

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. FD 35905

237759

ENTERED

Office of Proceedings

February 18, 2015

Part of

CITY OF WOODINVILLE, WA –
PETITION FOR DECLARATORY ORDER Public Record

MOTION OF KING COUNTY, WASHINGTON TO EXTEND TIME TO RESPOND

Communications with respect to this pleading
should be addressed to:

Charles A. Spitulnik
W. Eric Pilsk
Christian L. Alexander
KAPLAN KIRSCH & ROCKWELL LLP
1001 Connecticut Avenue, N.W.
Suite 800
Washington, DC 20036
(202) 955-5600

Counsel for King County, Washington

Dated: February 18, 2015

 GRANTED	DECISION ID NO.: <u>44322</u>
	DECIDED DATE: <u>2/19/15</u>
	SERVICE DATE: <u>2/20/15</u>
	APPROVED: <u>Rachel D Campbell</u> Director
Office of Proceedings	<input checked="" type="checkbox"/> <u>Reply due 3/9/15</u>

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Finance Docket No. FD 35905

**CITY OF WOODINVILLE, WA –
PETITION FOR DECLARATORY ORDER**

MOTION OF KING COUNTY, WASHINGTON TO EXTEND TIME TO RESPOND

King County, Washington, a political subdivision of the State of Washington (the “County”), hereby submits this Motion to Extend Time to Respond to the Petition for Declaratory Order filed on February 3, 2015, in the above-referenced docket by the City of Woodinville, a municipal corporation of the State of Washington (the “City”). The County requests a 14-day extension of the time period for responding to the City’s petition based on good cause, including consent from all parties of record and lack of prejudicial effect on any other potential interested parties.

The City’s petition requests a determination that it is not subject to Board jurisdiction by virtue of acquiring a property interest in a 2.58 mile segment of railroad line located primarily within the City’s jurisdiction, along with certain adjacent ancillary properties, all currently owned by the Port of Seattle (the “Port”). The City requested expedited consideration of its petition in light of the provisions of the acquisition agreement between the City and the Port, which requires the transaction to close by March 31, 2015.

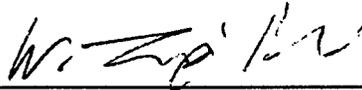
Pursuant to the Board's rules at 49 C.F.R. § 1104.13(a), a reply to the City's submission would be due no later than February 23, 2015. However, under 49 C.F.R. § 1104.7(b), the Board has discretion to extend the time period for replies upon request and with good cause.¹

Good cause exists here. The County has been made aware of issues concerning the ancillary properties to be sold to the City and would like to discuss those issues further with the City and the Port. The County has determined that it will not be able to coordinate these discussions with enough time to respond, if necessary, to the City's petition within the current time period. The County has contacted both the City and the Port, who have agreed to discuss the County's concerns and have consented to the proposed extension. The County has also contacted counsel for Eastside Community Rail, LLC and Ballard Terminal Railroad Company, LLC, the only other parties of record in this proceeding, and has obtained their consent for the proposed extension. No other parties, adverse or otherwise, will be prejudiced by an extension of time to respond because an extension will only serve to provide more time to consider the transaction and participate in the proceeding.

¹ Although 49 C.F.R. § 1104.7(b) requires requests for extensions to be filed not less than 10 days before the due date, the County believes that an extension is appropriate here in light of the fact that all parties to the transaction have consented to the extension and the extension will not prejudice any other parties.

WHEREFORE, and in view of the foregoing, the County respectfully requests the Board extend the time for responding to the Petition 14 days, to March 9, 2014.

Respectfully submitted,



Charles A. Spitulnik
W. Eric Pilsk
Christian L. Alexander
KAPLAN KIRSCH & ROCKWELL LLP
1001 Connecticut Avenue, N.W.
Suite 800
Washington, DC 20036
(202) 955-5600

Counsel for King County, Washington

Dated: February 18, 2015

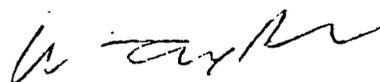
CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the foregoing MOTION OF KING COUNTY, WASHINGTON FOR EXTENSION OF TIME TO RESPOND, upon the following parties of record in this proceeding by first-class mail with postage prepaid and properly addressed:

Eric M. Hocky
Clark Hill, PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
Counsel for City of Woodinville, WA

Isabel Saforo
Deputy General Counsel
Port of Seattle
Law Department
2711 Alaskan Way
PO Box 1209
Seattle, WA 98111
Counsel for Port of Seattle

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606-2832
*Counsel for Eastside Community Rail, LLC
And Ballard Terminal Railroad Company, LLC*



W. Eric Pilsk

Dated: February 18, 2015