valley Railroad Company – Lease and Operation Exemption – Trinidad Railway, Inc.*

I certify that I have this day served copies of the attached Letter to Hon. David M. Konschnik dated February 25, 2002, by Counsel for Rail Ventures, Inc. upon all parties of records in this proceeding, by facsimile and post.

DATED this 25th day of February, 2002.


Print Name: TARO KUSUNOSE

(49 C.F.R. § 1104.12; 49 U.S.C. 10321; 5 U.S.C. 553)