

Karl Morell & Associates

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April 21, 2016

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Office of Proceedings
April 21, 2016
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Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

**Re: STB Docket No. AB 6 (Sub-No. 492X), BNSF Railway Company –
Abandonment Exemption – in Thurston County, Washington**

Dear Ms. Brown:

Enclosed for filing are the original and ten copies of BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50. Also enclosed is a check covering the \$3,900 filing fee.

If you have any questions, please call me.

Sincerely,



Karl Morell

Enclosures



FILED
April 21, 2016
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
April 21, 2016
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)
ABANDONMENT EXEMPTION)
IN THURSTON COUNTY, WASHINGTON)

DOCKET NO. AB 6
(SUB-NO. 492X)

NOTICE OF EXEMPTION

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057



James M. Mecone
Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828
(817) 352-3451

Karl Morell
Karl Morell & Associates
655 Fifteenth Street, N.W.
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Washington, D.C. 20005
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Dated: April 21, 2016

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB 6
IN THURSTON COUNTY, WASHINGTON)	(SUB-NO. 492X)

NOTICE OF EXEMPTION

BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 1.43 miles of rail line located between Milepost 14.57 and Milepost 16.0 in Belmore, Thurston County, Washington (the "**Line**").

1. *Proposed consummation date.*

The proposed consummation date is 50 days after the date of filing this Notice of Exemption.

2. *Certification required by 49 C.F.R. § 1152.50(b).*

The required certification is attached hereto as **Exhibit A**.

3. *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).*

(a) *General.*

(1) *Exact name of applicant.*

BNSF Railway Company

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

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) *Relief sought.*

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 1.43 miles of rail line located between Milepost 14.57 and Milepost 16.0 in Belmore, Thurston County, Washington. No local or overhead freight rail traffic has traveled over the Line since prior to 2005. The Line is currently leased to Tacoma Municipal Belt Line Railway and they will be filing for discontinuance of the Line.

- (4) *Map.*

A map of the Line is attached as **Exhibit B**.

- (7) *Name, title and address of representative of applicant to whom correspondence should be sent.*

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- (8) *List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.*

The Line traverses U.S. ZIP code 98512.

- (e) *Rural and community impact.*

- (4) *Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and 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 property for other than rail purposes, this shall be disclosed.

The Line traverses a suburban area with more than adequate road and highway networks; therefore, there is little or no likelihood that the rail corridor is needed for transit purposes. One parcel of land on the Line is reversionary. All other parcels of land on the Line do not appear to have any reversionary interests.

4. *The level of labor protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

5. *Certification.*

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as **Exhibit C**.

6. *Environmental Report.*

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) was submitted to the Board on February 9, 2016. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

7. *Historic Report.*

The Historic Report containing information required by 49 C.F.R. § 1105.8 was submitted to the Board on February 9, 2016.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in black ink and is positioned above a horizontal line.

Karl Morell

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655 Fifteenth Street, N.W.
Suite 225
Washington, D.C. 20005
(202) 595-9045

James M. Mecone

Assistant General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131-2828
(817) 352-3451

Dated: April 21, 2016

EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TEXAS)
) **ss.**
TARRANT COUNTY)

I, John Sims, being duly sworn depose and state that I am Manager, Network Studies for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between Milepost 14.57 and Milepost 16.0 in Belmore, Thurston County, Washington ("the **Line**") since prior to 2005. Also, no overhead traffic has been handled on the Line since prior to 2005. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such 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.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.

John Sims

John Sims
Manager, Network Studies

SUBSCRIBED AND SWORN TO before me this 21st day of April, 2016.

My Commission Expires: 12-12-2017



Winona Garrett
Notary Public

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 492X) was mailed via first class mail on February 23, 2016, to the following parties:

State Public Service Commission

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

Military Traffic Management Command

Military Surface Deployment and Distribution Command Transportation
Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

National Park Service

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

Ms. Patricia Neubacher, Regional Director
Pacific West Region
National Park Service
333 Bush Street, Suite 500
San Francisco, CA 94101-2828

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, DC 20250

Dated: April 21, 2016



Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 492X) was published on March 2, 2016, in the Olympian, a newspaper of general circulation in Thurston County, Washington as required by 49 C.F.R. § 1105.12.

Dated: April 21, 2016

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in black ink and is positioned above a horizontal line.

Karl Morell

**CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in Docket No. AB 6 (Sub-No. 492X) the transmittal letter required by 49 C.F.R § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on February 9, 2016.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the Environmental and Historic Reports were mailed via first class mail on February 9, 2016 to the following agencies:

Ms. Victoria Rutson
Chief, Office of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

Shirley Burgdorf
Fish & Wildlife Biologist
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, WA 98503

J.A. Vacca
U.S. Department of the Interior
Bureau of Land Management
Wenatchee Field Office
Spokane District
915 N. Walla Walla
Wenatchee, WA 98801

Ms. Patricia Neubacher, Regional Director
National Park Service
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94101-2828

Keith Stahley, Director
City of Olympia
Department of Planning and Development
601 4th Ave. E
Olympia, WA 98501

Ms. Roylene Rides-at-the-Door
Washington NRCS State Office
316 W. Boone Avenue, Suite 450
Spokane, WA 99201-2348

Thurston County Planning Department
2000 Lakeridge Dr. SW
Olympia, WA 98502-6045

Mr. Matthew Sterner, M.A.
Transportation Archaeologist
State of Washington
Department of Archaeology & Historic
Preservation
P.O. Box 48343
Olympia, WA 98504-8343

The National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

U.S. Army Engineer District, Seattle
ATTN: Regulatory Branch
4735 East Marginal Way South
Seattle, WA 98134-2385

Margaret McCauley
Office of Water & Watersheds
US EPA Region 10
1200 6th Avenue, Suite 900
Seattle, WA 98101

Josh Baldi, Director
Department of Ecology
Northwest Regional Office
State of Washington
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

Washington Utilities and Transportation
Commission
P.O. Box 47250
Olympia, WA 98504

Brenden McFarland
Washington Shorelines and Environmental
Assistance
Department of Ecology
State of Washington
P.O. Box 47600
Olympia, WA 98504-7600

Dated: April 21, 2016



Karl Morell