

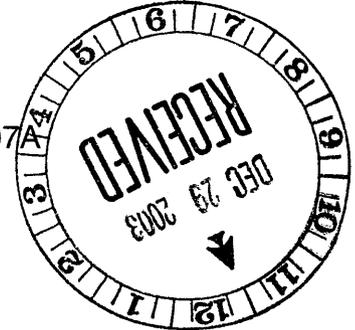
**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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December 12, 2003

REPLY TO: STB030307A



Victoria Rutson, Chief
Section of Environmental Analysis
U.S. Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001

Re: Construction and Operation Exemption - The Burlington Northern and Santa Fe Railway Company, Merced, Merced County, California.

Dear Ms. Rutson:

Thank you for submitting to our office your November 7, 2003 letter and Environmental Assessment (EA) in response to my letter of March 19, 2003, regarding the proposed construction and operation of an approximately 850-foot rail line near the City of Merced in Merced County, California. The proposed rail line would connect the Quebecor World Inc. (Quebecor) printing and distribution facility in Merced with Burlington Northern and Santa Fe Railroad's existing Stockton Subdivision mainline between Stockton and Bakersfield, California. In my letter I requested that the Surface Transportation Board (STB) establish a project Area of Potential Effects (APE) as defined in 36 CFR 800.16(d), and to identify and provide information on any historic properties that may be affected by the project pursuant to 36 CFR 800.4(a) through 800.4(c)(2). STB's EA documentation addresses these issues.

STB is seeking my comments on its determination of the effects the proposed project will have on historic properties in accordance with 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act. A review of the EA documentation leads me to concur with STB's determination that the proposed project, as described, will not involve historic properties. Accordingly, STB has fulfilled its responsibilities pursuant to 36 CFR 800. Please note, however, that STB may have additional responsibilities pursuant to 36 CFR 800 under any of the following circumstances:

1. If any consulting party requests the Advisory Council on Historic Preservation to review your findings in accordance with 36 CFR 800.5 (c) (3);
2. If the undertaking changes in ways that could affect historic properties (36 CFR 800.5 [d] [1]);
3. If previously undocumented properties are discovered during implementation of the undertaking or if known historic property will be affected in an unanticipated manner (36 CFR 800.13);
4. If a property that was to be avoided has been inadvertently or otherwise affected (36 CFR 800.13);

5. If any condition of the undertaking, such as a delay in implementation or implementation in phases over time, may justify reconsideration of the current National Register status of properties within the undertaking's Area of Potential Effects (36 CFR 800.4[c] [1]).

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Caesar at (916) 653-8902.

Sincerely,

A handwritten signature in black ink, appearing to read "Knox Mellon".

Dr. Knox Mellon
State Historic Preservation Officer