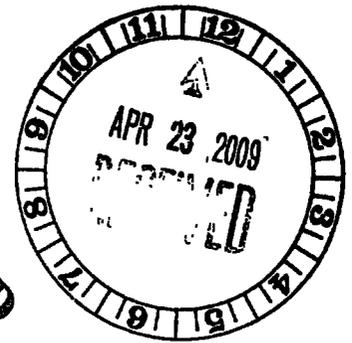




KAPLAN KIRSCH ROCKWELL

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APR 23 2009
SURFACE
TRANSPORTATION BOARD



April 23, 2009

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

ENTERED
Office of Proceedings

APR 24 2009

Part of
Public Record

Re: *BNSF Railway Company - Abandonment Exemption - In King County, Washington, Finance Docket No. AB-6 (Sub-No. 463X)*
BNSF Railway Company - Abandonment Exemption - In King County, Washington, Finance Docket No. AB-6 (Sub-No. 464X)
BNSF Railway Company - Abandonment Exemption - In King County, Washington, Finance Docket No. AB-6 (Sub-No. 465X)

224993
224994
224995

Dear Ms. Quinlan:

I am enclosing an original and ten (10) copies of the Motion of King County, Washington, for an Extension of Period for Negotiation of Trail Use Agreement in the above referenced proceedings. An additional copy is enclosed for date stamp and return to our messenger. Please note that a 3.5 inch diskette is enclosed with this document.

I am enclosing the \$450.00 filing fee required for a request to extend time to negotiate a trail use agreement pursuant to 49 CFR § 1002.2(f)(27)(ii). However, King County is seeking a waiver of the filing fee based on the fact that it is a local government entity filing the request on behalf of the general public. See 49 CFR § 1002.2(e); STB Ex Parte No. 542 (Sub-No. 6) - *Regulations Governing Fees For Services Performed In Connection With Licensing and Related Services - Policy Statement* (Served December 6, 2000). King County is a "state or local government entity" and is a non-carrier.

Sincerely,

Allison I. Fultz
Allison I. Fultz

Enclosures

cc: All Parties of Record

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**SURFACE
TRANSPORTATION BOARD**



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-6 (Sub-No. 463X) **224993**

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Redmond Spur, MP 0.00 to MP 7.30)**

STB Docket No. AB-6 (Sub-No. 464X) **224994**

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Woodinville Subdivision, MP 5.00 to MP 10.60)**

STB Docket No. AB-6 (Sub-No. 465X) **224995**

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Woodinville Subdivision, MP 11.25 to MP 23.80)**

**MOTION OF
KING COUNTY, WASHINGTON
FOR EXTENSION OF PERIOD FOR NEGOTIATION OF
TRAIL USE AGREEMENT**

Communications with respect to this pleading
should be addressed to:

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Elison I. Fultz
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Suite 800
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(202) 955-5600
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E-mail: afultz@kaplankirsch.com
Counsel for King County, Washington

**ENTERED
Office of Proceedings
APR 24 2009
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Public Record**

Dated: April 23, 2009

FILED
APR 23 2009
**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
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WASHINGTON
(Woodinville Subdivision, MP 5.00 to MP 10.60)**

STB Docket No. AB-6 (Sub-No. 465X)

**BNSF RAILWAY COMPANY – ABANDONMENT EXEMPTION – IN KING COUNTY,
WASHINGTON
(Woodinville Subdivision, MP 11.25 to MP 23.80)**

**MOTION OF
KING COUNTY, WASHINGTON
FOR EXTENSION OF PERIOD FOR NEGOTIATION OF
TRAIL USE AGREEMENT**

King County, Washington (“King County”), pursuant to 49 U.S.C. §1104.7(b), hereby submits this Motion for an extension of the 180-day time period for completion of a Trail Use Agreement in the above-listed proceedings. According to the Decisions issued in AB-6 (Sub-No. 463X) (“Redmond Spur”) and AB-6 (Sub-No. 464X) (“Woodinville South”) on October 27, 2008, the period for negotiating an agreement in those proceedings will expire on April 25, 2009. According to the Decision issued in AB-6 (Sub-No. 265X) (“Woodinville North”) on November 28, 2008, the period for negotiating an agreement for that segment will expire on May 26, 2009.

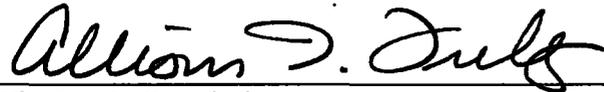
King County is requesting an additional one hundred eighty (180) days to complete the required agreements concerning Redmond Spur and Woodinville South, and an additional one hundred forty-nine (149) days with respect to Woodinville North in order to allow the expiry dates of the requested extensions in all three proceedings to coincide.

No offers of financial assistance or requests for public use conditions were filed in any of these three proceedings. Accordingly, subject to the anticipated implementation of trail use, the authority to abandon the Property has become effective.

King County has continued its negotiation of an agreement with BNSF Railway ("BNSF") for King County to assume the responsibility of trail user with respect to all three segments. King County has executed the Statement of Willingness to Assume Financial Responsibility that is required by 49 C.F.R. § 1152.29. That statement was previously submitted to this Board on September 18, 2008. King County and BNSF are continuing their negotiations toward finalizing a trail use agreement, and BNSF has authorized King County to state that it concurs with this request for an extension.

WHEREFORE, and in view of the foregoing, King County respectfully requests the Board to extend the time for completion of Trail Use Agreement in these proceedings to October 22, 2009.

Respectfully submitted,



Charles A. Spitulnik

Allison I. Fultz

KAPLAN KIRSCH & ROCKWELL LLP

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Suite 800

Washington, DC 20036

(202) 955-5600

E-mail: cspitulnik@kaplankirsch.com

E-mail: afultz@kaplankirsch.com

Counsel for King County, Washington

Dated: April 23, 2009

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the foregoing MOTION OF KING COUNTY, WASHINGTON, FOR EXTENSION OF PERIOD FOR NEGOTIATION OF TRAIL USE AGREEMENT, upon the following parties of record in this proceeding by first class mail with postage prepaid and properly addressed:

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

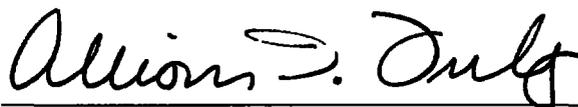
Kevin M. Sheys
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Attorneys for the Port of Seattle

Karl Morell
Ball Janik LLP
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Suite 225
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Attorneys for BNSF Railway Company

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Memphis, TN 38197



Allison I. Fultz

Dated: April 23, 2009