

WILLING FILE

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WILLING FILE WAIVED

9 December 2002



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

207015

Re: Burlington Northern and Santa Fe Railway --
Exemption -- in McMillan in Pierce County, WA,
AB-6 (Sub-no. 397X)

Dear Mr. Williams:

Enclosed for filing on behalf of Pierce County (WA), please find a statement of willingness invoking 16 U.S.C. § 1247(d) in accordance with STB's regulations at 49 C.F.R. § 1152.29. By providing the "statement" at this early date, we are hopeful that STB can expedite the issuance of a Notice of Interim Trail Use (NITU) in this proceeding.

I enclose for date stamping an extra copy, and I would appreciate return of same for my records in order to verify receipt. I have enclosed a stamped, self-addressed envelope for that purpose.

Thanks for your assistance, and I wish you a great set of holidays.

FILED

JAN - 8 2003

**SURFACE
TRANSPORTATION BOARD**

Very truly

Charles H. Montange
for Pierce County (WA)

Encls.

cc. Michael Smith, Esq. (for BNSF) (w/encl.)
Sarah W. Bailiff, Esq. (BNSF-Law) (w/encl.)
Jan Wolcott, Director, Pierce Parks and Rec
(w/encl.)

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BEFORE THE SURFACE TRANSPORTATION BOARD



Burlington Northern and Santa Fe)
Railway -- Exemption -- in McMillan) AB-6 (Sub-no. 397X)
in Pierce 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, Pierce County Parks and Recreation Department (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 MP 28.10 to MP 28.34 in McMillan, a distance of .24 miles in Pierce County, Washington. The right of way is the entirety of a line proposed for abandonment in Docket AB-6 (Sub-no. 397X).

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.

FILED

JAN - 8 2003

**SURFACE
TRANSPORTATION BOARD**

Jan Wolcott 10-42K2
Name: _____
Title: *Director*
Pierce County Parks and Rec. Dept.
9112 Lakewood Dr. S.W., #121
Lakewood, Washington 98499
(253) 798-4176

Of counsel: Charles H. Montange
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