

212083  
ORIGINAL

LAW OFFICE  
**THOMAS F. MCFARLAND, P.C.**  
208 SOUTH LA SALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. MCFARLAND

September 27, 2004

By UPS overnight mail

ENTERED  
Office of Proceedings

SEP 28 2004

Vernon A. Williams, Secretary  
Surface Transportation Board  
Case Control Unit, Suite 713  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: Docket No. AB-812X, *Stockton Terminal and Eastern Railroad -- Abandonment  
Exemption -- in San Joaquin County, CA*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Notice of Exemption Under 49 C.F.R.  
§ 1152.50, for filing with the Board in the above referenced matter.

Also enclosed is County of San Joaquin's check #00632386 in the amount of \$2,800 for  
the filing fee. A disk is also included with a copy of the Notice of Exemption formatted in Word  
Perfect 8 & as a .pdf file.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland

*TMcf:kl:enc:wp8.0\1036\trstb1*

**FEE RECEIVED**

SEP 28 2004

**SURFACE  
TRANSPORTATION BOARD**

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SEP 28 2004

**SURFACE  
TRANSPORTATION BOARD**

212083

BEFORE THE  
SURFACE TRANSPORTATION BOARD

STOCKTON TERMINAL AND )  
EASTERN RAILROAD -- ) DOCKET NO. AB-812X  
ABANDONMENT EXEMPTION -- IN )  
SAN JOAQUIN COUNTY, CA )

NOTICE OF EXEMPTION  
UNDER 49 C.F.R § 1152.50

ENTERED  
Office of Proceedings

SEP 28 2004

STOCKTON TERMINAL  
AND EASTERN RAILROAD  
GREG CARNEY, Vice President  
and Chief Operating Officer  
1330 North Broadway Avenue  
Stockton, CA 95205

Applicant

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**FILED**

SEP 28 2004

**SURFACE  
TRANSPORTATION BOARD**

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

Attorney for Applicant

DATE FILED: September 28, 2004

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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|                             |   |                    |
|-----------------------------|---|--------------------|
| STOCKTON TERMINAL AND       | ) |                    |
| EASTERN RAILROAD --         | ) | DOCKET NO. AB-812X |
| ABANDONMENT EXEMPTION -- IN | ) |                    |
| SAN JOAQUIN COUNTY, CA      | ) |                    |

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**NOTICE OF EXEMPTION  
UNDER 49 C.F.R § 1152.50**

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Pursuant to 49 C.F.R. § 1152.50, STOCKTON TERMINAL AND EASTERN RAILROAD (STE) hereby files this Notice of Exemption for abandonment of an out of service line of railroad in Linden, San Joaquin County, California, extending from the west edge of North Duncan Road to the end of the line near North Wall Road, a distance of approximately 3,600 feet (about .68-mile). The line traverses United States Postal Service Zip Code 95236 (Linden, CA). Maps showing the line are attached as Appendix 1. Inasmuch as no freight has moved over the line in about fifteen years, this abandonment is exempt from regulation under 49 C.F.R. § 1152.50. In accordance with the aforesaid regulation, Applicants make the following responses:

**Responses to 49 C.F.R. § 1152.50(d)(2):**

1. *Proposed consummation date*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of September 28, 2004, which will be November 17, 2004.

2. *Certification required in Section 1152.50(b).*

The required certification by STE is set forth as Appendix 2 to this Notice of Exemption.

3. *Information required in Section 1152.22(a)(1)-(4), (7), (8), and (e)(4):*

(a) *General*

(1) *Exact name of Applicant:*

Stockton Terminal and Eastern Railroad

(2) *Whether Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.*

The Applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, chapter 105.

(3) *Relief sought (abandonment of line or discontinuance of service).*

Abandonment.

(4) *A detailed map depicting the line proposed for abandonment.*

Appendix 1.

(7) *Name, title and address of representative of Applicant to whom correspondence should be sent:*

Thomas F. McFarland  
Thomas F. McFarland, P.C.  
208 South LaSalle Street  
Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

(8) *List of all United States Postal Zip Codes that the line proposed for abandonment traverses:*

The line traverses United States Postal Service Zip Code 95236 - Linden,  
CA.

(g) *Rural and community impact.*

- (4) *Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes, this shall be disclosed.*

The properties proposed to be abandoned are not appropriate for use for other public purposes. STE has only an easement for railroad purposes over the rail line to be abandoned. Upon abandonment and removal of track materials, San Joaquin County, the owner of the land in the right-of-way, will use that land to improve street access to schools located near North Duncan Road and East Front Street in Linden, CA.

4. *Federally granted right of way.*

To the best of STE's knowledge, the right of way does not consist of any federally granted lands. Any documentation in the railroad's possession shall be made available promptly to those requesting it.

5. *The level of labor protection.*

STE understands that, in exempting the proposed abandonment, the Board cannot relieve a carrier of its statutory obligation to protect the interests of employees. *See* 49 C.F.R.

§ 1152.50(c). Accordingly, STE anticipates that the Board will impose the conditions set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979), for the benefit of any employee who may be adversely affected by the proposed abandonment.

6. *Certificate of compliance with the notice requirements of Sections 1152.50(d)(1) and 1105.11 and the newspaper publication requirements of Section 1105.12.*

The required certificate is set forth as Appendix 3 to this Notice of Exemption.

7. *Environmental and Historic Reports.*

A combined Environmental and Historic Report is attached to this Notice of Exemption as Appendix 4.

8. *Verification.*

The required verification is set forth as Appendix 5 to this Notice of Exemption.

Respectfully submitted,

STOCKTON TERMINAL  
AND EASTERN RAILROAD  
GREG CARNEY, Vice President  
and Chief Operating Officer  
1330 North Broadway Avenue  
Stockton, CA 95205

Applicant

*Thomas F. McFarland*

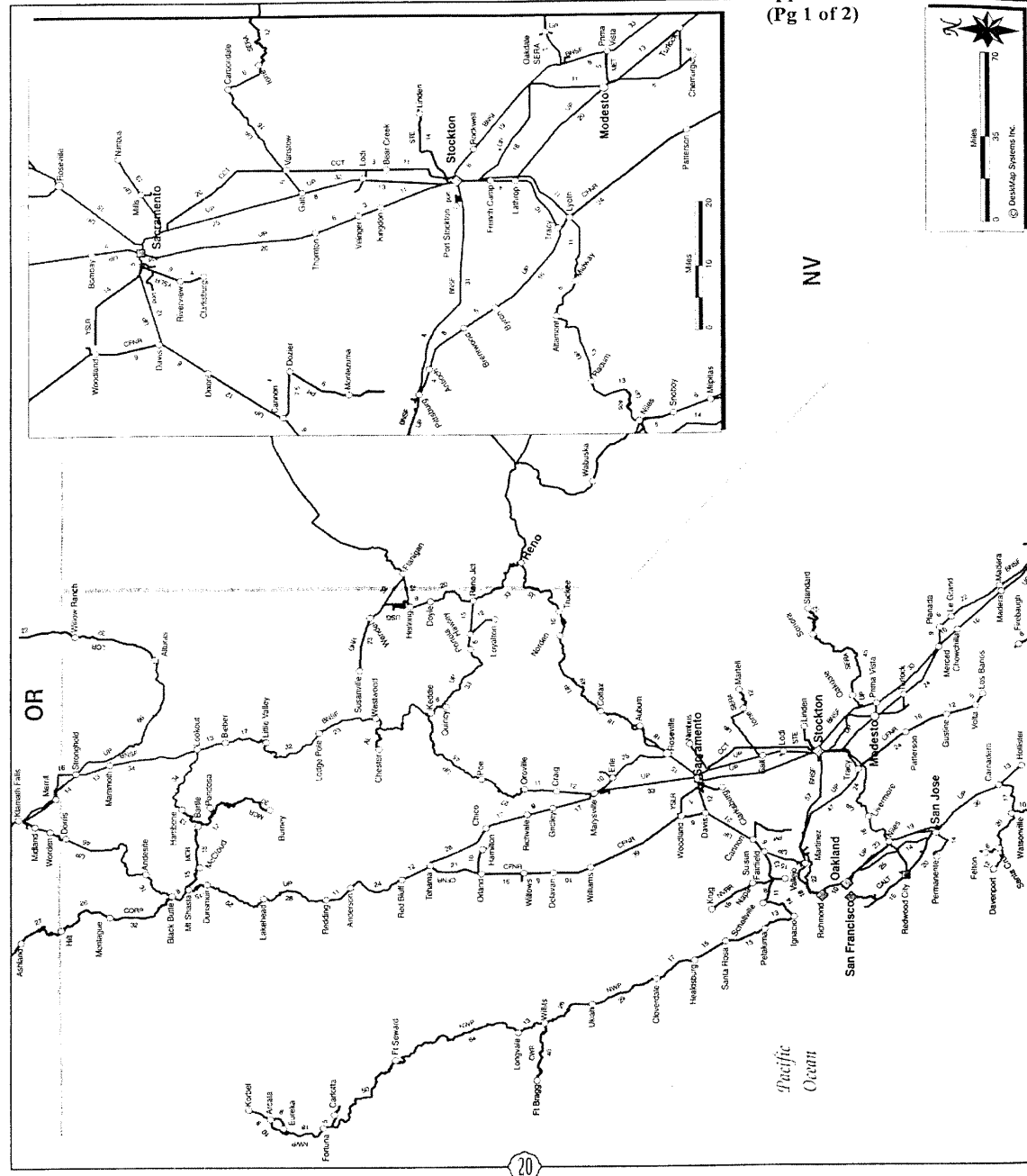
THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

Attorney for Applicant

DATE FILED: September 28, 2004

# CALIFORNIA • Sacramento, Stockton

Appendix 1  
(Pg 1 of 2)



Appendix 1  
(Pg 2 of 2)

FIND IT



MAPS



DIRECTIONS



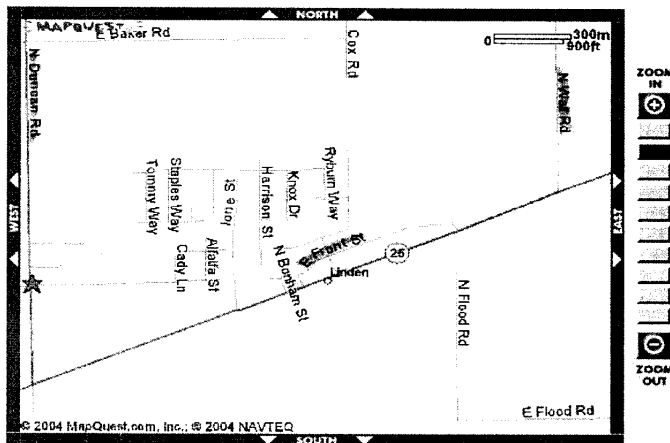
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Appendix 2

**CERTIFICATION REQUIRED IN 49 C.F.R. § 1152.50(b)**

In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. 812-X, (1) no traffic has moved over the line for at least two years prior to the date hereof and any overhead traffic on the line can be rerouted over other lines and (2) no formal complaint filed by a user of rail service on the line (or state or local governmental agency acting on behalf of such a user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two year period prior to the date hereof. The foregoing certification is made on behalf of Stockton Terminal and Eastern Railroad by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.



Thomas F. McFarland  
Thomas F. McFarland

SUBSCRIBED and SWORN  
to before me this 16<sup>th</sup> day of  
September, 2004.

Kathleen Lenihan  
Notary Public

My commission expires: 1/29/2006

**Appendix 3**

**CERTIFICATION OF COMPLIANCE WITH THE  
NEWSPAPER PUBLICATION REQUIREMENTS  
OF SECTION 49 C.F.R. § 1105.12**

The undersigned certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in San Joaquin County, California.

Newspaper

Date

The Record

September 8, 2004

Thomas F. McFarland

Thomas F. McFarland

# PROOF OF PUBLICATION

Notice

.....)  
.....)  
.....)  
.....)

STATE OF CALIFORNIA ) ss  
COUNTY OF SAN JOAQUIN )

## THE UNDERSIGNED SAYS:

I am a citizen of the United States and a resident of San Joaquin County; I am over the age of 18 years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of THE RECORD, a newspaper of general publication, printed and published daily in the City of Stockton, County of San Joaquin and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Joaquin, State of California, under the date of February 26, 1952, File No. 52857, San Joaquin County Records; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates,

to-wit: September 8, 2004  
.....  
.....  
.....  
all in the year 2004.....

I declare under penalty of perjury that the foregoing is true and correct.

Executed

on...September 8, 2004.....  
At Stockton, California

Sandra Johansen  
Sandra Johansen

## NOTICE OF INTENT TO ABANDON RAIL LINE AND DISCONTINUE RAIL SERVICE

STOCKTON TERMINAL AND EASTERN RAILROAD (STE) is giving notice that on or about September 21, 2004 it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 for abandonment of a segment of its rail line in Linden, San Joaquin County, California, from the west edge of North Duncan Road to the end of the line near North Wall Road, a distance of approximately 3,600 feet (about .68-mile). The subject rail line traverses through Linden, California. United States Postal Service ZIP code 95236. The proceedings have been docketed as STB Docket No. AB 812X.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice for abandonment exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at 202-927-6211.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423 (See 49 C.F.R. 1104.1(a) and 1104.3(a)), and one copy must be served on applicants' representative (See 49 C.F.R. 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicants' representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

#317665 9/8/04

Legal Notices 0948

**Appendix 4**  
**(Environmental & Historic Report)**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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STOCKTON TERMINAL AND )  
EASTERN RAILROAD -- ) DOCKET NO. AB-812X  
ABANDONMENT EXEMPTION -- IN )  
SAN JOAQUIN COUNTY, CA )

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**DRAFT ENVIRONMENTAL AND HISTORIC REPORT**

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**STOCKTON TERMINAL  
AND EASTERN RAILROAD**  
**GREG CARNEY**, Vice President  
and Chief Operating Officer  
1330 North Broadway Avenue  
Stockton, CA 95205

Applicant

**THOMAS F. McFARLAND**  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

Attorney for Applicant

DATE SUBMITTED: August 25, 2004

Docket No. AB-812X  
Env. & Historic Report

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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|                             |   |                    |
|-----------------------------|---|--------------------|
| STOCKTON TERMINAL AND       | ) |                    |
| EASTERN RAILROAD --         | ) | DOCKET NO. AB-812X |
| ABANDONMENT EXEMPTION -- IN | ) |                    |
| SAN JOAQUIN COUNTY, CA      | ) |                    |

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**DRAFT ENVIRONMENTAL AND HISTORIC REPORT**

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Pursuant to 49 C.F.R. § 1105.7 and 1105.8, STOCKTON TERMINAL AND EASTERN RAILROAD (STE) hereby submits this Draft Environmental and Historic Report (Report). There is no information in STE's files that indicates that the rail line covered by this Report contains federally-granted right-of-way.

**I.**

**DRAFT ENVIRONMENTAL REPORT**

STE hereby submits the following information required by 49 C.F.R. § 1105.7(e):

*(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

The proposed action is abandonment of approximately 3,600 feet (.68-mile) of rail line in Linden, San Joaquin County, CA, that extends from the west side of North Duncan Road east to the end of STE's line near North Wall Road. Attached as Appendix 1 are maps that depict STE's rail line and the line segment proposed for abandonment. The rail line proposed for abandonment is not identified by milepost numbers. It will be here referred to as "the Linden

line.” STE intends to file a notice of exemption with the Surface Transportation Board (Board) no earlier than 20 days after issuance of this Draft Report that will seek abandonment of the Linden line.

There has been no rail use of the Linden line since 1989.

When an exemption for abandonment of the Linden line becomes effective, STE proposes to remove and sell the track materials in the line. STE has only an easement over the land in the right-of-way. Upon abandonment, STE’s easement will be extinguished, and the owner of the land, San Joaquin County, will be freed of the easement. STE is abandoning this rail line in cooperation with the County and the local School District so that trackage can be removed and street access can be improved at schools located near Duncan Road and Front Street in Linden, CA.

*(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

The proposed action will have no effect on local or regional transportation systems or patterns other than to improve street access to schools near Duncan Road and Front Street in Linden, CA. Inasmuch as no rail traffic has moved over the rail line to be abandoned during the past 15 years, there will be no diversion of rail traffic to other transportation systems or modes as a result of the proposed abandonment.

*(3) Land use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

Based on consultation with Mr. Peter Martin of The County of San Joaquin (209-468-3036), the proposed abandonment is known to be consistent with local and regional land use

plans, i.e., removal of the tracks will permit improved street access to schools near North Duncan Road and East Front Street in Linden, CA. The County is in favor of the proposed abandonment for that reason.

In accordance with a requirement of this regulation, STE is consulting in writing with the County of San Joaquin and the local School Board regarding consistency of the proposed abandonment with local and regional land use plans. Copies of letters to those agencies are attached as Appendix 2.

*(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

The abandonment will not affect prime agricultural land. The rail line is located near land that is used for growing walnuts and fruits. However, the rail line itself is not on or adjacent to agricultural land. Removal of the tracks in the rail line will not have an effect on agricultural land. In accordance with this regulation, STE is consulting by letter with the National Resource Conservation Service, formerly known as the U.S. Soil Conservation Service (letter attached as Appendix 3).

*(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.*

Not applicable. The rail line is not located in a designated coastal zone.

*(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.*

The rail line is not suitable for an alternative public use. STE has only a rail easement over the line. STE is not agreeable to railbanking and interim trail use of the right-of-way. The County intends to use the right-of-way for improved street access to schools near Duncan Road

and Front Street in Linden, CA. STE has agreed to that use.

*(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources.*

The proposed abandonment will have no effect on transportation of energy resources.

*(ii) Describe the effect of the proposed action on recyclable commodities.*

The proposed abandonment will have no effect on recyclable commodities.

*(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

The proposed action will not result in either an increase or a decrease in overall energy efficiency.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.*

Not applicable.

*(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously*

*abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

Not applicable.

*(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

Not applicable.

*(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

The proposed abandonment will have a positive effect on public health and safety because it will result in improved street access to schools near Duncan Road and Front Street in Linden, CA.

*(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

Not applicable.

*(8) Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

STE does not believe that the proposed abandonment will adversely affect endangered or threatened species or areas designated as critical habitat. In accordance with this regulation, STE is consulting by letter with the U.S. Fish and Wildlife Service (letter attached as Appendix 4).

*(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

The proposed abandonment will not affect wildlife sanctuaries or refuges, nor National or State parks or forests.

*(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

STE believes that the proposed abandonment will be consistent with applicable Federal, State or local water quality standards. In accordance with this regulation, STE is consulting by letter with California water quality officials (letter attached as Appendix 5).

*(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

STE believes that there is no requirement for a permit under section 404 of the Clean Water Act for the proposed abandonment. STE believes that the proposed abandonment will not affect any designated wetlands or 100-year flood plains. In accordance with this regulation, STE is consulting by letter with the U.S. Army Corps of Engineers (letter attached as Appendix 6).

*(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)*

STE believes that there is no requirement for a permit under section 402 of the Clean

Water Act for the proposed abandonment. In accordance with this regulation, STE is consulting by letter with the U.S. Environmental Protection Agency (letter attached as Appendix 7).

*(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

Not applicable.

## II.

### HISTORIC REPORT

STE hereby submits the following information required by 49 C.F.R. § 1105.8(d):

*(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;*

The required map is attached to this Report as Appendix 8.

*(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;*

The right-of-way proposed for abandonment is 50 feet wide and approximately 3,600 feet long. It extends generally through land used for agricultural and residential purposes.

*(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;*

There are no bridges on the Linden line.

*(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;*

Not applicable. See answer 3.

*(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;*

The Linden line was constructed by STE in 1908. It has not been operated since 1989.

*(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;*

Not applicable. See answer 3.

*(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);*

Not applicable. See answer 3. In accordance with this regulation, STE is consulting by letter with the California Office of Historic Preservation (letter attached as Appendix 9).

*(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

STE has no knowledge of any prior subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

Respectfully submitted,

**STOCKTON TERMINAL  
AND EASTERN RAILROAD**  
**GREG CARNEY**, Vice President  
and Chief Operating Officer  
1330 North Broadway Avenue  
Stockton, CA 95205

Applicant

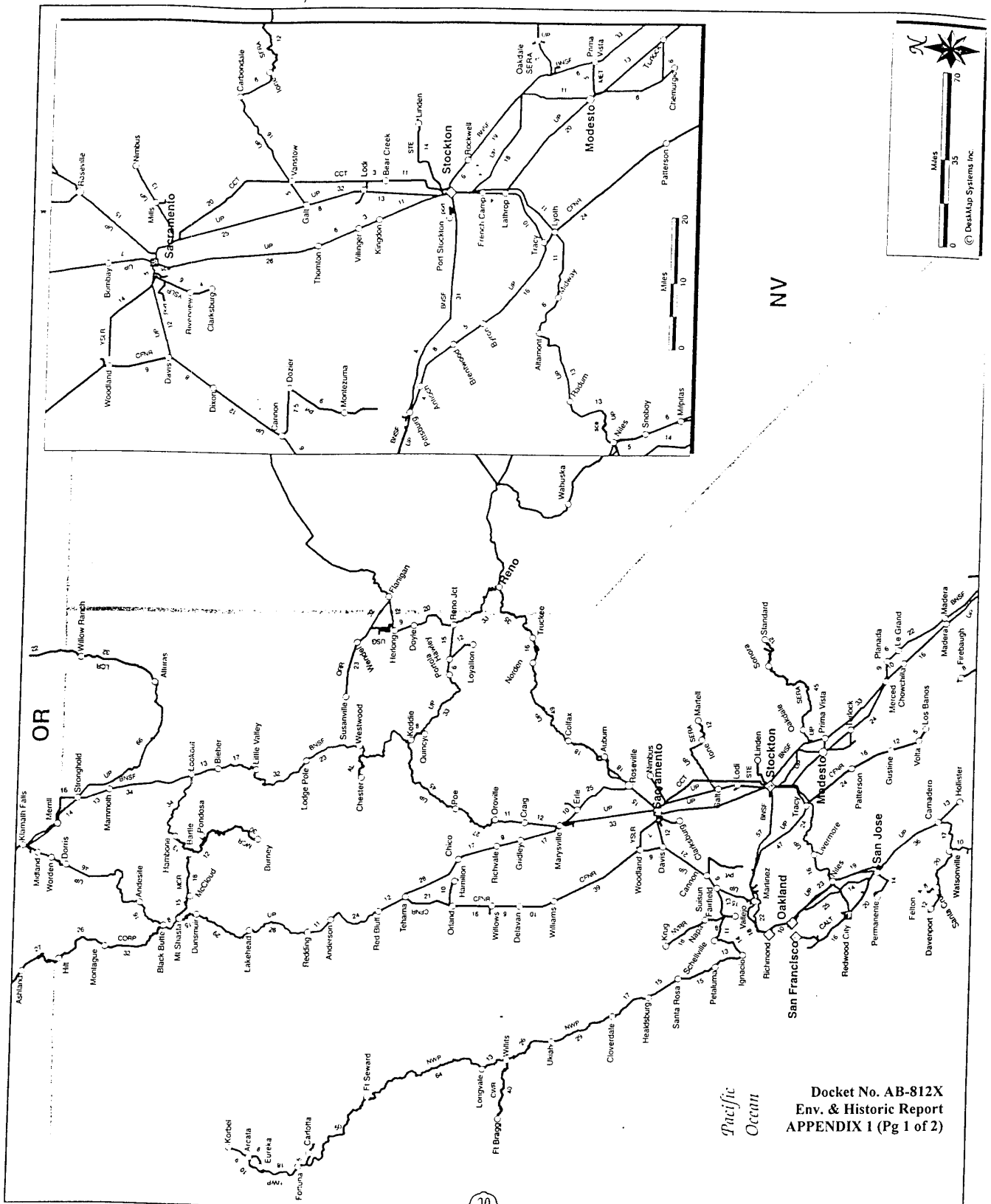
*Thomas F. McFarland*

**THOMAS F. McFARLAND**  
THOMAS F. McFARLAND, P.C.  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204

*Attorney for Applicant*

DATE SUBMITTED: August 25, 2004

# CALIFORNIA • Sacramento, Stockton



Docket No. AB-812X  
Env. & Historic Report  
APPENDIX 1 (Pg 1 of 2)



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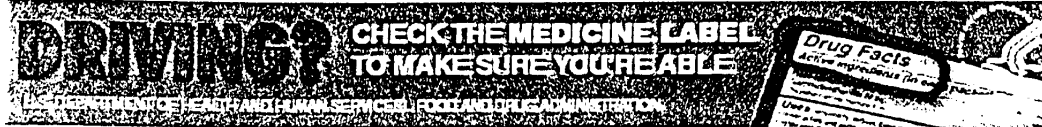


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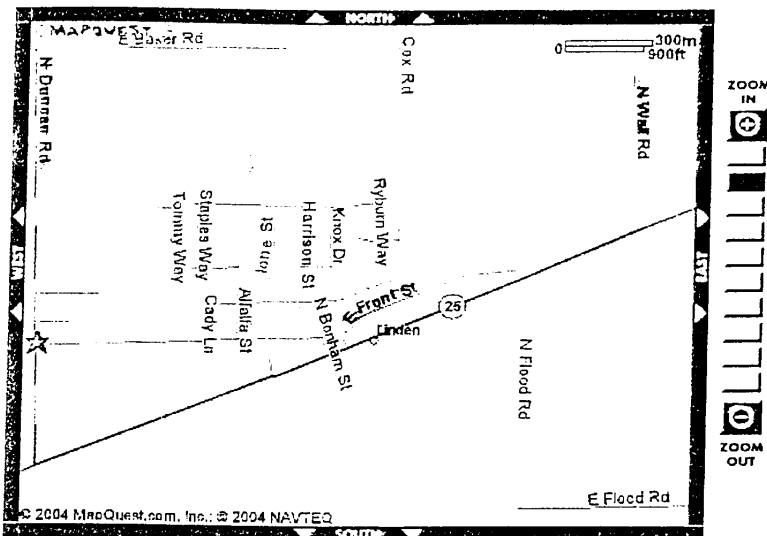
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Docket No. AB-812X  
Env. & Historic Report  
APPENDIX 1 (Pg 2 of 2)

LAW OFFICE  
**THOMAS F. McFARLAND, P.C.**  
208 SOUTH LASALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. McFARLAND

August 25, 2004

Mr. Peter Martin  
San Joaquin County, CA  
P.O. Box 1810  
Stockton, CA 95201

Mr. Ron Estes, Superintendent  
Linden Unified School District  
18527 East Front Street  
Linden, CA 95236

Re: Surface Transportation Board Docket No. AB-812X, *Stockton Terminal and Eastern Railroad -- Abandonment Exemption -- in San Joaquin County, CA*

Gentlemen:

On or about September 21, 2004, I will file a Notice of Exemption with the United States Department of Transportation, Surface Transportation Board (STB) as captioned above. The notice will seek an exemption from 49 U.S.C. § 10903 for Stockton Terminal and Eastern Railroad (STE) to abandon a segment of its rail line in Linden, San Joaquin County, California, extending from the west edge of North Duncan Road east to the end of STE's rail line near North Wall Road, a distance of approximately 3,600 feet (about .68-mile). The proposed abandonment would affect Linden, which has U.S. Postal Service zip code 95236.

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Your comments should be directed to:

Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423

Docket No. AB-812X  
Env. & Historic Report  
APPENDIX 2 (Pg 1 of 2)

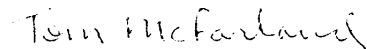
THOMAS F. MCFARLAND

Mr. Peter Martin  
Mr. Ron Estes  
August 25, 2004  
Page 2

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Should you have any questions, you can contact the STB's Section of Environmental Analysis at (202) 565-1552 or the undersigned at (312) 236-0204.

Very truly yours,



Thomas F. McFarland  
*Attorney for Stockton Terminal  
and Eastern Railroad*

TMcf:kl:enc:wp8.0\1036\ltrappdx2

LAW OFFICE  
THOMAS F. MCFARLAND, P.C.  
208 SOUTH LASALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
mcfarland@aol.com

THOMAS F. MCFARLAND

August 25, 2004

Natural Resource Conservation Service  
USDA Lyng Service Center  
430 G Street - #4164  
Davis, CA 95616-4164

Re: Surface Transportation Board Docket No. AB-812X, *Stockton Terminal and Eastern Railroad -- Abandonment Exemption -- in San Joaquin County, CA*

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1925 K Street, N.W.  
Washington, DC 20423

Docket No. AB-812X  
Env. & Historic Report  
APPENDIX 3 (Pg 1 of 2)

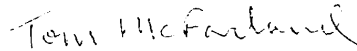
THOMAS F. MCFARLAND

Natural Resource Conservation Service  
August 25, 2004  
Page 2

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*Attorney for Stockton Terminal  
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TMcF:kl:enc:wp8.0\1036\ltrappdx3

LAW OFFICE  
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208 SOUTH LASALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. MCFARLAND

August 25, 2004

U.S. Fish & Wildlife Service  
911 NE 11<sup>th</sup> Avenue  
Portland, OR 97232

Re: Surface Transportation Board Docket No. AB-812X, *Stockton Terminal and Eastern Railroad -- Abandonment Exemption -- in San Joaquin County, CA*

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Washington, DC 20423

Docket No. AB-812X  
Env. & Historic Report  
APPENDIX 4 (Pg 1 of 2)

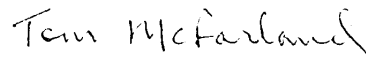
THOMAS F. MCFARLAND

U.S. Fish & Wildlife Service  
August 25, 2004  
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Thomas F. McFarland  
*Attorney for Stockton Terminal  
and Eastern Railroad*

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TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. MCFARLAND

August 25, 2004

California Environmental Protection Agency  
1001 I Street  
P.O. Box 2815  
Sacramento, CA 95812-2815

Re: Surface Transportation Board Docket No. AB-812X, *Stockton Terminal and Eastern Railroad -- Abandonment Exemption -- in San Joaquin County, CA*

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Washington, DC 20423

Docket No. AB-812X  
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APPENDIX 5 (Pg 1 of 2)

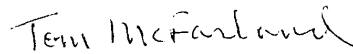
THOMAS F. MCFARLAND

California Environmental Protection Agency  
August 25, 2004  
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Thomas F. McFarland  
*Attorney for Stockton Terminal  
and Eastern Railroad*

TMcf:kl:enc:wp8.0\1036\lrappdx5

LAW OFFICE  
**THOMAS F. MCFARLAND, P.C.**  
208 SOUTH LASALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. MCFARLAND

August 25, 2004

U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814-2922

Re: Surface Transportation Board Docket No. AB-812X, *Stockton Terminal and Eastern Railroad -- Abandonment Exemption -- in San Joaquin County, CA*

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Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423

Docket No. AB-812X  
Env. & Historic Report  
APPENDIX 6 (Pg 1 of 2)

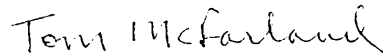
THOMAS F. MCFARLAND

U.S. Army Corps of Engineers  
August 25, 2004  
Page 2

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Thomas F. McFarland  
*Attorney for Stockton Terminal  
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*TMcF:kl:enc:wp8.0\1036\ltrapdx6*

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**THOMAS F. MCFARLAND, P.C.**  
208 SOUTH LASALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*

THOMAS F. MCFARLAND

August 25, 2004

U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

Re: Surface Transportation Board Docket No. AB-812X, *Stockton Terminal and Eastern Railroad -- Abandonment Exemption -- in San Joaquin County, CA*

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APPENDIX 7 (Pg 1 of 2)

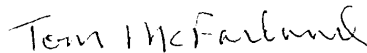
THOMAS F. MCFARLAND

U.S. Environmental Protection Agency  
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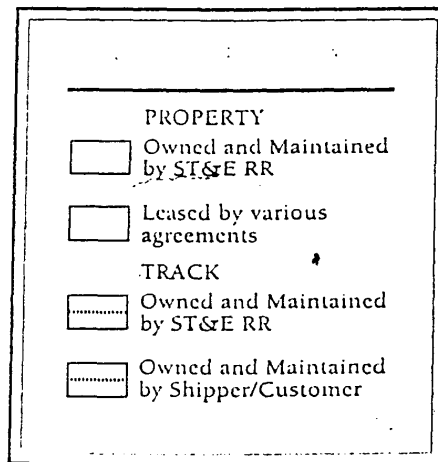
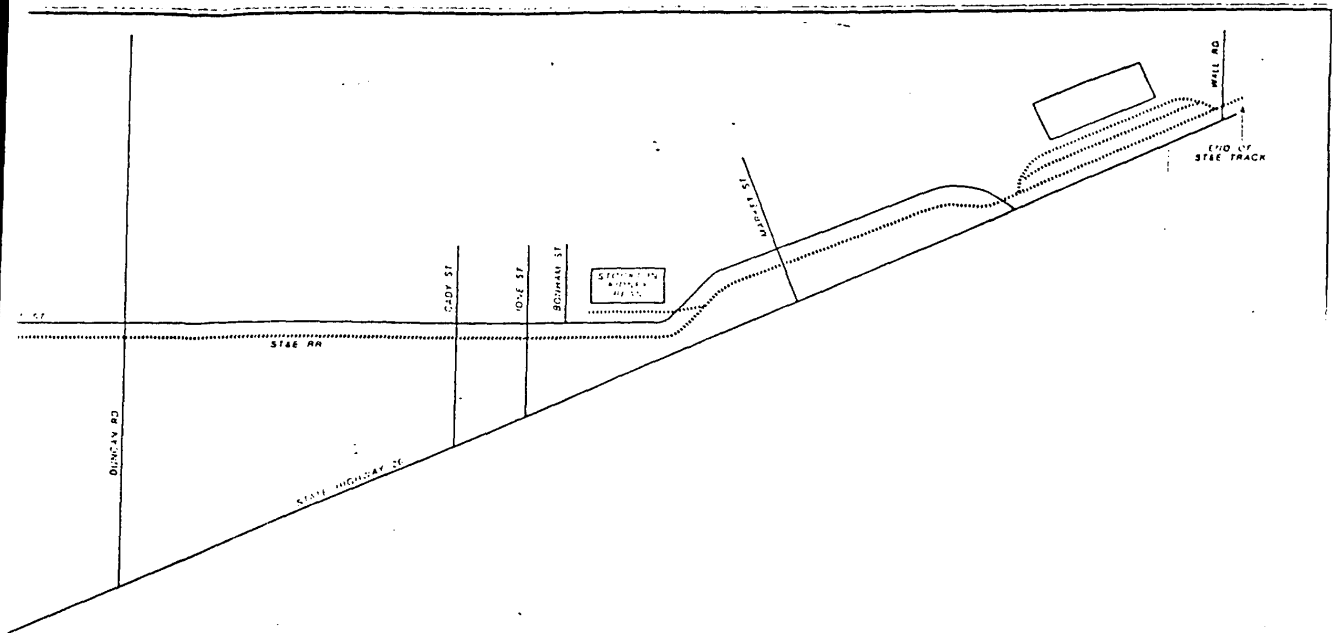
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Very truly yours,



Thomas F. McFarland  
*Attorney for Stockton Terminal  
and Eastern Railroad*

TMcF:kl:enc:wp8.0\1036\lrappdx7



LAW OFFICE  
THOMAS F. MCFARLAND, P.C.  
208 SOUTH LASALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
mcfarland@aol.com

THOMAS F. MCFARLAND

August 25, 2004

California Office of Historic Preservation  
P.O. Box 942896  
Sacramento, CA 94296-0001

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Washington, DC 20423

Docket No. AB-812X  
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APPENDIX 9 (Pg 1 of 2)

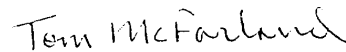
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Very truly yours,



Thomas F. McFarland  
*Attorney for Stockton Terminal  
and Eastern Railroad*

*TMcF:kl:enc:wp8.0\1036\ltrappdx11*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 25, 2004, I served the foregoing document, Draft

Environmental And Historic Report, by overnight mail on the following:

California State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

California Environmental Protection Agency  
1001 I Street  
P.O. Box 2815  
Sacramento, CA 95812-2815

U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

National Geodetic Survey  
NOAA, N/NGS12  
SSMC-3, #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814-2922

U.S. Fish & Wildlife Service  
911 NE 11<sup>th</sup> Avenue  
Portland, OR 97232

The National Park Service  
201 First Avenue  
Fairbanks, AK 99701

Mr. Peter Martin  
San Joaquin County, CA  
P.O. Box 1810  
Stockton, CA 95201

Mr. Ron Estes, Superintendent  
Linden Unified School District  
18527 East Front Street  
Linden, CA 95236

California Office of Historic Preservation  
P.O. Box 942896  
Sacramento, CA 94296-0001

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

California Department of Transportation  
1120 N Street  
P.O. Box 942873  
Sacramento, CA 94273-0001

Docket No. AB-812X  
Env. & Historic Report

Linden Elementary School  
18100 East Front Street  
Linden, CA 95236

Natural Resource Conservation Service  
USDA Lyng Service Center  
430 G Street - #4164  
Davis, CA 95616-4164

*Thomas F. McFarland*

---

Thomas F. McFarland

Docket No. AB-812X  
Env. & Historic Report

**VERIFICATION**

Thomas F. McFarland, being duly sworn, states that he represents Stockton Terminal and Eastern Railroad (STE); that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. 812X, that he has examined all of the statements in the Notice of Exemption; that he has knowledge of the facts and matters relied upon in the Notice of Exemption; and all representations set forth therein are true and correct to the best of his knowledge, information and belief.



*Thomas F. McFarland*

Thomas F. McFarland

SUBSCRIBED and SWORN  
to before me this 16<sup>th</sup> day of  
September, 2004.

*Kathleen Lenihan*  
Notary Public

My commission expires: 1/29/2006