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FILED

DEC 26 2002

TRANSPORTATION BOARD

CHARLES H. MONTANGE
ATTORNEY AT LAW
426 NW 162ND STREET
SEATTLE, WASHINGTON 98177
(206) 546-1936
FAX: (206) 546-3739



23 December 2002

Hon. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: BNSF -- Exemption -- in Seattle, King County, WA,
AB 6 (Sub-no. 402X)

Dear Mr. Williams:

I enclose herewith for filing in the above-captioned docket and original and ten copies of the following documents:
(1) statement of willingness invoking 16 U.S.C. § 1247(d);
(2) motion for exemption from OFA procedures (with map, Declaration of Stuart Goldsmith, Letter from Mayor Greg Nickels, and attached contract).

It is our understanding that BNSF on or about December 26 will file the "notice of exemption" under 49 C.F.R. § 1152.50 to which the statement of willingness and motion for exemption pertain. Because the motion for exemption relates to matters which are relevant to a notice published in the Federal Register shortly after BNSF's filing, we request that our motion be promptly made available to the personnel in the Office of Proceedings handling the notice of exemption.

I enclose one extra copy for date stamping and return to me in the enclosed stamped, self-addressed envelope.

Thank you for your assistance in this matter.

ENTERED
Office of Proceedings

DEC 27 2002

Part of
Public Record

Respectfully submitted,

Charles H. Montange
for City of Seattle

Encls.

cc. Michael Smith, Esq. (for BNSF) (w/encl.)
Richard Batie (BNSF) (statement of willingness, motion without exhibits)

FILING FEE WAIVED

BEFORE THE SURFACE TRANSPORTATION BOARD

Burlington Northern and Santa Fe)
Railway -- Exemption -- in Seattle) AB-6 (Sub-no. 402X)
(Sta. 258+07 to 267+00) in King)
County, WA)

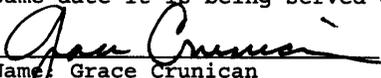


Statement of Willingness to Assume
Financial Responsibility

In order to establish interim trail use and railbanking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, City of Seattle (interim Trail User), is willing to assume full responsibility for management of, for any legal liability arising out of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Burlington Northern and Santa Fe Railway Company (Railroad). The property extends from Station 258+07 to Station 267+00 near the south side of the Ship Canal in Seattle, a distance of approximately two city blocks in King County, Washington. The right of way is the entirety of a line proposed for abandonment in Docket AB-6 (Sub-no. 402X).

A map depicting the property is attached.

Trail User acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.


Name: Grace Crunican
Title: Director
Seattle Department of Transportation
700 Fifth Avenue, Suite 3900
Seattle, Washington 98104-5043
(206) 684-5000

Of counsel: Charles H. Montange
426 NW 162d St.
Seattle, Washington 98177
(206) 5461936

cc. Michael Smith, Esq. Sarah W. Bailiff, Esq.
Freeborn Peters BNSF-Law Dept.
311 S. Wacker Drive, Suite 3000 P.O. 961-039
Chicago, ILL 60606-6677 Ft. Worth, TX 76161-0039

