

227874

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB FINANCE DOCKET NO. 35407
GNP RLY INC.
—ACQUISITION AND EXEMPTION—
REDMOND SPUR AND WOODINVILLE SUBDIVISION**

227877

**STB DOCKET NO. AB-6 (SUB. NO. 463X)
BNSF RAILWAY COMPANY
—ABANDONMENT EXEMPTION—
IN KING COUNTY, WA**

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

227278

**THE CITY OF REDMOND'S
NOTICE OF INTENT TO PARTICIPATE AND
MOTION TO AMEND THE NOTICE REQUESTING COMMENTS**

On August 24, 2010, pursuant to 49 U.S.C. § 10502, GNP Railway, Inc. filed a petition for exemption from regulation under 49 U.S.C. § 10902 to acquire and reactivate rail service on two railbanked rail lines: the Redmond Spur and the Woodinville Subdivision.¹ GNP also filed petitions to vacate the notices of interim trail use (NITUs) issued for the two railbanked lines.²

¹ See GNP Rly. Inc.'s Verified Petition for Exemption Pursuant to 49 U.S.C. § 10502, STB Finance Docket No. 35407, GNP Rly., Inc.—Acquisition and Operation Exemption—Redmond Spur and Woodinville Subdivision (filed Aug. 24, 2010).

² See GNP Rly., Inc.'s Petition to Vacate Notice of Interim Trail Use Or Abandonment, STB Docket No. AB-6 (Sub. No. 463X), BNSF Railway Company—Abandonment Exemption—In King County, WA (filed Aug. 24, 2010) (Redmond Spur); GNP Rly., Inc.'s Petition to Vacate Notice of Interim Trail Use Or Abandonment, STB Docket No. AB-6 (Sub.

(continued . . .)

On September 10, the City of Redmond, Washington, and King County, Washington, jointly moved for an extension of time to respond to GNP's petition.³ Five days later, on September 15, the Surface Transportation Board issued a notice requesting comments on GNP's petitions by October 20.⁴

With this filing, Redmond provides notice of its intent to participate as a party of record in this proceeding. Redmond owns the real and personal property comprising the southerly four miles of the Redmond Spur.⁵ As the owner of property underlying part of the lines that are the subject of this proceeding, Redmond's rights and interests are profoundly affected by GNP's petition. Accordingly, Redmond requests that it be identified as a party of record to this proceeding and included on the service list. In addition, Redmond respectfully requests that the Board issue an amended notice including Redmond in the list of parties of record to be served with comments, with the following contact information:

Matthew Cohen
Hunter Ferguson
STOEL RIVES LLP
600 University Street, Suite 3600
Seattle, WA 98101

(. . . continued)

No. 465X), BNSF Railway Company—Abandonment Exemption—In King County, WA (filed Aug. 24, 2010) (Woodinville Subdivision).

³ See Motion of King County, Washington, and City of Redmond, Washington, to Extend Time to Respond (filed Sept. 10, 2010).

⁴ The Board subsequently published the notice requesting comments in the Federal Register. See Request for Comments, 75 Fed. Reg. 57327 (Sept. 20, 2010).

⁵ In this regard, the Board erred by stating in the notice requesting comments that the Port of Seattle "owns the real estate associated with the lines." See *id.*

DATED: September 27, 2010

STOEL RIVES LLP

By: s/ Hunter Ferguson, WSBA # 41485

Matthew Cohen
Hunter Ferguson
STOEL RIVES LLP
600 University Street, Suite 3600
Seattle, WA 98101
(206) 386-7569 (tel)
(206) 386-7500 (fax)
mcohen@stoel.com
hoferguson@stoel.com
Attorneys for the City of Redmond, Washington

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing pleading THE CITY OF REDMOND'S NOTICE OF INTENT TO PARTICIPATE AND MOTION TO AMEND THE NOTICE REQUESTING COMMENTS upon the undersigned persons by First Class Mail on September 27, 2010:

Pete Ramels
Andrew Marcuse
Office of the Prosecuting Attorney—Civil
Division
Civil Division
W400 King County Courthouse
516 Third Avenue
Seattle, WA 98104
Attorneys for King County

Charles A. Spitulnik
W. Eric Pilsk
Allison Fultz
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, NW, Suite 800
Washington, DC 20036
Attorneys for King County

Craig Watson
General Counsel
Port of Seattle
Pier 69
PO Box 1209
Seattle, WA 98111

John D. Heffner
James H. M. Savage, Of Counsel
Law Offices of John D. Heffner, PLLC
1750 K Street NW., Ste 200
Washington DC 20006
Attorneys for GNP Rly, Inc.

David T. Rankin
Kristy D. Clark
BNSF Railway
P.O. Box 961039
Forth Worth, TX 76131-2828

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

Janie Sheng
K&L Gates LLP
1601 K Street NW
Washington, D.C. 20006

DATED: September 27, 2010 at Seattle, WA

By: s/ Teresa Bitseff
Teresa Bitseff