

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34305

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY
COMPANY — CONSTRUCTION AND OPERATION EXEMPTION —
MERCED COUNTY, CA

Decided: July 8, 2004

By decision served on March 28, 2003, the Board conditionally approved an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for The Burlington Northern and Santa Fe Railway Company (BNSF) to construct and operate an 850-foot line of railroad in Merced County, CA. The proposed line would connect to the BNSF Stockton Subdivision main line between Stockton and Bakersfield, CA, and extend to the Quebecor World Inc. printing and distribution facility in Merced, CA. By decision served on March 4, 2004 (March 4 decision), the Board granted the exemption, subject to BNSF's compliance with 17 mitigation measures recommended by the Section of Environmental Analysis (SEA), as set forth in the appendix to that decision.

In a letter to SEA, dated June 25, 2004, BNSF requests that conditions 11 and 12 of the mitigation measures be removed from the Board's March 4 decision. According to BNSF, these conditions, which specifically relate to the crossing of Santa Fe Road, are no longer applicable due to the Merced City Council's action during a May 17, 2004 council meeting closing Santa Fe Road to vehicular traffic. As a result of that action, SEA recommends the removal of conditions 11 and 12. Accordingly, based on SEA's recommendation, mitigation measures 11 and 12 will be removed as they are no longer necessary.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Mitigation conditions 11 and 12 in the March 4 decision are removed.

2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary