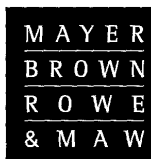
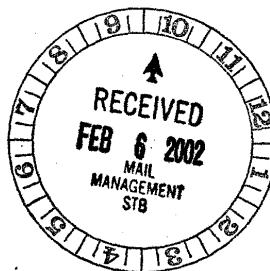


February 6, 2002

BY HAND

Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



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Re: Finance Docket No. 34079, San Jacinto Rail Limited—
Authority to Construct—and The Burlington Northern and Santa
Fe Railway Company—Authority to Operate—Petition for an
Exemption from 49 U.S.C. § 10901—Build-In to the Bayport
Industrial Loop Area Near Houston, Harris County, Texas

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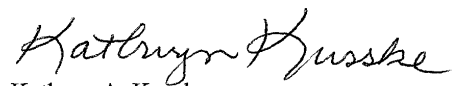
Dear Ms. Rutson:

The Burlington Northern and Santa Fe Railway Company (BNSF) and San Jacinto Rail Limited (SJRL) have received copies of several comments requesting an extension of the comment period for the draft scope of study. We believe that it is important for the public to have an opportunity to participate in the NEPA process, and to that end, we supported the decision of the Section of Environmental Analysis (SEA) to hold two days of scoping meetings, as well as a one-month delay from the original dates for the scoping meetings in December 2001. Those meetings provided interested persons with an opportunity to obtain information about the project and submit oral or written comments.

As mentioned in our February 1, 2002 comments on the draft scope of study, there are additional opportunities for the public to continue its participation in the NEPA process in the future. Although we believe the Board and interested parties have developed a thorough and substantial record on the scope of study, and we have little expectation that new issues for the scope of study will surface, we nevertheless believe it is important for the public to have a full opportunity to help delineate the scope of study from the outset. Accordingly, in light of the requests for extension, we do not oppose a limited extension of time, not to exceed 30 days, on the draft scope of study. We are concerned, however, that further delays at each stage of the process in the future will undermine the prompt and orderly processes envisioned by the National Rail Transportation Policy. Similarly, our non-opposition to the extension requests should not be misconstrued as to our preference for expeditious handling of this proceeding.

Office of the Secretary
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Sincerely,


Kathryn A. Kusske

cc: Chairman Linda J. Morgan
Vice-Chairman Wayne Burkes
Dana G. White
Alan Summerville
All Parties of Record
