

AB-6-422X

EI-906

CG

**BNSF**



SIDNEY L. STRICKLAND, JR.  
Associate General Counsel

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Santa Fe Railway Company  
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**VIA UPS OVERNIGHT MAIL**

July 9, 2004

Chad Unland, Land Manager  
Department of Natural Resources  
State of Washington  
919 N. Township Street  
Sedro Woolley, Washington 98284-9384



**Re: Surface Transportation Board ("STB") Docket No. AB-6 (Sub-No. 422X); The Burlington Northern and Santa Fe Railway Company ("BNSF") Abandonment in Snohomish, Washington**

Dear Mr. Unland:

This is in reply to your letter dated June 8, 2004 to Michael Smith (BNSF outside counsel). First, I would like to apologize for not including your April 3, 2002 communication in our Notice of Exemption filing. It was an oversight. As you know, this abandonment was recently filed with the STB on June 15, 2004.

Please reference Brian Nettles' letter to you dated December 10, 2001, in which he addresses the concerns you have regarding BNSF authorization to build the Snohomish River Bridge. In this regard, enclosed is a copy of a permit granted to the Northern Pacific Railway Company (BNSF predecessor) from the State of Washington, Department of Conservation, dated July 27, 1965, allowing Northern Pacific to modify and maintain Bridge 38.

As to your inquiry regarding removal of the bridge, BNSF and the City of Snohomish are presently in railbanking negotiations. BNSF expects to include the bridge in the transaction with the City of Snohomish and that the City would be responsible for maintenance of the bridge.

I will keep you abreast of our negotiations with the City to make certain your agency receives communications as to how its concerns are addressed. If you have any questions, please feel free to contact me at (202) 347-8667.

Sincerely,

*Sidney Strickland*  
Sidney L. Strickland, Jr.

SLS/js  
Enclosure

cc: Victoria Rutson (STB)  
James Gallegos  
Richard Batie  
John Sims

NP 11854

Form F. 2. S. T. No. 4419—(Rev. 7-62)—OS-7-62-2C.

PERMIT NO. 5-196

STATE OF WASHINGTON  
DEPARTMENT OF CONSERVATION  
DIVISION OF FLOOD CONTROL  
OLYMPIA

Permit is granted under provisions of Ch. 86.18, RCW, this 27th day of July, 1965,

to Northern Pacific Railway Company  
(Name of applicant)

181 King Street, Seattle, Washington  
(Address)

modify to construct and maintain Bridge 38 from a swing span to a fixed span, retaining the existing log shear boom and timber cribs for protection of the drawrest structure.

HB

for the period: 19 to 19 or perpetuity

in SE 1/4 SW 1/4 Section 18, Township 28 N., Range 6 E. W.M.

on Snohomish River  
(Name of stream or flood plain affected)

which said works, structures and improvements are located within Snohomish

Flood Control Zone No. 5, all in accordance with letter of application dated April 6, 1965, and plans attached thereto

file with the State Division of Flood Control, which application, with plans attached, is made a part hereof.

Unless the work herein authorized may be at discretion of permittee commenced on or before the 1st day of November, 1965,

and completed on or before the 1st day of November, 1965, or before such dates as may be specified by any extensions granted, this permit shall, without notice, become null and void.

This permit is subject to the conditions printed on the reverse hereof.

Given under my hand and official seal the day and year first above written.

Guy W. Hester  
State Supervisor of Flood Control