



KAPLAN KIRSCH ROCKWELL

**FEE RECEIVED**  
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

227234\_1 doc

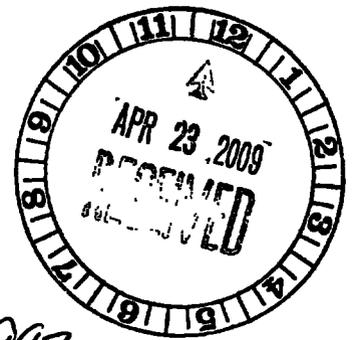
**FILED**  
APR 23 2009  
SURFACE  
TRANSPORTATION BOARD

Attorneys at Law  
Denver • New York • Washington, DC

Kaplan Kirsch & Rockwell LLP  
1001 Connecticut Ave., N.W.  
Washington, DC 20036

(202) 955-5600  
(202) 955-5616  
www.kaplankirsch.com

**FEE RECEIVED**  
APR 23 2009  
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:

ENTERED  
Office of Proceedings

APR 24 2009

Part of  
Public Record

Charles A. Spitulnik  
Allison I. Fultz  
APLAN KIRSCH & ROCKWELL LLP  
101 Connecticut Avenue, N.W.  
Suite 800

Washington, DC 20036  
(202) 955-5600  
E-mail: [cspitulnik@kaplankirsch.com](mailto:cspitulnik@kaplankirsch.com)  
E-mail: [afultz@kaplankirsch.com](mailto:afultz@kaplankirsch.com)  
Counsel for King County, Washington

**SURFACE  
TRANSPORTATION BOARD**

**FILED**  
APR 23 2009

Dated: April 23, 2009

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

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

**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)**

**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)**

**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

1001 Connecticut Avenue, N.W.

Suite 800

Washington, DC 20036

(202) 955-5600

E-mail: [csputulnik@kaplankirsch.com](mailto:csputulnik@kaplankirsch.com)

E-mail: [afultz@kaplankirsch.com](mailto: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

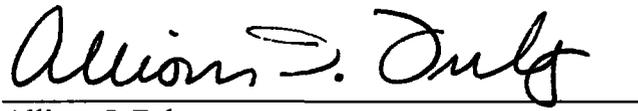
Kevin M. Sheys  
Janie Sheng  
K&L Gates LLP  
1601 K Street, NW  
Washington, DC 20006

Attorneys for the Port of Seattle

Karl Morell  
Ball Janik LLP  
1455 F Street, NW  
Suite 225  
Washington, DC 20005

Attorneys for BNSF Railway Company

Tom Carpenter  
International Paper  
International Place I, 6400 Poplar Avenue  
Memphis, TN 38197

  
\_\_\_\_\_  
Allison I. Fultz

Dated: April 23, 2009