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December 1, 2009

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, D. C. 20423

Dear Ms. Brown:

This refers to STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad Company—Abandonment Exemption—in Tulare County, CA, and to the Decision of the Board, served December 1, 2009.

Footnote 3 of the Decision reads, as follows:

According to SEA, in e-mails dated June 8, 2009, and September 8, 2009, the SHPO listed a number of specific data requirements it believed should have been, but were not, submitted by TVR. The first was sent directly to TVR; the second was sent to SEA with a copy to TVR.

The SHPO's e-mails listed specific data requirements to be sent to the SHPO as part of the Section 106 consultation which, according to the SHPO, must be initiated and undertaken by the lead agency, namely the Board, in this instance. The e-mails, in part, specifically stated:

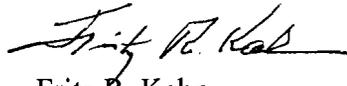
In the case of the TVR abandonment in Tulare County, it does not appear that the Section 106 process has been initiated. Unfortunately, the letters from your law offices do not qualify as initiating the Section 106 review process because neither your firm nor TVR are federal agencies. The Section 106 initiation request should come from STB.

If, as the SHPO directed, the Board will initiate the Section 106 consultation, I, on behalf of the Tulare Valley Railroad Company, will lend whatever assistance I can.

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In the meantime, I respectfully request that the Board's Decision be corrected to accurately reflect the SHPO's June 8, 2009, and September 8, 2009, e-mails, the second one of which, as footnote 3 noted, was sent to the Board's Section of Environmental Analysis, with copy to me, as counsel for the Tulare Valley Railroad Company.

Sincerely yours,



Fritz R. Kahn