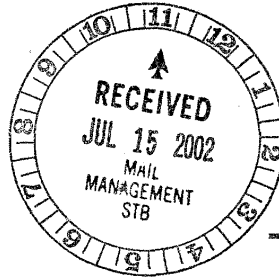


VALLE

Realty & Development

205260



Charles M. Sotelo, Broker

July 9, 2002

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Suite 700
Washington, DC 20423

**ENTERED
Office of Proceedings**

JUL 16 2002

**Part of
Public Record**

RE: Finance Docket No. 34191, *Petition for Declaratory Order of Charles M. Sotelo*

Dear Secretary Williams:

Enclosed are the original and 10 copies of Petitioner's replay to Respondents request to reject or strike Reply for failure to serve Respondents.

Enclosed (please see Exhibit "A") you will find Petitioner's mail to Respondent stating Petitioner had not, as of May 6th, 2002, received copy of letter to the Surface Transportation Board dated April 25th, 2002 filing number 205260 by Respondent. Petitioner found Respondents letter in Surface Transportation Board's web page.

My mail to Respondents special council, Mr. Lou Gitomer, was acknowledged and a copy of April 25th, 2002 letter was sent to Petitioner via attachment to e-mail.

Petitioner assumed he would have been extended the same courtesy if Respondents had not received mail in a timely fashion.

Please allow all of Petitioner and Respondents correspondence to the Surface Transportation Board be kept and used for ultimate decision on this very important issue for our border region.

Sincerely,

Charles M. Sotelo

802 Highway 92
P.O. Box 4203
Bisbee, AZ 85603-4203

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vallerealty@cybertrails.com

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34191



REPLY OF PETITIONER TO MOTION TO REJECT OR STRIKE BY SWKR OPERATION CO
AND SANPEDRO TRAILS, INC.

Petitioner, Charles M. Sotelo, states:

Arguments from Respondent and Petitioner clearly state both sides of this issue.

Case history has been well established to allow acceptance of Petition for Declaratory Order of Charles M. Sotelo.

Respondents arguments with case history only reinforces Petitioners opinion that this issue should stand alone in time and only the facts relating to this Petition should be used in determining it's acceptance or rejection. We are looking at a future not history. This border region (please see Exhibit "B" and "C") clearly and obviously reveal the need for action. Action this Board can grant by allowing Petition for Declaratory Order's approval. An economic development plan at an acceptable location by Cochise County Arizona and Naco Sonora Mexico with potential business for Respondents rail line. A win, win, win for all.

Please allow Petitioner to proceed. And again, we apologize for not writing in attorneyez. We are laypeople working a very important issue for our border region.

Nothing will follow from Petitioner. It is all on the table.

Charles M. Sotelo, 1020 Hwy 92, Bisbee, AZ 85603 (520 432 2505)

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Exhibit "A"

Subject: [Fwd: [Fwd: Filing ID # 205260]]
Date: Mon, 06 May 2002 14:58:08 -0700
From: Charles Sotelo <vallerealty@cybertrails.com>
Organization: Valle Realty & Development @ www.vallerealty.com
To: vallerealty@cybertrails.com

Subject: [Fwd: Filing ID # 205260]
Date: Mon, 06 May 2002 12:22:39 -0700
From: Charles Sotelo <vallerealty@cybertrails.com>
Organization: Valle Realty & Development @ www.vallerealty.com
To: vallerealty@cybertrails.com

Subject: RE: Filing ID # 205260
Date: Mon, 6 May 2002 12:18:23 -0400
From: "Gitomer, Lou" <lgitomer@dc.bjllp.com>
To: "vallerealty@cybertrails.com" <vallerealty@cybertrails.com>

Mr. Sotelo - The letter to the STB was mailed to you on April 25. I am enclosing an unsigned copy with this email.

-----Original Message-----

From: Charlie Sotelo [mailto:vallerealty@cybertrails.com]
Sent: Monday, May 06, 2002 12:00 PM
To: lgitomer@bjllp.com
Subject: Filing ID # 205260

Mr. Gitomer:

I have not received a copy of your letter to STB, filing number 205260.

Thank you for your time and consideration.

Charles M. Sotelo

C: File

 2002-04-25 STB transmittal.doc	Name: 2002-04-25 STB transmittal.doc Type: WINWORD File (application/msword) Encoding: base64
--	--

Charlie Sotelo <vallerealty@cybertrails.com> Owner Valle Realty & Development @ www.vallerealty.com

7-7-02

S. Arizona is at the epicenter of '02 fatalities

By Tim Steller and Ignacio Ibarra

ARIZONA DAILY STAR

The number of border-crossers who have turned up dead across Southern Arizona this year is greater than anyone knew — at least 77 so far, according to an Arizona Daily Star analysis of border-death reports.

For the first six months of this year, the analysis shows the illegal-entrant death

toll is ahead of last year's record-setting toll by 13 — at least 74 compared with 61 over the same period last year.

The count affects the public's perception of the problem's significance, said Nestor Rodriguez, a University of Houston sociologist. In 1997, he co-authored the first-ever study to enumerate the deaths of illegal entrants across the border.

"(When) a number was attached to it, it seemed to take on a greater life. It took on a reality that wasn't

appreciated before," Rodriguez said. Before that, "It was significant for the relatives, but for other people it didn't seem real."

While the Star's analysis came up with numbers that are apparently record-breaking, it also raised questions about the reliability of any death tolls currently kept.

The U.S. Border Patrol's Tucson Sector keeps the closest track of known deaths across the area covered by the Star analysis: Pima, Santa Cruz, Cochise and southern Pinal counties. Yet the Border Patrol's records don't note every border-crosser death.

In June, for example, the agency's Tucson Sector recorded



On StarNet:
For expanded coverage and archived border stories, visit www.azstarnet.com/border

35 deaths, but the analysis shows there were at least 37, and possibly as many as 41. According to the

Border Patrol's

figures, any of the three numbers would be a record.

The problem is that no single agency is required to report the deaths of illegal entrants beyond its own jurisdiction, be it a county, a consulate district, or an Indian reservation. The Border Patrol records only the death cases in which its agents participate and

SEE ENTRANTS / A9

ENTRANTS

77 border crossers known to be dead so far this year

Continued from Page A1

those that are reported by other agencies, although agents try to collect information from other agencies.

"If there is one (death) that occurred, but we never get any word about it, there's no way to count it," said Border Patrol spokesman Rob Daniels.

Over two weeks, the Star compiled records of border-crosser deaths kept by the Border Patrol's Tucson and Yuma sectors, the Mexican consulates in Tucson, Douglas and Nogales, and the Tohono O'odham Police Department. The Pima County Medical Examiner, Pima County Sheriff's Department and Tucson Police Department also provided information on individual cases.

The records are complicated by more than the fact that there is no central repository for such cases. Sometimes it is even difficult to discern whether the dead were simple border-crossers or engaged in something else.

Three examples of this problem turned up April 12 at the southern end of Federal Route 19, the highway that runs south from Sells and ends near the San Miguel Gate on the U.S.-Mexico border. The bodies of three men from Oaxaca state in southern Mexico were found there that day. Each had been shot once in the back of the head.

Exhibit "B"

Such execution-style murders usually suggest the victims were involved with drug trafficking, but apparently not this time.

"At this point, it doesn't appear there is a drug nexus," said Richie Hill, a spokesman for the FBI's Tucson office.

Said Richard Saunders, the acting chief of the Tohono O'odham Police Department: "These were people who were just walking across the border."

For those reasons, the Star included the three in its count, although the Border Patrol did not.

The case of the men from Oaxaca is far from normal, however. The analysis found that among the at least 175 border crossers found dead in Pima, Santa Cruz, Cochise and southern Pinal counties since Jan. 1 2001, 120 were probably victims of heat exposure.

Among the heat victims counted by the Star were 11 of the 14 people from one border-crossing group who died west of Ajo in May last year. The Border Patrol counted them all in the Yuma sector's records, although it turned out 11 of the dead were found just inside Pima County.

Another 13 of the victims ap-

peared to have died from exposure to cold. Eleven were victims of heart attacks or pre-existing medical conditions, the reports said. Vehicle accidents claimed 11 victims, and trains were responsible for another six. Only four, including the Oaxaca men, were homicide victims.

The death toll in this area is approaching "scandalous" levels, said the Mexican consul in Tucson, Carlos Flores Vizcarra. He called the rising toll further evidence that the United States and Mexico need to reach an agreement on immigration reform soon.

But he also noted that the number of border-wide deaths appears to be going down.

Mexico's Foreign Relations Ministry reported Thursday that the number of people who died trying to illegally cross the U.S.-Mexico border declined in the first six months of this year compared with the same period last year. In January through June 2001, Mexico's consulates counted 210 such deaths, compared with 117 this year.

"Everywhere the deaths are going down, except here," Flores Vizcarra said.

If so, that means the overall pattern of border deaths fits what has been happening since 1993, according to Karl Eschbach, a University of

Houston sociologist who co-authored the study of border-crosser deaths with Rodriguez. They found an average of 200 to 300 deaths of apparent illegal entrants per year, border-wide from 1993 to 1998.

Areas of California and Texas had periods as the epicenters of border-crosser deaths, according to Eschbach. Now it is Arizona's turn.

Eschbach said the lack of historical records on border-crosser deaths forced the university's researchers to use vital statistics registries to find data. But the Mexican consulates began keeping good track of deaths in the mid-1990s, and the Border Patrol did so in 1998, Eschbach said.

"Going back historically, no one anywhere ever kept records," Eschbach said. "Now we're keeping track."

But all efforts to keep these records run into one nearly unsolvable problem, Rodriguez said.

"Everybody always has an incomplete count, because you can only count the bodies that were found."

► Contact reporter Tim Steller at 434-4086 or at steller@azstarnet.com.

► Contact reporter Ignacio Ibarra at (520) 432-2766 or at nacho1@mindspring.com.

Exhibit "C"

Expand guest worker program

Your June 14 editorial "Water in the desert" is right on the mark in stating that, with or without water stations, people have taken a serious risk in crossing the border over the years.

But the editorial too easily dismisses the valid claim that water stations may give would-be trekkers a false sense of hope, because water is available once they cross into the United States.

The deaths of these individuals are the most heart-wrenching examples of our failed immigration policy.

The best answer for this problem is to improve Mexico's economy to create more opportunities for employment at home.

In the meantime, the United States should expand its guest worker program to allow people to

enter this country in an orderly and safe way so they may work when no American is available for a job.

Only when this happens will it be unnecessary for people to put themselves in such peril in our desert.

6-23-02

Jim Kolbe
Arizona congressman