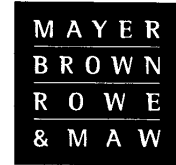


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October 31, 2003

BY HAND

Vernon A. Williams
Secretary
Surface Transportation Board
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Re: The Burlington Northern and Santa Fe Railway
Company – Petition for Declaration or
Prescription of Crossing, Trackage or Joint Use
Rights, STB Finance Docket No. 33740

ENTERED
Office of Proceedings

OCT 31 2003

Dear Secretary Williams:

By decision served May 13, 2003, the Board declared that The Burlington Northern and Santa Fe Railway Company ("BNSF") is entitled under 49 U.S.C. § 10901(d) to cross track owned and operated by the Keokuk Junction Railway Company (KJRY) near Keokuk, Iowa. KJRY appealed that decision to the United States Court of Appeals for the District of Columbia Circuit, *Keokuk Junction Ry. v. STB and United States*, No. 03-1139, and the Board served a notice of that appeal on June 2, 2003.

In its May 13 decision, the Board directed the parties to begin negotiations on compensation and other terms for the crossing, and provided that the parties should submit any matters in dispute to the Board within 30 days of the decision's effective date of June 12, 2003. In a series of letters, the parties jointly requested extensions of time to accommodate their ongoing negotiations concerning their remaining disputes. The Board granted those requests, most recently in a decision served October 17, 2003.

The purpose of this letter is to inform the Board that BNSF and KJRY have settled their remaining disputes. Counsel for KJRY has authorized BNSF to write this letter to jointly request that the proceeding be terminated. KJRY will separately move the D.C. Circuit to dismiss the appeal in No. 03-1139.

Respectfully submitted,

Robert M. Jenkins III

RMJ/bs

MAYER, BROWN, ROWE & MAW LLP

Vernon A. Williams
October 31, 2003
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cc: Daniel A. LaKemper, Keokuk Junction Railway Company
William A. Mullins, Baker & Miller PLLC
Michael E. Roper, The Burlington Northern and Santa Fe Railway Company