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October 17, 2002



VIA FAX: 202/565-9004 and Second-Day Air

Mr. Vernon A. Williams

Secretary

Surface Transportation Board

ATTN: STB Finance Docket No. 34079

1925 K Street, NW

Washington, DC 20006

Dear Secretary Williams:

RE:

STB Finance Docket No. 34079

San Jacinto Rail Limited Construction Exemption and the Burlington Northern and

Santa Fe Railway Company Operation Exemption -

Build-out to the Bayport Loop near Houston, Harris County, TX

Motion to compel the production of applicant-provided evidence

Amendment

The Galveston Bay Conservation and Preservation Association hereby amends the motion named above, dated October 15, 2002, to correct a typographical error.

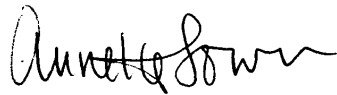
Numbered paragraph 13 of the motion is amended to read as follows:

13. It has been reported that BNSF and SJR's August 6, 2002 letter contained "voluntary" mitigation conditions for the petition. GBCPA notes that the Board did adopt these conditions in its August 19, 2002 decision conditionally approving the petition on the merits. That decision would have been an ideal time to adopt such conditions as mandatory, which they now currently are not since they were never filed properly as a petition amendment with the Board Secretary. The public, and GBCPA in particular as a

party, was denied the opportunity to review and comment on this evidence prior to the Board's August 19 decision. If GBCPA's September 17, 2002 motions to strike, sanction, and reopen are denied, this fact still renders the August 19 decision invalid.

An original and 10 copies of the amendment to the motion named above are enclosed.

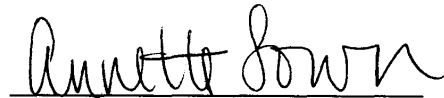
Sincerely,



Annette Lown for Jim Blackburn  
ATTORNEY  
for Party of Record  
GALVESTON BAY CONSERVATION AND  
PRESERVATION ASSOCIATION

Certificate of Service

I hereby certify that the foregoing has been served on all Parties of Record in *Finance Docket Number 34079*, by first class mail or more expeditious means, on this 17<sup>th</sup> day of October, 2002.



Annette Lown for Jim Blackburn  
ATTORNEY  
for Party of Record  
GALVESTON BAY CONSERVATION  
AND PRESERVATION ASSOCIATION