

City of Kalispell

Post Office Box 1997 - Kalispell, Montana 59903-1997
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247087

February 8, 2019

Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 East Street, SW
Washington D.C. 20423- 0001

ENTERED
Office of Proceedings
February 8, 2019
Part of
Public Record

Re: **BNSF Abandonment in City of Kalispell, Flathead County, Montana, Docket No. AB 6
(Sub-No. 495X)**

Request for extension of interim trails use negotiation period

Dear Ms. Brown:

The City of Kalispell, Montana currently holds an Interim Trail Use Permit issued by the Surface Transportation Board and identified in the subject line of this correspondence. This permit is for that portion of Burlington Northern Santa Fe rail line that runs through the City from Milepost 1225.19 to Milepost 1226.79. The City requests an extension of the NITU of one year to February 10, 2020, to allow ample time for the completion of the rail banking and sale contract currently under discussion between the City and BNSF. The City of Kalispell understands that BNSF and CHS, Inc. do not object to this extension.

Since the issuance and first extension of the permit, the matters to be addressed by the City and BNSF have progressed well. The City has conducted its due diligence of environmental assessment prior to acquisition. The parties are negotiating the terms of the acquisition.

The City further requests a waiver of the Board's filing fees in accordance with 49 CFR 1002(e)(1) as the City is a local government entity. Thank you for your consideration.

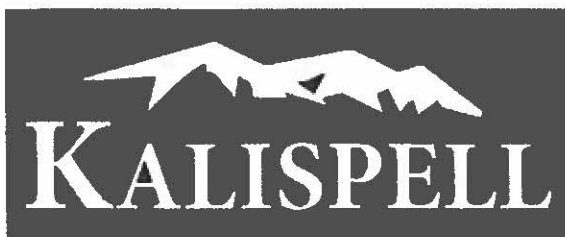
 GRANTED Office of Proceedings	DECISION ID NO.: <u>46839</u>
	DECIDED DATE: <u>2/21/2019</u>
	SERVICE DATE: <u>2/22/2019</u>
	APPROVED: <u>Alicia Di</u> Acting Director
	☒ <u>Extended to 2/10/2020</u>

Respectfully Submitted,



Katharine King
Assistant Director
Community Development Department

Cc: Karl Morell, Attorney for BNSF
Mark Lalum, CHS, Inc.



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To Whom It May Concern:

Per the Board's request, the City of Kalispell is hereby filing certificate of service in connection with the City's request for extension of time, e-filed by the City on Friday, February 8, 2019. The request is to extend the Notice of Interim Trail Use to February 10, 2020, to allow the City and BNSF to complete negotiations for the transfer of ownership of the existing BNSF rail line per Surface Transportation Board Docket No. AB6 (Sub-No. 495X).

By my signature below, I hereby certify that a copy of the City of Kalispell's Request for Extension of Time was served on all parties of record by electronic and U.S. Mail, postage pre-paid, first class on February 8, 2019, as follows:

Karl Morell
Counsel for BNSF
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Washington, D.C. 20005
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Mark D. Lalum,
CHS Inc.
P.O. Box 579
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Kalispell, MT 59903
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Submitted,

Katharine King
Katharine King
Assistant Director
Community Development
City of Kalispell
406.758.7713