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SURFACE
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BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC



Docket No. AB-397 (Sub-No. 1X)

ENTERED
Office of Proceedings

JUN 5 2006

Part of
Public Record

TULARE VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN KINGS AND TULARE COUNTIES, CA

JOINT STATEMENT
OF
AMERICAN TRAILS ASSOCIATION, INC.,
AND CITY OF VISALIA

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Attorney for

AMERICAN TRAILS ASSOCIATION, INC.

Alex M. Peltzer
Dooley Herr & Peltzer
100 Willow Plaza (#300)
Visalia, CA 93291
Tel.: (559) 636-2000

Attorney for

CITY OF VISALIA

Dated: June 5, 2006

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SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

Docket No. AB-397 (Sub-No. 1X)

TULARE VALLEY RAILROAD COMPANY
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JOINT STATEMENT
OF
AMERICAN TRAILS ASSOCIATION, INC.,
AND CITY OF VISALIA

American Trails Association, Inc., of Salt Lake City, Utah ("ATA"), and the City of Visalia, Tulare County, CA ("Visalia"), pursuant to 49 C.F.R. 1152.29(f), seek the Board's authorization for ATA to relinquish its obligation as the trails operator and Visalia to become the trails operator of the right-of-way between Milepost 23.8 and Milepost 27+4200 ft., a portion of the line of the Tulare Valley Railroad Company ("TVR") authorized to be abandonment by Decision of the Interstate Commerce Commission, served March 24, 1994.

On May 3, 1994, the ICC issued a Decision and Notice of Interim Trail Use or Abandonment ("NITU") authorizing the railroad to negotiate a trail use/rail banking agreement with ATA. On April 20, 1995, ATA notified the Board than an interim trail use/rail banking agreement had been timely reached with TVR.

On January 28, 1998, ATA filed a notice of intent to terminate its trail use for the right-of-

way between milepost 38.5 at Cutler and milepost 27+4200 at Visalia, a distance of approximately 11 miles in Tulare County, CA. Its request was approved by Decision of the Board, served February 6, 1998.

By this Statement, Visalia seeks the entry by the Board of a modified NITU authorizing Visalia to succeed ATA as the trails operator of the right-of-way extending between Milepost 23.8 at Cutler and Milepost 27+4200 at Visalia.

Statement of Willingness to Assume

Financial Responsibility

In order to establish interim trail use and rail banking under the National Trails System Act, 16 U.S.C. 1247(d), and 49 C.F.R. 1152.29, Visalia is willing to assume full responsibility for the management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way heretofore owned and operated by TVR. The property extends between Milepost 23.8 at Cutler and Milepost 27+4200 at Visalia, a distance of approximately three and a half miles in Tulare County, California.

A map of the railroad line is attached.

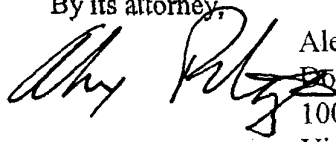
Visalia acknowledges that use of the right-of-way segments is subject to the user's continuing obligation to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of this statement is being served on counsel for TVR on the same date it is being served on the Board.

Respectfully submitted,

CITY OF VISALIA

By its attorney,



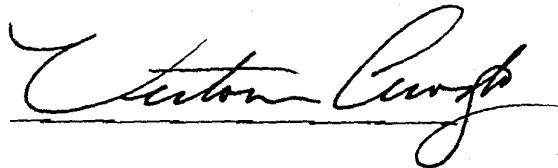
Alex M. Peltzer
Dooley Herr & Peltzer
100 Willow Plaza (#300)
Visalia, CA 93291
Tel.: (559) 636-0200

Dated: 4/27/2006

CERTIFICATE OF SERVICE

I certify that I this day have served a copy of the foregoing Statement on the City of Visalia on the Tulare Valley Railroad Company by mailing and facsimile transmitting copies to its attorney, Michael J. Van Wagenen, Esq.

Dated at Visalia, California, this 2nd day of June, 2006.

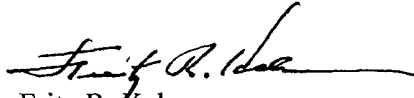


A copy of this statement is being served on counsel for TVR on the same date it is being served on the Board.

Respectfully submitted,

AMERICAN TRAILS ASSOCIATION, INC.

By its attorney,

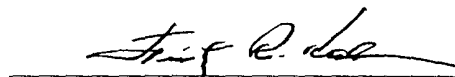

Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036-1601
Tel.: (202) 263-4152

Dated: June 5, 2006

CERTIFICATE OF SERVICE

I certify that I this day have served a copy of the foregoing Statement of American Trails Association, Inc., and City of Visalia on the Tulare Valley Railroad Company by facsimile transmitting and mailing copies to its attorney, Michael J. Van Wagenen, Esq.

Dated at Washington, DC, this 5th day of June 2006.


Fritz R. Kahn

