

April 2, 2014

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, D.C. 20423-0001

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235774

ENTERED  
Office of Proceedings  
April 3, 2014  
Part of  
Public Record



*"Citizens, business and local government;  
a community commitment to our future."*

Re: BNSF Railway Company - Abandonment Exemption - In King County, Washington,  
Finance Docket No. AB-6 (Sub-No. 465X)  
Ballard Terminal Railroad Company, LLC - Acquisition and Operation Exemption -  
Woodinville Subdivision - Verified Petition for Exemption Pursuant to 49 U.S.C. Sec. 10502

Dear Ms. Brown:

On behalf of the City of Woodinville and the Woodinville City Council I am submitting the following comments to clarify the record in light of the misstatements of fact made by Ballard Terminal Railroad Company, LLC ("Ballard") in its *"Reply to King County, Washington, City of Kirkland, Washington, and Puget Sound Regional Transit Authority's Opposition Comments,"* dated March 21, 2014, at pages 5 and 20.

It is stated in the *Reply* at the bottom of page 5 that the City of Woodinville Washington is in *"support of Ballard's Petitions"*. There is an inaccurate and misleading statement. Neither the Woodinville City Council nor I have taken any action to voice support for Ballard's Petitions. The letter I signed dated March 8, 2012, addressed to the Kirkland City Council, attached to *Ballard's Reply* in the exhibit section titled *"Legislative and Municipal Support"*, was written prior to removal of the tracks by Kirkland. No statement in the letter was intended to support the reactivation of freight rail service on the Line or the need for such service. The purpose and intent of the letter was solely to request Kirkland to delay removal of existing tracks until later that year.

It is further stated on page 20 of *Ballard's Reply* that the City of Woodinville believes *"that rail traffic on the Line is viable and an extraordinary economic and environmental benefit to the region."* This statement is also inaccurate and misleading. Woodinville has not expressed any such beliefs by action of its council or by statement or action of the mayor. Woodinville did not authorize Ballard or its attorneys to make such an assertion in its *Reply* to the Board, nor was such authorization requested. If Ballard and its attorneys are basing such statement on my letter to Kirkland of March 8, 2012, they are taking the letter totally out of context.

The position of Woodinville is best expressed in the letter where it is stated: *"... Kirkland can determine if it is in the best interest of its citizens and the region to remove the tracks, after full consideration of regional issues and impacts."* Kirkland made their decision and the City of Woodinville as expressed in the letter of March 8, 2012 supports the City of Kirkland in their decision making.

Copies of this letter will be mailed to all parties of record.

Very truly yours,

Bernard W. Talmas, Mayor

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused to be served a copy of the foregoing letter to the U. S. Surface Transportation Board dated April 2, 2014, from Bernard W. Talmas, Mayor of the City of Woodinville upon the following parties of record in the above referenced proceedings by electronic mail:

<p>Pete Ramels Andrew Marcuse Office of the Prosecuting Attorney Civil Division W400 King County Courthouse 516 Third Avenue Seattle, WA 98104 <a href="mailto:pete.ramels@kingcounty.gov">pete.ramels@kingcounty.gov</a> <a href="mailto:andrew.marcuse@kingcounty.gov">andrew.marcuse@kingcounty.gov</a> <i>Attorneys for King County</i></p>	<p>Myles Tobin Thomas J. Litwiler Thomas C. Paschalis Fletcher &amp; Sippel LLC 29 North Wacker Drive Suite 920 Chicago, IL 60606-2832 <a href="mailto:mtobin@fletcher-sippel.com">mtobin@fletcher-sippel.com</a> <a href="mailto:tlitwiler@fletcher-sippel.com">tlitwiler@fletcher-sippel.com</a> <a href="mailto:tpaschalis@fletcher-sippel.com">tpaschalis@fletcher-sippel.com</a> <i>Attorneys for Ballard Terminal Railroad</i></p>
<p>Charles A. Spitulnik W. Eric Pilsk Allison Fultz Kaplan Kirsch &amp; Rockwell LLP 1001 Connecticut Avenue NW Suite 800 Washington DC 20036 <a href="mailto:cspitulnik@kaplankirsch.com">cspitulnik@kaplankirsch.com</a> <a href="mailto:epilsk@kaplankirsch.com">epilsk@kaplankirsch.com</a> <a href="mailto:afultz@kaplankirsch.com">afultz@kaplankirsch.com</a> <i>Attorneys for King County</i></p>	<p>Hunter Ferguson Matthew Cohen Stoel Rives 600 University Street Suite 3600 Seattle, WA 98101 <a href="mailto:hoferguson@stoel.com">hoferguson@stoel.com</a> <a href="mailto:mcohen@stoel.com">mcohen@stoel.com</a> <i>Attorneys for City of Kirkland</i></p>
<p>Jordan Wagner Jennifer Belk Central Puget Sound Regional Transit Authority 401 S. Jackson Street Seattle, WA 98104 <a href="mailto:jordan.wagner@soundtransit.org">jordan.wagner@soundtransit.org</a> <a href="mailto:Jennifer.belk@soundtransit.org">Jennifer.belk@soundtransit.org</a> <i>Attorneys for Central Puget Sound Regional Transit Authority</i></p>	

Dated this 2nd day of April 2014.

  
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GREG A. RUBSTELLO  
Woodinville City Attorney