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Office of Proceedings
August 3, 2015
Part of
Public Record

3 August 2015

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

Re: BNSF Railway Co. - Abandonment Exemption -
In King County, WA, AB 6-490X

initial environmental comment and notice

Dear Ms. Brown:

This letter is on behalf of City of Seattle ("City") in initial response to the Notice of Exemption (two year out of service) filed by BNSF Railway Company and the environmental materials filed earlier in July in this docket.

The inactive rail line in question is part of a longer line located on the south side of the Ship Canal between the Puget Sound and Lake Union in Seattle. The bulk of the longer line was transferred to the City pursuant to the "Burke Gilman Trail Agreements" ("Agreements")¹ between BNSF and the City for interim trail use and railbanking. See, e.g., BNSF - Ab Ex. - in King County, WA, AB 6-402X, decisions served Feb. 14 and August 7, 2003. As the former Section of Environmental Analysis determined in the environmental assessment served January 21, 2003, in AB 6-402X, at p.1, "[t]he right-of-way may be suitable for use for ... public purposes such as a trail. The right-of-way is identified as a planned trail in the City of Seattle's

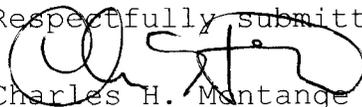
¹ These Agreements provide a framework for the City to acquire certain inactive track upon abandonment and application of 16 U.S.C. 1247(d) for interim trail use and railbanking purposes.

adopted comprehensive Plan and Transportation Strategic Plan, and is essential for the completion of the City of Seattle's Bikeway System." Consistent therewith, City desires to acquire, pursuant to 16 U.S.C. 1247(d) and the Agreements, a suitable portion of this right-of-way for trail use/railbanking purposes not only for trail use, but also to ensure no severance of the remainder of the railbanked line from the interstate rail system. Failure to preserve this segment not only would be inconsistent with the City's bikeway system but also risk loss of developed trails that are part of that system, and breach the Agreements.

Please list the City as a party to the proceeding. City requests service of all pleadings, STB orders and STB decisions upon the undersigned as counsel for the City. Please also provide service to Julio Carranza, Assistant City Attorney, contact information below.

By my signature below, I certify service upon Karl Morell, counsel for BNSF, at 655 15th St., NW, Suite 225, Washington, D.C. 20005 by deliver to USPS, first class or equivalent, postage pre-paid, and by e-mail, on the date of this letter.

Respectfully submitted,



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