



Kristy D Clark
General Attorney

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Kristy.Clark@BNSF.com

August 8, 2008

Ms Anne K Quinlan, Acting Secretary
Surface Transportation Board
395 E. Street S.W.
Washington, DC 20423-0001

223244



Re: **STB Docket No. AB-6 (Sub-No. 465X)**
BNSF Railway Company Abandonment Exemption in King County, Washington

Dear Ms Quinlan

Enclosed for filing in STB Docket No AB-6 (Sub-No 465X) are the original and ten copies of BNSF Railway Company's Petition for Exemption under 49 U S C § 10502 for filing with the Surface Transportation Board in the above-referenced matter

Also enclosed is a check in the amount of \$6,300 for the filing fee

Sincerely,

Kristy D Clark
General Attorney

FILED
AUG 11 2008
SURFACE
TRANSPORTATION BOARD

Enclosures As stated

KDC/so

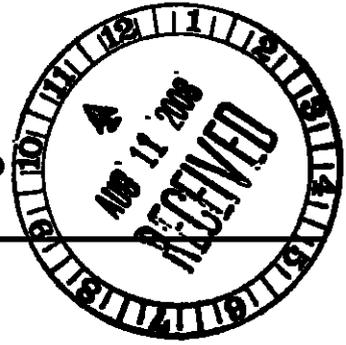
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BEFORE THE
SURFACE TRANSPORTATION BOARD



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

223244

DOCKET NO. AB-6
(SUB-NO. 465X)

PETITION FOR EXEMPTION

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

Kristy D. Clark
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Dated August 11, 2008

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN KING COUNTY, WASHINGTON)	(SUB-NO. 465X)

PETITION FOR EXEMPTION

BNSF Railway Company ("BNSF") petitions the Surface Transportation Board ("STB" or "Board") to exempt, under 49 U S C § 10502, from the prior approval requirements of 49 U S C § 10903-05, BNSF's abandonment of a 12.55-mile rail line located in King County, Washington

PROPOSED TRANSACTION

BNSF proposes to abandon its rail line located between Milepost 11.25 near Wilburton and Milepost 23.80, in Woodinville, King County, Washington (the "Line"). The Line traverses U S Postal Service Zip Codes 98005, 98004, 98033, 98034, 98011 and 98072. A map of the Line is attached as Exhibit A.

Based on information in BNSF's possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available to those requesting it.

STATEMENT OF FACTS

BNSF owns and operates a 12.55-mile rail line between the stations of Wilburton and Woodinville, Washington. There are two shippers currently being served on the line: Weyerhaeuser, Inc. ("Weyerhaeuser") and Safeway, Inc. ("Safeway"). Beginning in September 2008, Weyerhaeuser and Safeway will begin using an existing transload facility for their rail transportation needs. Weyerhaeuser and Safeway understand the desirable social, political and economic impacts of the proposed abandonment to the community as a whole and have committed to supporting the abandonment.

The Port of Seattle ("Port") and BNSF have entered into an agreement pursuant to which BNSF will donate to the Port the right-of-way, track, and other property and physical assets located on the portion of the Line between Milepost 11.25 and Milepost 23.45. Pursuant to a separate agreement, BNSF will sell to the Port the right-of-way, track, and other property and physical assets of the Line between Milepost 23.45 and Milepost 23.80. *See The Port of Seattle Acquisition Exemption – Certain Assets of BNSF Railway Company*, STB Finance Docket No. 35128 (STB served June 20, 2008). BNSF has also agreed to rail-bank the Line with King County who will serve as the Interim Trail User for federal railbanking purposes¹. There are no current plans to remove the track structure as the Port is considering multiple possibilities for the Line's ultimate use.

As the following table illustrates, the volume of traffic moving to and from the Line has been declining steadily in recent years.

¹ The Environmental and Historic Reports filed in reference to and in support of this Petition for Exemption incorrectly stated that the Port intends to allow King County, WA to railbank a "portion of the Line."

<u>YEAR</u>	<u>ANNUAL CARLOADS</u>
2005	263
2006	244
2007	220
2008	127 (Projected)

Prior to 2008, operations on the Line were marginally profitable solely from an operational standpoint. BNSF, however, has been experiencing huge economic losses by forgoing a more profitable alternative use of the assets associated with the Line. Opportunity costs reflect the economic loss experienced by a carrier from forgoing a more profitable alternative use of its assets. Pursuant to *Abandonment Regulations – Costing*, 3 I C.C.2d 340 (1987), the opportunity cost of road property is computed on an investment base equal to the sum of: (1) allowable working capital; (2) the net liquidation value (“NLV”) of the Line, and (3) current income tax benefits (if any) resulting from the abandonment.

The NLV of the Line is \$243,660,000.00, consisting of \$660,000 for the net salvage value of the track, track materials and ties² and \$243 million in real estate value. Without taking into account working capital and the income tax consequences of the abandonment, BNSF is incurring annual opportunity costs of approximately \$36,500,268 [$\$243,660,000 \text{ (NLV)} \times 14.98 \text{ percent (current nominal rate of return)}^3$]

Once the two customers on the Line start using the transload facilities to meet their shipping needs, the Line will no longer generate any freight revenues from traffic originating or terminating on the Line. The Line is stub-ended and no longer capable of handling overhead

² The net salvage value of the track and track materials is somewhat outdated and significantly below current values. Since this estimate was made, steel prices have spiked by 40 percent

³ See *Railroad Cost of Capital – 2006*, STB Ex Parte No. 558 (Sub-No 10)(STB served Apr 15, 2008)

traffic⁴ At the same time, BNSF will continue to incur certain on-branch avoidable costs, such as maintenance-of-way costs, property taxes and certain other general and administrative costs associated with the Line.

Maintenance-of-way and Structure costs will be at least \$125,500 based on normalized maintenance levels necessary to maintain the Line in Class I operating conditions. The Board and its predecessor have long recognized the appropriateness of considering normalized maintenance costs in instances of deferred maintenance. *See Chicago and North Western Transp Co - Abandonment*, 366 I C C 373, 377 (1982) ("Normalized maintenance is the amount needed for economic and efficient operation over the long term. *** We have, in the past, applied normalized maintenance calculations to actual maintenance figures and found that costs for normalized maintenance when compared to actual maintenance expenditures are indicative of deferred maintenance and are to be given consideration in determining whether or not the public convenience and necessity permit abandonment of a line")

The normalized maintenance costs of \$10,000 per mile being utilized by BNSF are conservative and based on the per-mile maintenance costs accepted by the Board and its predecessor in other abandonment proceedings. For example, the Board and its predecessor found as reasonable per-mile normalized maintenance costs of \$10,943 in STB Docket No AB-33 (Sub-No 156), *Union Pacific Railroad Company – Abandonment – In Harris, Fort Bend, Austin, Wharton and Colorado Counties, TX* (not printed), served November 8, 2000, \$6,957 in STB Docket No AB-564 *Camas Prairie Railnet, Inc Abandonment – In Lewis, Nez Perce, and Idaho Counties, ID* (not printed), served September 13, 2000, \$6,029 in STB Docket No.

⁴ BNSF abandoned the 0.65-mile rail line immediately to the south of the Line in *BNSF Railway Company – Abandonment Exemption – in King County, WA*, STB Docket No AB-6 (Sub-No. 453)(STB served Nov 8 2006). The abandonment of that line was consummated as of March 7, 2008.

AB-441 (Sub-No 2X), *SWKR Operating Co – Abandonment Exemption in Cochise County, AZ* (not printed), served February 14, 1997, slip op at 5 (“We know from extensive experience that \$6,000 per mile/per year is a reasonable figure for maintenance by a Class III railroad ”)

In summary, once the two on-Line customers start using the nearby transload facility, BNSF will incur annual operating losses in excess of \$125,500 and incur forgone opportunity costs of approximately \$36,500,268, for a total annual economic loss of approximately \$36,625,768. Thus continued operation of the Line would impose an enormous economic burden on BNSF and on interstate commerce.

EXEMPTION REQUESTED

BNSF seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 to permit BNSF to abandon this 12.55-mile rail line.

Under 49 U.S.C. § 10502, the STB must exempt a transaction from regulation when it finds that: (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the STB should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Act of 1980, Pub. L. No. 96-448, 94 Stat. 1895, Congress encouraged the STB's predecessor to use liberally the expanded exemption authority under former Section 10505.

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the

Commission will pursue partial and complete exemption from remaining regulation

H.R. Rep. No. 1430, 96th Cong. 2d Sess. 105 (1980) *See also Exemption From Regulation – Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), *vacated and remanded on other grounds, Brae Corp v United States*, 740 F.2d 1023 (D.C. Cir. 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provisions as Section 10502. H.R. Rep. 422, 104th Cong., 1st Sess. 168-69 (1995).

A. The Application of 49 U.S.C. § 10903 Is Not Necessary to Carry Out the Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expenses associated with the filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit [49 U.S.C. § 10101(2) and (7)]. *See, e.g., Norfolk & W. Ry. Co. Abandonment Exem. – Cinn., Hamilton County, OH*, 3 STB 110 (1998), *Georgia Central Railroad, I.P. – Abandonment Exemption – In Chatham County, GA*, STB Docket No. AB-367 (Sub-No. 2X) (STB served Sept. 17, 1997) (“*Georgia Central*”). By abandoning the Line, BNSF will be able to avoid the out-of-pocket expenses and enormous opportunity costs associated with retaining this Line. Granting the exemption will thus foster sound economic conditions and encourage efficient management. 49 U.S.C. § 10101(5) and (9). *See, e.g., Minnesota Northern Railroad, Inc. Abandonment Exemption – In Red Lake and Polk Counties, MN*, STB Docket No. AB-497 (Sub-No. 1X) (STB served Nov. 14, 1997), *Louisiana & Delta Railroad, Inc. – Abandonment Exemption – In Lafourche and Assumption Parishes, LA*, STB Docket No. AB-318 (Sub-No. 4X) (STB served Aug. 26, 1997).

Other aspects of the rail transportation policy are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not affected as the only customers on the Line are Weyerhaeuser and Safeway. Beginning in September 2008, Weyerhaeuser will begin shipping and Safeway will begin receiving rail shipments via a transload facility located approximately 10 miles from their respective warehouses. Weyerhaeuser supports the abandonment and will be providing a letter stating the same. Safeway likewise supports the abandonment and has committed to providing a letter of confirmation. Copies of these letters will be forwarded upon receipt.

B. This Transaction Is of Limited Scope

In determining whether a proposed transaction is of limited scope, the Board considers a variety of factors, such as the length of the rail line, the number of shippers on the line and the traffic volume. *See, e.g., Burlington Northern Railroad Company – Abandonment Exemption In Greene and Polk Counties, MO, Docket No. AB-6 (Sub-No. 349X) (ICC served Aug. 27, 1993), Florida West Coast Railroad Company – Abandonment Exemption – Gilchrist and Levy Counties, FL, Docket No. AB-347 (Sub-No. 1X) (ICC served Jan. 16, 1992).*

The proposed transaction is clearly of limited scope. BNSF is seeking to abandon a 12.55-mile line that traverses an area of high-end commercial and residential development with limited and declining demand for rail service in recent years. The limited geographic area involved and the limited past use of the Line demonstrate the limited scope of the proposed abandonment. *See, e.g., Tulare Valley Railroad Company – Abandonment Exemption – In Tulare And Fresno Counties, CA, Docket No. AB-397 (Sub-No. 3X) (ICC served Feb. 9, 1995).*

C. This Transaction Will Not Result in an Abuse of Market Power

There are two shippers on the Line, both of whom have plans to use a nearby transload facility to meet their future transportation needs, and both support the abandonment. Therefore, regulation is not necessary to protect shippers from an abuse of market power. *See, e.g., CSX Transportation, Inc – Abandonment Exemption – In Guernsey County, OH, STB Docket No AB-55 (Sub-No 576) (STB served Nov 22, 1999, CSX Transportation, Inc – Abandonment Exemption – In Harrison County, WV, STB Docket No AB-55 (Sub-No 563X) (STB served Sept 25, 1998), Georgia Central*

Also, the communities along the Line have an adequate highway network capable of supporting motor carrier transportation. For example, Interstate 405 runs largely parallel to the Line. Transportation services are available from numerous motor carriers that serve the area. Where, as here, few shippers utilize the line to be abandoned and they have adequate alternative transportation options available, there is no potential abuse of market power. *See, e.g., Norfolk Southern Railway Company – Abandonment Exemption -- In Franklin, Marion, and Winston Counties, AL, Docket No AB-290 (Sub-No 123X) (ICC served May 3, 1995).*

As explained below, there is very limited, if any, prospect for freight rail growth in the area given the very high land values along the Line. Consequently, the Board should reject any speculation about future traffic as a basis for denying the proposed abandonment. *See, e.g., Idaho Northern & Pacific Railroad Company – Abandonment Exemption – In Wallowa and Union Counties, OR, STB Docket No AB-433X (STB served Apr. 16, 1997) (“Idaho Northern”), Tennessee Railway Company – Abandonment Exemption – In Scott County, TN,*

STB Docket No 290 (Sub-No 260X) (STB served June 17, 2005 (“*Tennessee*”));⁵ *Burlington Northern Railroad Company – Abandonment Exemption Between Mesa and Basin City, Franklin County, WA*, STB Docket No AB-6 (Sub-No 370) (STB served Jan 27, 1997), *Norfolk and Western Railway Company – Abandonment Exemption – In Randolph, Macon, Adair, and Schuyler Counties, MO, and Davis, Appanoose, and Monroe Counties, IA*, Docket No. 290 (Sub-No 122X) (ICC served Sept. 17, 1993 0, *CSX Transportation, Inc – Abandonment Exemption – In Webster County*, Docket No AB-55 (Sub-No 413X) (ICC served May 29, 1992).

**EXEMPTION FROM SECTIONS 10904 AND 10905
IS ALSO WARRANTED**

BNSF has agreed to donate, in part, and to sell, in part, the physical assets of the Line to the Port who, according to public records, intends to leave all rail, track and track-related structures in place while a public process is used to evaluate the best use of the corridor. BNSF has also agreed to rail-bank the Line with the County who will serve as Interim Trail User for federal railbanking purposes. The Port has stated publicly that it intends to instigate a multi-agency, regional process to plan and recommend appropriate uses for the railbanked property, including the location and size of the proposed trail and the possibility for future commuter service. The sale and donation are scheduled to close by the end of 2008 or early 2009. Accordingly, BNSF seeks an exemption from 49 U.S.C. §§ 10904-05 to expedite the sale and donation of the physical assets of the Line to the Port and to railbank the corridor with the County.

⁵ Citing *Idaho Northern*, the Board, in *Tennessee*, noted that under its precedent “mere speculation about future traffic is not a sound basis upon which to deny an abandonment.” *Tennessee*, slip op., at 4.

The agreements reached between the County, Port and BNSF will allow the rail corridor to become publicly owned and will preserve what County officials consider to be a critical transportation corridor for the broadest range of possible public uses. In particular, preservation of the contiguous corridor is considered crucial to resolving transportation problems, one of the Eastside area's biggest issues. The plans, as constructed, are expected to support billions of dollars in economic activity in addition to creating a nationally significant hiking and biking trail.

The Board and its predecessor have granted exemptions from Sections 10904 and 10905 when the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail freight service. As previously explained, by the fall of 2008, all local traffic will be moved off the Line and all former overhead traffic has already been re-routed. Consequently, by the end of this year there will no longer be any demand for rail freight service along the Line. Reinstitution of rail freight service under Section 10904 would be incompatible with the County's and the Port's intended uses of the Line. In addition, there is no need for a public use condition under Section 10905 because BNSF has already agreed to sell, in part, and donate, in part the Line to a public entity for multiple public uses.

The Board should grant the requested relief because the Line is needed for a valid public purpose (a public trail and potentially commuter rail) and there is no overriding public need for continued rail freight service along the Line. Applying the offer of financial assistance requirements, in this instance, is not necessary to carry out the rail transportation policy. Allowing the abandonment exemption to become effective expeditiously, without first being subject to these requirements, would minimize the need for Federal regulatory control over the rail system, expedite regulatory decisions, and reduce regulatory barriers to exit [49 U.S.C. §§

10101(2) and (7)] As previously explained, regulation of this transaction is not necessary to protect shippers from an abuse of market power. The remaining two shippers on the Line have alternative rail-truck options available and support the abandonment.

The Line offers limited, if any, freight rail growth opportunities, even for a short line operator. Land use around the Line is clearly moving away from freight applications, if not from industrial and low-end commercial applications altogether. Land values along the right-of-way are in the \$25-40 per square foot range which is well beyond what a rail-oriented Pacific Northwest manufacturer or distributor would pay for real estate. Consequently, there is little chance of significantly increasing carload traffic on the Line. Furthermore, Interstate 405 which runs largely parallel to the Line is a significant transportation corridor, public and private. Use of the Line as a complimentary transit corridor and/or as a hiking/biking trail has been planned for some time and is now made possible through the joint BNSF, Port, County agreements. *See Norfolk Southern Railway Company – Abandonment Exemption – In Norfolk and Virginia Beach, VA, STB Docket No. 290 (Sub-No 293X) (STB served Nov 6, 2007)(exemption granted where line was needed for public transit corridor); Los Angeles County Metropolitan Transportation Authority – Abandonment Exemption – In Los Angeles County, CA, STB Docket No AB-409 (Sub-No 5X) (STB served July 17, 2008)(exemption granted where line was needed for mass transit), Union Pacific Railroad Company – Abandonment Exemption – In Pima County, AZ, STB Docket No AB-33 (Sub-No 141X) (STB served Feb 16, 2000)(exemption granted where line was needed for public projects including bike/pedestrian paths), Doniphan, Kensett and Searcy Railway – Abandonment Exemption – In Searcy, White County, AR, STB Docket No AB-558X (STB served May 6, 1999)(exemption granted where line was needed for construction project); K&E Railway Company – Abandonment Exemption – In Alfalfa, Garfield,*

and Grant Counties, OK and Barber County, KS, STB Docket No AB-480X (STB served December 31, 1996)(exemption granted where segments of line were needed for flood control), Union Pacific Railroad Company – Abandonment Exemption – In Kane County, IL, STB Docket No AB-33 (Sub-No 105X) (STB served April 29, 1997 (exemption granted where right-of-way was needed for interim trail use), Missouri Pacific Railroad – Abandonment and Discontinuance of Operations Exemption – In Houston, Harris County, TX, STB Docket No. AB-3 (Sub-No 139X) (STB served December 31, 1996)(exemption granted where line was needed for expansion of warehouse and hiking and bike trail)

ENVIRONMENTAL AND HISTORIC REPORTS

The Environmental Report and the Historic Report containing the information required by 49 C.F.R. §§ 1105.07 and 1105.08 were forwarded to the Board on June 24, 2008. The Certificate of Service for this Petition for Exemption is attached as Exhibit B.

FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached to this Petition as Exhibit C.

LABOR PROTECTION

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

CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. §§ 10903-05 is not required to carry out the rail transportation policy set forth in 49 U.S.C. § 10101, as previously described in this Petition, nor is STB regulation required to protect shippers from an abuse of market power. Moreover, this abandonment is of limited scope. Accordingly, BNSF respectfully urges the Board to grant this petition and related abandonment request

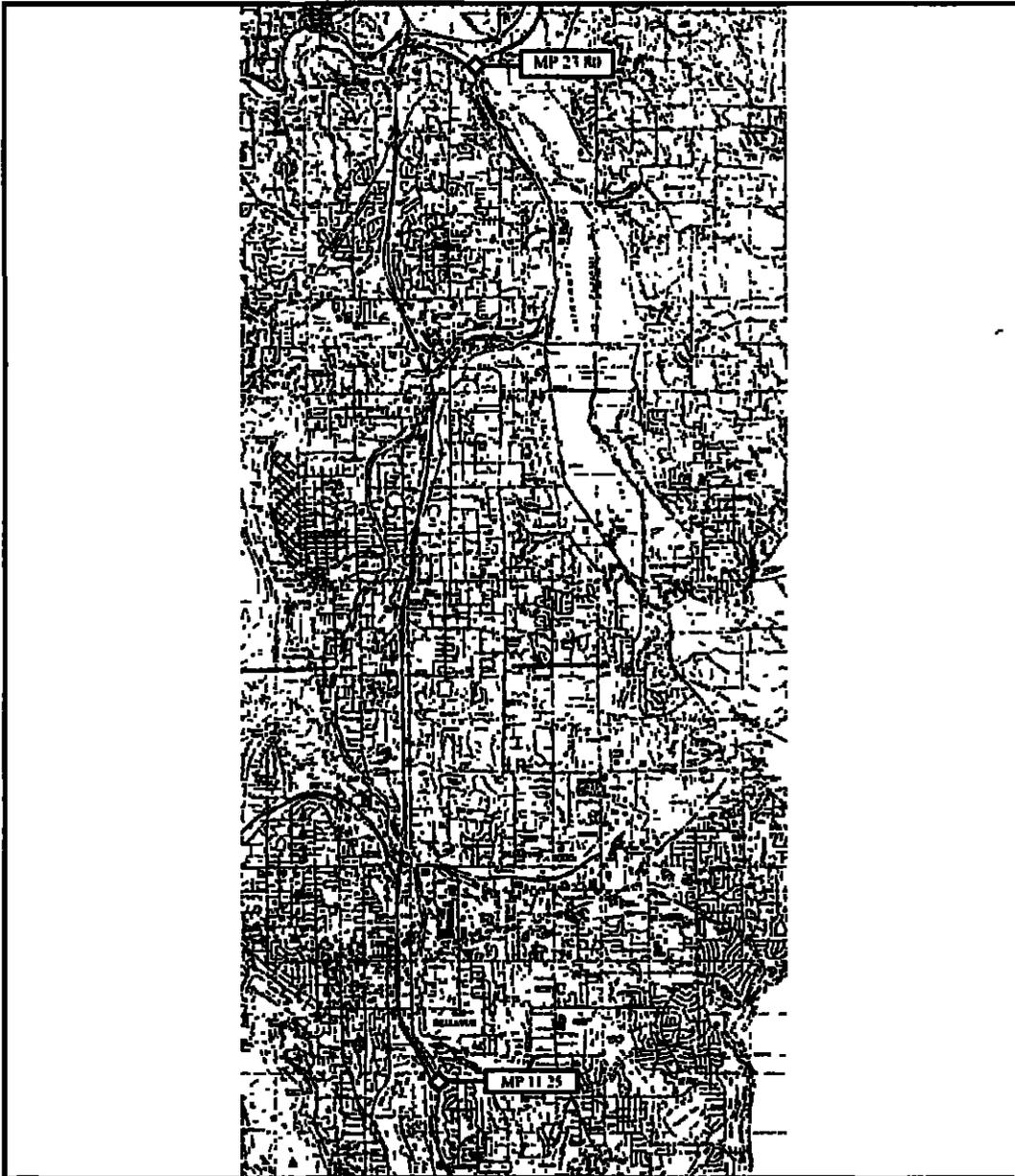
Respectfully submitted,



KRISTY CLARK
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Dated August 11, 2008

EXHIBIT A



**Woodinville Subdivision
King County, Washington**

**BNSF Line Segment 405
Milepost 11 25 to Milepost 23 80**

**STB Reference
AB-6, Sub 465X**



**Base map – United States Geological Survey
Bothell, Maltby, Kirkland and Redmond quadrangles
7 5-minute series**

**Map source dates 1979/07/01, 1980/07/01
DRG Creation Date 1997/04/09
DRG Coordinate System UTM
DRG Datum NAD27**

EXHIBIT B

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.60(d), the undersigned hereby certifies that the Petition for Exemption in STB Docket No AB-6 (Sub-No 465X) was mailed via first class mail on August 8, 2008, to the following parties

State Public Service Commission

Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504

Military Traffic Management Command

Military Traffic Management Control
ATTN. Railroads for National Defense
720 Thimble Shoals Blvd , #130
Newport News, VA 23606-2574

National Park Service

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

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 August 8, 2008



KRISTY CLARK
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

EXHIBIT C

SURFACE TRANSPORTATION BOARD

STB DOCKET NO AB-6 (SUB-NO. 465X)

**BNSF RAILWAY COMPANY
--ABANDONMENT EXEMPTION--
KING COUNTY, WASHINGTON**

On August 11, 2008, BNSF Railway Company (BNSF) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provision of 49 U.S.C. 10903 for BNSF to abandon a line of railroad extending from Milepost 11 25 to Milepost 23 80, near Wilburton, Washington, which traverses U.S. Postal Service Zip Code 98005, 98004, 98033, 98034, 98011 and 98072, a distance of 12 55 miles in King County, Washington. The line will travel through the Wilburton, Bellevue, Kirkland and Woodinville stations.

The line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued within 90 days (by November 8, 2008).

Any offer of financial assistance (OFA) under 49 C.F.R. 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1,500. See 49 C.F.R. 1002(f)(25).⁶

⁶ BNSF is also seeking an exemption from the OFA procedures which, if granted, will preclude the filing of an OFA.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use

Any request for a public use condition under 49 C.F.R. 1152.28 and any request for trail use/rail banking under 49 C.F.R. 1152.29 will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*. Each trail use request must be accompanied by a \$200 filing fee. See 49 C.F.R. 1002.2(f)(27)

All filings in response to this notice must refer to STB Docket No. AB-6 (Sub-No. 465X) and must be sent to (1) Office of the Secretary, Case Control Unit, Surface Transportation Board, 395 F. Street, S.W., Washington, DC 20423-0001; and (2) Kristy Clark, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, Texas 76131

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R. Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis at (202) 245-0295 [Assistance for the hearing impaired is available through the Federal Information Relay Service at 1-800-877-8339]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in abandonment proceedings will normally be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: _____ 2008

By the Board, David M. Konschnik, Director, Office of Proceedings, Anne K. Quinlan

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No AB-6 (Sub-No 465X) was published on July 2, 2008, in the *The Seattle Times*, a legal newspaper published daily in King and Snohomish counties, Washington as required by 49 C.F.R. § 1105.12

Dated: August 8, 2008

A handwritten signature in black ink, appearing to read "Kristy Clark", is written over a horizontal line.

KRISTY CLARK
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

**REVISED CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS**

BNSF Railway Company ("BNSF"), by and through its authorized representative, Kristy Clark, certifies that on June 24, 2008, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

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

Russell Holter
**Dept. of Archaeology and Historic
Preservation**
1063 S Capitol Way, Suite 106
Olympia, WA 98501

Larry Gosset, Chair
Growth Management & Natural Resources
Committee
Metropolitan King County Council
516 Third Avenue, Room 1200
Seattle, WA 98104

Tom Sibley
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

NOAA
National Geodetic Survey
VIA E-Mail NGS InfoCenter@noaa.gov

Charles Natsuhara, Area Soil Scientist
Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

Jim Green
Seattle District Corps of Engineers
P O Box 3755
Seattle, Washington 98124-3755

Lorcc' Randall
Shore Lands & Coastal Zone Mgmt.
PO Box 47600
Olympia, WA 98504-7600

Clifford J Villa, Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Karen Myers, Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Western WA Fish and Wildlife Office
510 Desmond Drive SE
Lacey, WA 98503

Gregory F Gress, Chief
Pacific Land Resources Program Center
U.S. National Park Service,
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, CA 94607

Gerald Shervey, PE
Washington Department of Ecology
NW Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

**Larry Fisher, Area Habitat Biologist
Washington Dept. of Fish & Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012**

**Washington Utilities and Transportation
Commission
PO Box 47250
Olympia, WA 98504**

The required cover letters (pursuant to 49 C F R 1105 11) are attached hereto BNSF has consulted with all appropriate agencies in preparing the reports

A handwritten signature in black ink that reads "Kristy Clark". The signature is written in a cursive style and is positioned above a horizontal line.

**KRISTY CLARK
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131**