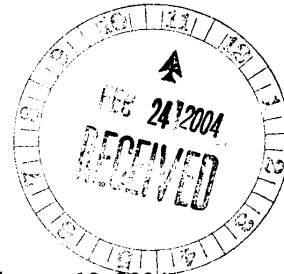


LAW OFFICES
FRITZ R. KAHN, P.C.
EIGHTH FLOOR
1920 N STREET, N.W.
WASHINGTON, D.C. 20036-1801

(202) 263-4152
FAX (202) 331-8330
e-mail: xiccgc@worldnet.att.net

210144

ORIGINAL



February 19, 2004

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

ENTERED
Office of Proceedings

FEB 24 2003

Part of
Public Record

Dear Secretary Williams:

This refers to STB Docket No. 863X, City of Venice—Abandonment Exemption—Between Branch Street Yard, MO, and McKinley Junction, IL, and to the City of Venice's Reply to the Petition of Terminal Railroad Association of St. Louis tendered for filing with the Opposition of the City of Venice, dated February 18, 2004.

The City of Venice's tendered Reply in fact is rebuttal argument. The Board has received rebuttal arguments in instances in which it has allowed a party to file a reply to a reply. See, STB Finance Docket No. 34425, City of Lincoln—Petition for Declaratory Order, served December 8, 2003; STB Finance Docket No. 33950, Jefferson Terminal Railroad Company—Acquisition and Operation Exemption—Crown Enterprises, Inc., served March 19, 2001; STB Finance Docket No. 33824, Great Salt Lake and Southern Railroad, L.L.C.—Construction and Operation—In Tooele County, UT, served December 15, 2000.

Terminal Railroad Association of St. Louis offers no objection to the Board's receipt of the City of Venice's rebuttal argument. We believe the Interstate Commerce Commission's decision in Finance Docket No. 30861(a), City of Austin, TX—Acquisition—Southern Pacific Transportation Company, served November 4, 1986, upon which the City of Venice primarily relies, more convincingly than anything we might offer demonstrates that a municipality cannot become a rail carrier without receiving the requisite authority or an exemption therefrom.

Ten copies of this letter are enclosed to permit your circulation of it. An additional copy of this letter is enclosed for you to stamp to acknowledge your receipt of it and to return to me via the enclosed stamped and self-addressed envelope.

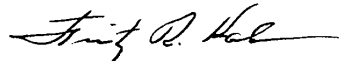
Service of the this letter upon the City of Venice and Madison County Transit has been

Hon. Vernon A. Williams
February 19, 2004
Page Two

effected by mailing copies of thereof by first-class prepaid mail to their representatives.

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 R. Kahn

enc.

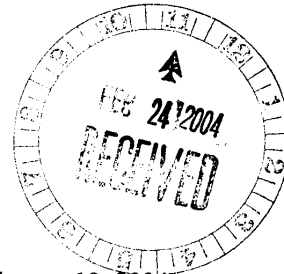
cc: Charles H. Montange, Esq.
Mr. Jerry Kane

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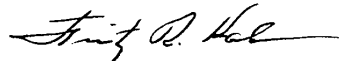
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