



Kristy D Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Mark Drive
Fort Worth, TX 76131-2828
817-352-3304
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Kristy.Clark@BNSF.com



223552

September 5, 2008

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

**Re: STB Docket No. AB-6 (Sub-No. 464X)
BNSF Railway Company Abandonment Exemption in King County, Washington**

Dear Ms. Quinlan

Enclosed for filing in STB Docket No AB-6 (Sub-No 464X) are the original and ten copies of BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50

Also enclosed is a check in the amount of \$3,700 00 for the filing fee

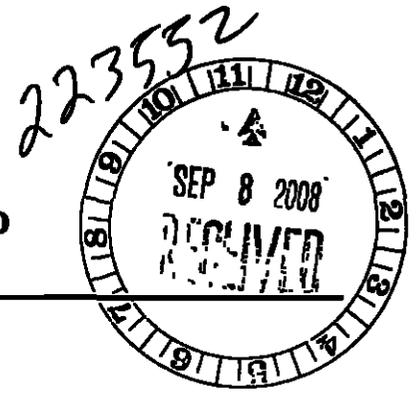
Sincerely,

Kristy D Clark
General Attorney

Enclosures As stated

KDC/so

BEFORE THE
SURFACE TRANSPORTATION BOARD



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

DOCKET NO. AB-6
(SUB-NO. 464X)

NOTICE OF 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: September 5, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN KING COUNTY, WASHINGTON)	(SUB-NO. 464X)

NOTICE OF EXEMPTION

BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon the 5.60-mile rail line located between milepost 5.00 and milepost 10.60 in King County, Washington (the "**Line**").

1. *Proposed consummation date.*

The proposed consummation date is November 5, 2008.

2. *Certification required by 49 C.F.R. § 1152.50(b).*

The required certification is attached hereto as Exhibit A.

3. *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).*

(a) *General.*

(1) *Exact name of applicant.*

BNSF Railway Company

(2) *Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.*

BNSF is a common carrier by railroad subject to 49 U.S.C Subtitle IV, Chapter 105.

(3) *Relief sought.*

BNSF seeks to use the class exemption at 49 C.F.R § 1152.50 to abandon the 5.60-mile rail line located between milepost 5.00 at Kenneydale and milepost 10.60 at Wilburton, in King County, Washington. There has been no local traffic on the Line in over two years and all overhead traffic has been rerouted.

(4) *Map.*

A map of the Line is attached as Exhibit B.

(7) *Name, title and address of representative of applicant to whom correspondence should be sent.*

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

(8) *List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.*

The Line traverses ZIP codes: 98004, 98005, 98006, and 98056.

(e) *Rural and community impact.*

(4) *Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.*

The Line traverses predominantly suburban/urban areas with more

than adequate road and highway networks, therefore, there is little or no likelihood that the rail corridor is needed for transit purposes. However, the right-of-way is suitable for recreational trails. Some of the property underlying the right-of-way is reversionary, which would affect the transfer of the property for other than rail or rail-banking purposes.

4. *The level of labor protection.*

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

5. *Certification.*

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. *Environmental Report.*

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) is attached hereto as Exhibit D. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

7. *Historic Report.*

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached hereto as Exhibit E.

Respectfully submitted,

A handwritten signature in black ink that reads "Kristy Clark" followed by a stylized flourish or initials.

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

Dated. September 5, 2008

EXHIBIT A

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TEXAS)
) **ss.**
TARRANT COUNTY)

I, Susan Odom, being duly sworn depose and state that I am Manager Network Strategy for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between milepost 5.00 in Kennydale and milepost 10.60 in Wilburton, in King County, Washington ("the **Line**") for at least two (2) years prior to the date hereof. All overhead traffic has been rerouted. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned



Susan Odom
Manager Network Strategy

SUBSCRIBED AND SWORN TO before me this 5th day of September, 2008

My Commission Expires: 06/05/2012





Notary Public

EXHIBIT B



**Woodinville Subdivision
King County, Washington**

**BNSF Line Segment 405
Milepost 5.00 to Milepost 10.60**

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



**Base map – United States Geological Survey
Redmond and Kirkland quadrangles
7.5-minute series**

**Map source date 1979/07/01
DRG Creation Date 1997/04/09
DRG Coordinate System: UTM
DRG Datum NAD27**

EXHIBIT C

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 464X) was mailed via first class mail on August 22, 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 Thumble 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. September 5, 2008

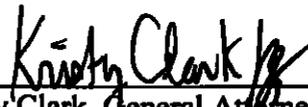


Kristy Clark, General Attorney

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 464X) was published on August 24, 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: September 5, 2008



Kristy Clark, General Attorney

The Seattle Times



REPRESENTING THE **Seattle Post-Intelligencer**
PO Box 70, Seattle, WA 98111

BNSF RAILWAY COMPANY
John Sims
2500 LOU MENK DRIVE
FORT WORTH, TX 761312828

Re Advertiser Account #9813016
Ad # 771524600

Affidavit of Publication

3952409 / 1

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times and representing the Seattle Post-Intelligencer, separate newspapers of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times and the Seattle Post-Intelligencer have been approved as legal newspapers by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	08/24/08



Agent Debbie Collantes Signature *DC*

Subscribed and sworn to before me on August 28, 2008
(DATE)

Maureen E. Dugan
(NOTARY SIGNATURE) Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times



REPRESENTING THE **Seattle Post-Intelligencer**

Re Advertiser Account #9813016

Ad # 771524600

Ad TEXT: NOTICE OF INTENT
TO ABANDON

BNSF Railway Company ("BNSF") gives notice that on or about September 2, 2008 it intends to file with the Surface Transportation Board ("Board") a notice of exemption under 49 CFR §1152 Subpart F—Exempt Abandonments permitting the abandonment of a 5.80-mile line of railroad between railroad milepost 5.00, at Kennydale, Washington and railroad milepost 10.80 at Wilburton, Washington (the "Line"). The Line traverses through United States Postal Service ZIP Codes 98005, 98006 and 98056 in King County, Washington. The proceeding will be docketed as No. AB-6 (Sub-No. 484X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by contacting SEA.

Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services. Appropriate offers of financial assistance to continue rail service and requests for

environmental conditions, public use conditions or rail banking/trails use can be filed with the Board. An original and ten copies of any pleading that raises matters other than environmental issues must be filed directly with the Board's Office of the Secretary. An additional copy must be served on BNSF. Copies of any comments or requests for conditions should also be served on BNSF.

Contact Information

BNSF Railway Company
Attn: Kristy Clark
PO Box 98157
Fort Worth, TX 76161-0057

Surface Transportation Board
Section of Environmental
Analysis
395 E Street SW
Washington, DC 20423
Telephone: 202-245-0291

Surface Transportation Board
Office of the Secretary
395 E Street SW
Washington, DC 20423

Surface Transportation Board
Office of Congressional and
Public Services
Telephone: 202-245-0230
E-mail:
Congressional Public Services
@stb dot gov

**CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS**

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the foregoing Environmental and Historic Reports were mailed via first class mail on August 11, 2008 to the following agencies:

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

Larry Gosset, Chair
Growth Mgmt & Nat. 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

Loree' 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



Kristy Clark, General Attorney

EXHIBIT D

[Environmental Report follows]

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN KING COUNTY, WASHINGTON)	(SUB-NO. 464X)

ENVIRONMENTAL REPORT

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

Service Date: August 11, 2008

ENVIRONMENTAL REPORT

(49 C.F.R. § 1105.7)

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF Railway Company ("BNSF") proposes to abandon the 5.60-mile rail line located between milepost 5 00, at Kennydale, and milepost 10 60, at Wilburton, in King County, Washington (the "Line") A map of the project area is attached as Exhibit A.

There has been no local freight traffic on the line for more than two years and all overhead traffic has been re-routed to other lines

The Line will not be salvaged The Port of Seattle ("Port") intends to purchase the Line from BNSF with track and structures intact. Possible future uses include trail use and commuter rail service. To the best of BNSF's knowledge, the Port intends to allow King County, Washington to railbank the Line, and the Port will determine the Line's ultimate use after seeking input from the public.

(2) Transportation System Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There will be no passenger or freight traffic diverted to other transportation systems as a result of the proposed abandonment There has been no local freight traffic over the line for more than two years and all overhead traffic has been re-routed

(3) Land Use

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed action is consistent with existing land use plans. The real and personal property will be sold to the Port. The Port has entered into a purchase and sale agreement with BNSF for the Line dated March 12, 2008 and King County intends to railbank the Line for inclusion in its trail program as stated above. The BNSF Rail Corridor Preservation Study, a publication in the public domain prepared by Puget Sound Regional Council, supports retaining the BNSF corridor.

We contacted the Metropolitan King County Council concerning the proposed abandonment, (see our letter to Metropolitan King County Council, attached hereto as Exhibit B). As of the date of this Environmental Report, the Metropolitan King County Council has not responded directly to our inquiry.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

Charles Natsuhara, Area Resource Soil Scientist for Natural Resources Conservation Service states in his letter dated January 31, 2008 (copy attached hereto as Exhibit C), "the proposed abandonment will have no effect on any prime agricultural, or other important farmlands."

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

The proposed abandonment is located within a designated coastal zone. Loree Randall, Federal Permit Unit, Shorelands and Environmental Assistance Program,

Washington Department of Ecology stated in an e-mail dated June 19, 2008 (copy attached hereto as Exhibit D): "I would agree that at this time CZM review is not required. However if the Port of Seattle in future plan on conducting any improvements for a commuter rail they will need to go through the CZM review process".

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

The right-of-way is suitable for use as a trail. King County intends to railbank the Line for inclusion in its trail program.

(4) Energy

(i) Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the transportation of energy resources

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment will not adversely affect movement or recovery of recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed abandonment will have no effect on overall energy efficiency as no local traffic has been handled on the Line for at least two years and all overhead traffic has been re-routed.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

The proposed abandonment will not result in a diversion of rail to motor carriage, since no local traffic has been handled on the Line for more than two years and all overhead traffic has been re-routed.

(5) Air

(i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line affected by the proposal, or

(B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (i) (A), (B) or (C) above.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) an increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed action will not result in meeting or exceeding the specified thresholds in (ii) (A), (B) or (C) above.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more; or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety.

There are seven public at-grade crossings, one pedestrian at-grade crossing and

five public railroad over-crossings on the Line No salvage is currently contemplated so all crossing signals and signs will remain in place

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

The abandonment will not result in the transportation of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way. However, the Quendall Terminals superfund site near the right-of-way at approximately milepost 7 00, is currently under remediation by Altino Properties and J H Baxter & Company, and is being overseen by U.S Environmental Protection Agency

(8) Biological Resources

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

Karen Myers, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service recommended in a January 14, 2008 phone conversation that BNSF download the

relevant lists from the relevant Web sites (including the Web site for the State of Washington Department of Fish and Wildlife ("WDFW")) to determine what, if any, species are present. By letter dated June 10, 2008 from WDFW, Area Habitat Biologist Larry Fisher (copy attached hereto as Exhibit E) states he "has reviewed the action and determined that effects on endangered or threatened species or areas designated as a critical habitat would not be expected as a result of this action."

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

There are no known wildlife sanctuaries or refuges located within the proposed project impact area. Gregory Gress, Chief, Pacific Land Resources Program Center, Pacific West Region of the National Park Service stated in his letter dated January 25, 2008 (copy attached hereto as Exhibit F): "there are no National Park Service Units within the proposed project impact area "

(9) Water

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

In an e-mail dated June 16, 2008, Gerald Shervey, PE, Washington Department of Ecology Northwest Regional Office (copy attached hereto as Exhibit G) stated: "The project description in your letter says no rail, ties, or other track structures will be removed. If no construction occurs, then no permit under Section 402 of the Clean Water Act is needed. No impacts on water quality is involved if no construction "

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

James D Green, Project Manager, Regulatory Branch, Seattle District, U.S. Army Corps of Engineers stated in an e-mail dated January 16, 2008 (copy attached hereto as Exhibit H) that a Corps permit is required for any work in a navigable water of the United States and for placement of fill materials into wetlands. He further stated that based on his personal knowledge of the project area there are wetlands and floodplains along the entire project corridor.

Because no salvage work will be performed as a part of the proposed abandonment, there will be no work in a navigable water of the United States and no placement of fill materials into wetlands

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

Clifford J. Villa, Assistant Regional Counsel, United States Environmental Protection Agency, Region 10 stated in a letter dated June 6, 2008 (copy attached hereto as Exhibit I). "If the proposed actions merely entail the abandonment or railbanking and transfer of the railroad rights-of-way, and no discharge of pollutants will occur, EPA agrees that no permits under the Clean Water Act (CWA) should be required " As previously stated, the Line will not be salvaged. The Port intends to purchase the Line from BNSF with track and structures intact

The proposed action is, therefore, consistent with applicable Federal, State and local water quality standards.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

BNSF does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. BNSF will, of course, consult (as required) with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

EXHIBIT A



**Woodinville Subdivision
King County, Washington**

**BNSF Line Segment 405
Milepost 5 00 to Milepost 10 60**

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



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

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

EXHIBIT B



BNSF Network Development

Fort Worth, Texas 76131

tel 817-352-8432

fax 817-352-7154

email susan.odom@bnsf.com

February 22, 2008

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

**Re: STB Docket No. AB-6 (Sub-No. 464X) – Abandonment Exemption
Milepost 5.00 to Milepost 10.60 on BNSF Railway Company's Woodinville
Subdivision in King County, WA**

Dear Mr Gosset

BNSF Railway Company ("BNSF") anticipates filing a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 5.60 miles of railroad line between Milepost 5.00 and Milepost 10.60 on BNSF's Woodinville Subdivision, in King County, Washington

As part of the environmental report, BNSF is required to contact your committee to determine if the proposed abandonment is consistent with existing land use plans. If applicable, please describe any inconsistencies.

Please note that no rail, ties or other track structures will be removed or relocated in the course of this abandonment.

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is attached. Please provide your response to me at the address above, if at all possible, by June 15, 2008. You may contact me by e-mail or phone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

Susan L. Odom
Manager Network Strategy

Enclosure as stated

cc Karl Morell – Ball Janik LLP – kmorell@bjllp.com
Krsty Clark – BNSF Law – krsty.clark@bnsf.com
Jerry Johnson – BNSF – jerome.johnson@bnsf.com



Natural Resources Conservation Service
1011 East Main, Suite 108
Puyallup, WA 98372
(253) 845-9272, Fax (253) 445-9934

January 30, 2008

Susan L. Odom
Manager Network Strategy
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131

Re: STB Docket No. AB-6 (Sub-No. 464X) – Abandonment Exemption
Milepost 5.60 to Milepost 10.60 on BNSF Railway Company's
Woodinville Subdivision in King County, WA

Dear Ms. Odom:

I have reviewed the area of the proposed railroad line abandonment. Since the proposed abandonment will be limited to the railroad right of way and no lands outside of the right of way will be impacted, the proposed abandonment will have no effect on any prime agricultural, or other important farmlands.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles Natsuhara".

Charles Natsuhara
Area Resource Soil Scientist

EXHIBIT D

Odom, Susan

From: Randall, Loree' (ECY) [lora461@ECY.WA.GOV]
Sent: Thursday, June 19, 2008 10:45 AM
To: Odom, Susan
Cc: Sims, John A, Moore, Jessica (ECY)
Subject: RE Washington State Railroad Abandonments (AB-6 Sub Nos 463X, 464X and 465X)

I would agree that at this time CZM review is not required. However, if the Port of Seattle in future plan on conducting any improvements for a commuter rail, they will need to go through the CZM review process. Let me know if you have any more questions.

Loree' Randall
Department of Ecology
360/407-6068

From: Odom, Susan [mailto:Susan.Odom@BNSF.com]
Sent: Tuesday, June 17, 2008 1:49 PM
To: Randall, Loree' (ECY)
Cc: Sims, John A
Subject: FW: Washington State Railroad Abandonments (AB-6 Sub Nos. 463X, 464X and 465X)

Loree'
BNSF will be filing with the Surface Transportation Board requests to abandon three sections of railroad lines in King County - Milepost 0.0 to 7.3 on BNSF's Redmond Spur, Milepost 5.00 to 10.60 in BNSF's Woodinville Subdivision, and Milepost 11.25 to 23.80 on BNSF's Woodinville Subdivision. In all three situations, there will be no salvage activity along any of the three lines. The track and track structures will be left intact. The land and track will be sold to the Port of Seattle for possible future commuter rail use. The purpose of the abandonment is to cancel our common carrier obligation to provide freight rail service.

Consequently, BNSF would like to verify that the projects as described are exempt from Washington CZMA's consistency requirements. Please concur by return e-mail for use in our filing with the STB. Thank you for your help.

Susan Odom
Manager Network Strategy
BNSF Railway Company
817-352-6432 phone

This message may be confidential and should be read or returned only by the intended recipient. If you have received this transmission in error, please immediately notify the sender by replying to this message and then delete it from your system. Thank you.

From: Moore, Jessica (ECY) [mailto:jemo461@ECY.WA.GOV]
Sent: Friday, June 13, 2008 5:45 PM
To: Odom, Susan
Subject: Washington State Railroad Abandonments

Ms Odom,

I have received your request for comments regarding the abandonment of three railroad lines.

6/25/2008

EXHIBIT E



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address 16018 Mill Creek Boulevard = Mill Creek, WA 98012
(425) 775-1311 = Fax (425) 379-2323

June 10, 2008

BNSF Railway Company
ATTENTION: Susan L. Odom
Manager Network Strategy
2500 Lou Monk Drive - AOB-300th, Suite 101
Fort Worth, Texas 76131

Dear Ms. Odom:

**SUBJECT: STB Docket No. AB-6 (Sub-Nos. 463X, 464X, and 465X),
Proposed Abandonment Exemptions in King County, Washington**

The Washington Department of Fish and Wildlife (WDFW) has reviewed the above-referenced action and determined that effects on endangered or threatened species or areas designated as a critical habitat would not be expected as a result of this action.

Thank you for the opportunity to provide this information. If there are any questions regarding this letter, I may be contacted at 425-313-5683 or fisheldf@dfw.wa.gov.

WDFW appreciates your collaboration in our efforts to preserve, perpetuate, and manage the fish and wildlife resources of the state of Washington.

Sincerely,

A handwritten signature in cursive script that reads "Larry Fisher".

Larry Fisher
Area Habitat Biologist

LF IEBNSFR.doc



EXHIBIT F

United States Department of the Interior



NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807

IN REPLY REFER TO:
L1425 (PWR-LP)
General

January 25, 2008

Susan Odom
Manager Network Strategy
BNSF Network Development
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Forth Worth, Texas 76131

**Re: STB Docket No. AB-6 (Sub. No. 464X) Abandonment Exemption
Milepost 5.00 to Milepost 10.60 on BNSF Railway Company's Woodinville
Subdivision in King County, WA**

Dear Ms Odom:

Based on the map that your office sent to us on January 8, 2008, depicting the two mileposts in the area of Woodinville Subdivision east of Mercer Island located in King County, State of Washington, there are no National Park Service Units within the proposed project impact area. If you have any further questions regarding this matter, please contact me at (510) 817-1414.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory F. Gress".

Gregory F. Gress
Chief, Pacific Land Resources Program Center
Pacific West Region

**TAKE PRIDE
IN AMERICA** A graphic of the American flag, showing the stars and stripes, positioned to the right of the text "TAKE PRIDE IN AMERICA".

Odom, Susan

EXHIBIT G

From: Sims, John A
Sent: Tuesday, June 17, 2008 7 52 AM
To: Odom, Susan
Subject: FW STB Docket No AB-6 (Sub-No 464X) - Abandonment Exemption in King County, WA

-----Original Message-----

From: Shervey, Jerry (ECY) [mailto:GSHE461@ECY.WA GOV]
Sent: Monday, June 16, 2008 7.33 PM
To: Sims, John A
Subject: RE: STB Docket No. AB-6 (Sub-No. 464X) - Abandonment Exemption in King County, WA

The project description in your letter says no rail, ties, or other track structures will be removed. If no construction occurs, then no permit under Section 402 of the Clean Water Act is needed. No impacts on water quality is involved if no construction.

Please call or write if you need additional information. Thank you.

Gerald Shervey, PE
Washington Department of Ecology
NW Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452
gshe461@ecy.wa.gov
voice (425) 649-7293 Cel 206 799 2329 fax (425)649-7098
work hours. 8:00 am to 5:30 pm Monday-Thursday, alternate Fridays off

-----Original Message-----

From: Sims, John A [mailto:John.Sims@bnsf.com]
Sent: Thursday, June 12, 2008 12:42 PM
To: Shervey, Jerry (ECY)
Cc: Odom, Susan; Sims, John A
Subject: STB Docket No. AB-6 (Sub-No. 464X) - Abandonment Exemption in King County, WA

Mr Shervey,
See attached letter regarding the above-referenced matter. I am assisting Susan Odom. I just wanted to know when we could expect your reply so that we could include it as an exhibit to the environmental report that is being prepared at this time.
Thank you for your attention in this matter

Sincerely,
John Sims, Paralegal
BNSF - Law Department
2500 Lou Menk Dr, 3rd Fl
Fort Worth, TX 76131-2828
(817) 352-2376

-----Original Message-----

From: Sims, John A
Sent: Thursday, June 12, 2008 2:25 PM
To: Sims, John A
Subject:

GlobalScan document sent from b802894

EXHIBIT H

Odom, Susan

From: Green, James D NWS [James D Green@usace.army.mil]
Sent: Wednesday, January 16, 2008 1:04 PM
To: Odom, Susan
Subject: FW: STB Docket No AB-6

Susan The below message is applicable from Milepost 1.86 to Milepost 7.3 of the Issaquah Spur. However, the same applies for work from Milepost 5.00 to 10.60 and Milepost 11.25 to Milepost 23.90. Jim Green

From: Green, James D NWS
Sent: Wednesday, January 16, 2008 10:57 AM
To: 'susan.odom@bnst.com'
Subject: STB Docket No AB-6

Susan Thank you for your letter dated 8 January 2008. A Corps permit is required for any work in a navigable water of the U.S. I note the rail line crosses the Sammamish River which is a navigable water so if any work will affect this river, a Department of the Army permit will be required under Section 10 of the River and Harbors Act and possibly Section 404 of the Clean Water Act. Also, the placement of fill materials into wetlands would require a Section 404 permit.

Based on my knowledge of the project area, there are wetlands and floodplains along the entire project corridor. However, the Corps does not provide the kind of services you requested. It is incumbent upon you to hire a consultant to determine the extent of wetlands and floodplains in the project corridor and whether or not these resources will be impacted by your proposed work. If so, you must submit a permit application for processing.

Jim Green, Project Manager
Regulatory Branch, Seattle District
(206) 764-6906

5/29/2008

EXHIBIT I



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

June 6, 2008

Reply To
Attn Of. ORC-158

Susan Odom
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 76131

Dear Ms Odom:

**Re: STB Docket No AB-6 (Sub No 463X) Issaquah Spur, King County, WA
STB Docket No. AB-6 (Sub. No. 464X) Woodinville Subdivision, King County, WA
STB Docket No. AB-6 (Sub No. 465X) Woodinville Subdivision, King County, WA**

Dear Ms. Odom.

The U.S. Environmental Protection Agency (EPA) has reviewed your letters to me dated January 8, and May 30, 2008, concerning the three abandonment proceedings referenced above. These proposed abandonments concern three segments of Burlington-Northern Santa Fe (BNSF) Railway lines within King County, WA, east of Seattle. In your letters, you requested information on whether or not the proposed abandonment of these BNSF lines would be consistent with applicable water quality standards and whether or not any permits would be required under Section 402 of the Clean Water Act.

If the proposed actions merely entail the abandonment or railbanking and transfer of the railroad rights-of-way, and no discharge of pollutants will occur, EPA agrees that no permits under the Clean Water Act (CWA) should be required. If, however, any proposed action also entails railroad salvage activities, such as the removal of ties and tracks for any purpose, then CWA requirements may be implicated for that action. In particular, if salvage activities involve construction activity (meaning clearing, grading or excavation) that will disturb more than one acre of land, such activity must comply with requirements for obtaining a permit under the CWA National Pollutant Discharge Elimination System (NPDES) to prevent or minimize the discharge of pollutants in storm water runoff from the disturbed areas to waters of the United States. Please note that areas used for support activities related to the project (e.g., equipment staging yards and material storage areas) must be considered as part of the construction activity, and included in the calculation of total disturbed area.

EPA acknowledges BNSF's estimate that none of the three proposed abandonments are expected to disturb more than one acre of land. Confirmation of these estimates will likely fall to the Washington State Department of Ecology (Ecology), to which the NPDES program has been

delegated in this state. Ecology issues NPDES permits for stormwater discharges from construction activities in the State of Washington through its Construction Stormwater General Permit. Information about this NPDES permit is available through the Ecology website at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. For activities occurring within King County, WA, you may also contact Elaine Worthen of Ecology directly at (360) 407-7229 or ewor461@ecy.wa.gov.

If you or your staff have any general questions for EPA about storm water permitting requirements, please contact Dick Hetherington, Construction Storm Water Program Coordinator, at (206) 553-1941 or hetherington.dick@epa.gov. Legal questions may be directed to me at (206) 553-1185.

Sincerely,



Clifford J. Villa
Assistant Regional Counsel

EXHIBIT E

[Historic Report follows]

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

BNSF RAILWAY COMPANY)	
ABANDONMENT EXEMPTION)	DOCKET NO. AB-6
IN KING COUNTY, WASHINGTON)	(SUB-NO. 464X)

HISTORIC REPORT

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

Service Date. August 11, 2008

HISTORIC REPORT

(49 C.F.R. § 1105.8)

The Historic Report should contain the information required by 1105.7(e)(1) of the Environmental Report. The following is excerpted from the Environmental Report prepared for the proposed abandonment:

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF Railway Company ("BNSF") proposes to abandon the 5 60-mile rail line located between milepost 5.00, at Kenndale, and milepost 10.60, at Wilburton, in King County, Washington (the "Line"). A map of the project area is attached as Exhibit A

There has been no local freight traffic on the line for more than two years and all overhead traffic has been re-routed to other lines. The Line will not be salvaged. The Port of Seattle ("Port") intends to purchase the Line from BNSF with track and structures intact. Possible future uses include trail use and commuter rail service. To the best of BNSF's knowledge, the Port intends to allow King County, Washington to railbank the Line and the Port will determine the Line's ultimate use after seeking input from the public.

HISTORIC REPORT

BNSF hired Archaeological Investigations Northwest, Inc. ("AINW") to conduct a pedestrian survey of the Line proposed for abandonment. Attached to this Historic Report as Exhibit B is AINW Historic Resource Inventory of the BNSF King County Abandonment Project, Washington prepared in August 2007 ("Inventory"). An original copy of the Inventory with

original photographs was forwarded to Washington's Department of History and Archaeology upon completion.

- 1. A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.***

The required topographic map included in the Inventory is attached to this Report as Exhibit C (Source: Historic Resource Inventory of the BNSF King County Abandonment Project, Washington, Figure 2, Sheet B)

- 2. A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area***

The subject Line extends approximately 5.60 miles between milepost 5.00, at Kennydale, and milepost 10.60, at Wilburton, in King County, Washington. The Line, which is generally 100 feet wide, extends in a northerly direction, closely following the shoreline of Lake Washington until it reaches the north end of Lake Washington Boulevard Southeast where it heads northeasterly, thence northerly again. Milepost 10.60 is at the southern edge of the southbound Interstate 405 tunnel. Terrain to the west is relatively level, terrain to the east begins to rise, being slightly more hilly. The track is lined primarily by residential neighborhoods, predominantly high-end lake front communities. There are no federally granted rights-of-way involved.

- 3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.***

Please see the Historic Property Inventory Reports section of the Inventory Qualifying structures include.

- Bridge over May Creek in Scopa (milepost 6 1)
- Bridge over Coal Creek, east of Newport Shores (milepost 9 1)
- Bridge over Lake Washington Boulevard, east of Newport Shores (milepost 9 2)

4. *The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.*

- Bridge over May Creek – constructed in 1960 with no known dates of major alteration
- Bridge over Coal Creek – constructed in 1950 with no known dates of major alteration
- Bridge over Lake Washington Boulevard – constructed in 1916 with no known dates of major alteration

5. *A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.*

The Line was originally part of the Lake Washington Beltline of Northern Pacific Railroad Company ("NP") that extended from a junction in Renton to a junction in Woodinville. Built in 1891, its early operations served as a transportation conduit of coal and iron from mines (located in the hills east of the Puget Sound) traveling to newly constructed industrial plants in Kirkland. The eastern shore of Lake Washington was also home to lumber and coal tar milling operations. (Source: *ibid*)

In 1970, NP merged with Great Northern Railway Company, Pacific Coast Railroad Company and Chicago, Burlington & Quincy Railroad Company to become Burlington Northern Inc. The latter changed its name to Burlington Northern Railroad Company ("BNRR") in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, whose name changed to BNSF Railway Company in January 2005.

6. *A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.*

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. These documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

7. *An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).*

AINW recommends that the Line be eligible for listing on the National Register of Historic Places with the historic bridges as contributing elements. "In addition, the rails, ties, switches, berms, and alignments are also considered to be contributing features." (Source: *ibid*, Conclusions and Recommendations, page 6)

8. *A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

The Line was disturbed during original construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archaeological recovery of resources.

9. ***Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e. prehistoric or native American).***

BNSF does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment other than the information previously submitted. But, if any additional information is requested, BNSF will promptly supply the necessary information

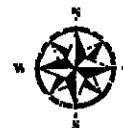
EXHIBIT A



**Woodinville Subdivision
King County, Washington**

**BNSF Line Segment 405
Milepost 5 00 to Milepost 10 60**

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



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

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

EXHIBIT B

**HISTORIC RESOURCE INVENTORY OF THE
BNSF KING COUNTY ABANDONMENT PROJECT,
WASHINGTON**

Prepared for
BNSF Railway Company,
Fort Worth, Texas

August 8, 2007

REPORT NO. 1965

Archaeological Investigations Northwest, Inc.

2632 SE 162nd Ave • Portland, OR • 97236

Phone 503 761-6605 • Fax 503 761-6620

EXHIBIT C

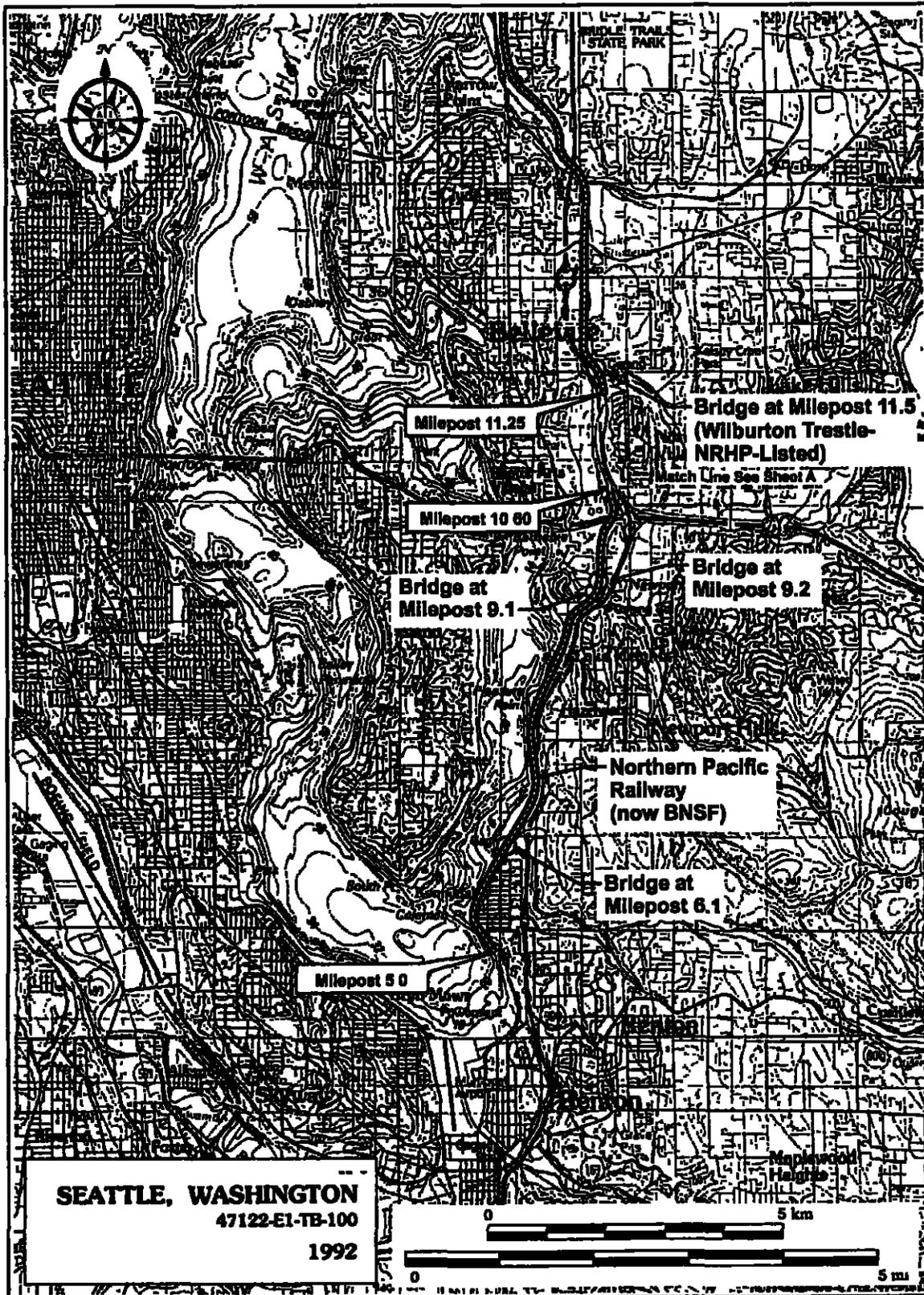


Figure 2. Northern Pacific Railway location (now BNSF), Sheet B.