

June 29, 2016

*Electronically Filed*

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Cynthia Brown  
Chief, Section Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings  
June 29, 2016  
Part of  
Public Record

RE: **STB Docket No. FD 35915-0**  
*Tri-City Railroad Company, LLC v. The City of Kennewick; and  
The City of Richland*

Dear Ms. Brown:

We represent the City of Kennewick and the City of Richland (the "Cities") in the above referenced matter. We are in receipt of a letter filed by TCRY, dated June 27, 2016.

The Cities object to TCRY's letter to the extent it asserts or implies that the issue before the STB is "whether or not [TCRY] is permitted to continue its operations at their present location." TCRY's operations on the Port of Benton tracks will continue. The legal issues before the STB were set forth in the prior submissions of the parties. The Cities do not agree with TCRY's characterizations of the legal and factual issues in TCRY's submissions, and as explained in the Cities' prior briefing, the extension of Center Parkway fits squarely within the STB's well-recognized exemption from federal jurisdiction for routine crossings.

Very truly yours,

FOSTER PEPPER PLLC



P. Stephen DiJulio

PSD:mlb

cc: Counsel for Parties of Record

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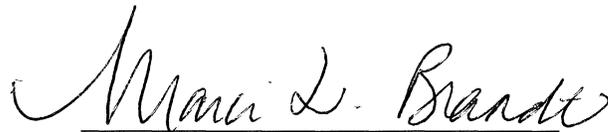
CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document, in STB FD 35915-0, was served on the Parties of Record below in this proceeding, this 29<sup>th</sup> day of June, 2016, by e-mail and U.S. Mail.

William J. Schroeder  
Gregory C. Hesler  
William C. Schroeder  
Paine Hamblen LLP  
717 West Sprague Avenue, Suite 1200  
Spokane, WA 99201  
[william.schroeder@painehamblen.com](mailto:william.schroeder@painehamblen.com)  
[greg.hesler@painehamblen.com](mailto:greg.hesler@painehamblen.com)  
[will.schroeder@painehamblen.com](mailto:will.schroeder@painehamblen.com)

Lisa M. Beaton  
City Attorney  
City of Kennewick  
210 West Sixth Avenue  
P. O. Box 6108  
Kennewick, WA 99336  
Phone: (509) 585-4271  
Email: [lisa-beaton@ci.kennewick.wa.us](mailto:lisa-beaton@ci.kennewick.wa.us)

Heather Kintzley  
City Attorney  
City of Richland  
975 George Washington Way  
Richland, WA 99352  
Phone: (509) 942-7385  
Email: [hkintzley@ci.richland.wa.us](mailto:hkintzley@ci.richland.wa.us)

  
Marci L. Brandt, Legal Assistant