



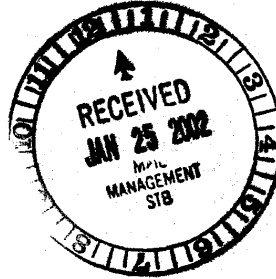
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Taro Kusunose
eMail: tkusunose@bpmlaw.com

January 24, 2002



VIA FEDERAL EXPRESS

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

Re: *FD 34088-1 204597*
Notice of Exemption—Petition For Extension of Temporary Trackage Rights Expiration
STB Finance Docket No. 34088 (Sub No. 2)—The Columbia and Cowlitz Railway
Company—Trackage Rights Exemption—The Longview Switching Company

FD 34086-1 204598
Notice of Exemption—Petition For Extension of Temporary Trackage Rights Expiration
STB Finance Docket No. 34086 (Sub No. 2)—The Columbia and Cowlitz Railway
Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway
Company

Dear Sir or Madam:

Please find enclosed, the following items:

- 1) The original and ten copies of each of the two (2) Petitions For Extension of Temporary Trackage Rights Expiration, referenced above;
- 2) A computer diskette with the two Petitions saved in the required Word Perfect format;
- 3) A certificate of service;
- 4) An additional copy of the face-sheet of each of the two (2) Petitions;
- 5) A stamped, self-addressed envelope.

I have been informed by Mr. Rudy St. Louis of your office that the filing of these extension documents will not require additional filing fees. If you would be so kind as to send us the two

KS

142219/012302 1625/60820001

A Professional Service Corporation

One Convention Place
Suite 1400 • 701 Pike Street
Seattle WA • 98101-3927

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January 23, 2002
Page 2

additional face-sheet copies with "received" stamps, or some other stamp of similar designation, affixed, in the enclosed envelope, it would be greatly appreciated. Please call us with any questions or concerns ((206) 268-8646).

Very truly yours,

A handwritten signature in black ink, appearing to read "Taro Kusunose", with a long horizontal flourish extending to the right.

Taro Kusunose

TK:ltg

Enclosures

cc: Ms. Melinda Collins (STB)
Mr. Rudy St. Louis (STB)
Ms. Yolanda Brown
Mr. Arthur Mahlum

ENTERED
Office of the Secretary

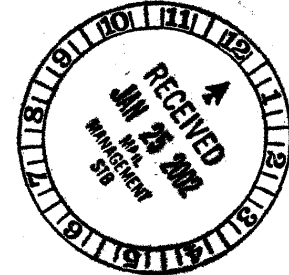
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Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

VERIFIED NOTICE OF EXEMPTION

STB Finance Docket No. 34086
(Sub No. 2) **1**



204598

THE COLUMBIA AND COWLITZ RAILWAY COMPANY --
TRACKAGE RIGHTS EXEMPTION -- THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY

PETITION FOR EXTENSION OF
TEMPORARY TRACKAGE RIGHTS EXPIRATION

Stephen L. Day
Taro Kusunose
Attorneys for
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Company
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701 Pike Street, Suite 1400
Seattle, WA 98101
(206) 292-9988 - Telephone
(206) 343-7053 - Fax

Dated: January 24, 2002

140312/012302 1616/60820001

LS

BEFORE THE
SURFACE TRANSPORTATION BOARD

VERIFIED NOTICE OF EXEMPTION

STB Finance Docket No. 34086
(Sub No. 2)

204598

THE COLUMBIA AND COWLITZ RAILWAY COMPANY --
TRACKAGE RIGHTS EXEMPTION -- THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY

**PETITION FOR EXTENSION OF
TEMPORARY TRACKAGE RIGHTS EXPIRATION**

The Columbia and Cowlitz Railway Company ("CLC") and The Burlington Northern and Santa Fe Railway ("BNSF") (collectively, the "Parties") have been granted a revocation of the Surface Transportation Board's (the "Board's") trackage rights class exemption, 49 C.F.R. § 1180.2(d)(7), pursuant to 49 U.S.C. § 10502(d) and the Board's regulations at 49 C.F.R. § 1121. This temporary revocation was granted by the Board in September of 2001 as necessary to allow a CLC/BNSF trackage rights arrangement, which would ultimately enable CLC to conduct repairs to its damaged line. As granted, the revocation is currently set to expire on March 1,

2002, as was expressly desired by the Parties. The Parties now hereby respectfully request an extension of the expiration date to May 1, 2002.

DISCUSSION

In its published Federal Register Notice (FR-4915-00-P) (Service Date September 14, 2001), the Board granted a temporary revocation of the Board's trackage rights class exemption to CLC and BNSF, to expire on March 1, 2002. The Board's decision was based upon a review of two pleadings previously filed by the Parties: a Notice of Exemption (STB F. D. No. 34086); and a Petition For Partial Revocation of Class Exemption to Permit Expiration of Temporary Trackage Rights (hereafter "Partial Revocation Petition") (STB F. D. No. 34086 Sub No. 1).

As noted previously in the Partial Revocation Petition, CLC suffered a substantial trestle fire on July 2, 2001, which severed CLC's connection between the Columbia Junction, Washington, and Rocky Point, Washington. Without an alternative route over BNSF line, CLC was unable to provide adequate service. The temporary revocation granted by the Board enabled CLC to acquire overhead trackage rights over BNSF line between Rocky Point, Washington (BNSF milepost 95.8) and Longview, Washington (BNSF milepost 101.1), a distance of 5.3 miles which bridged the damaged gap. This in turn enabled CLC to begin the necessary repairs to its line. CLC has agreed to utilize the trackage rights over BNSF line as an alternative route only until completion of its repairs.

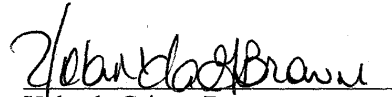
As the Board is aware, trackage rights approved under the existing class exemption are normally indefinite in nature, regardless of any contract provisions imposing a definite term. In this instance, however, the Parties noted in their Partial Revocation Petition, and the Board agreed, the trackage rights between CLC and BNSF met the criteria for class exemption to the extent necessary to allow the Board to exempt the proposed trackage only until CLC's repairs were completed. The Parties stated in the Partial Revocation Petition that they expected CLC's repairs to conclude by March 1, 2002. Unfortunately, it now appears that CLC will be unable to complete its repairs by March 1, 2002. Taking this unexpected delay into account, however, the Parties do expect CLC's repairs to conclude by May 1, 2002.

WHEREFORE, CLC and BNSF hereby respectfully request that the Board extend the expiration date of the Board's partial revocation of the class exemption at 49 C.F.R. § 1880.2(d)(7), from March 1, 2002 to May 1, 2002.

Respectfully submitted,



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Company
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Attorney for
The Burlington Northern and Santa Fe
Railway Company
2500 Lou Menck Drive
P.O. Box 961039
Fort Worth, TX 76161-0039
(817) 352-2352 – Telephone
(817) 352-2398 – Fax

Certificate of Service

STB Finance Docket Nos. 34086 (Sub No. 2), 34088 (Sub No. 2)

The undersigned certifies under the penalty of perjury that on the date given below, he/she caused to be served in the manner noted, a copy of the documents listed below, on the following:

Governor Gary Locke
Office of the Governor
P.O. Box 40002
Olympia, Washington 98504-0002

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, Washington 98504-7250

Washington State Department of Transportation
Transportation Building
210 Maple Park Avenue, SE
P.O. Box 47300
Olympia, Washington 98504-7300

The Secretary of the United States Department of Transportation
Docket Clerk, Office of Chief Counsel
Federal Railroad Administration
Room 5101
400 Seventh Street, SW
Washington, D.C. 20590

John Ashcroft
The Attorney General of the United States
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530-0001

The Federal Trade Commission
CRC-240
Washington, D.C. 20580

Yolanda Grimes Brown
The Burlington Northern and Santa Fe Railway Company
2500 Lou Menck Drive
P.O. Box 961039
Fort Worth, TX 76161-0039

David M. Reeve
The Longview Switching Company
110 110th Avenue, NE
Suite 607
Bellevue, Washington 98004

Arthur Mahlum
The Columbia and Cowlitz Railway Company
3401 Industrial Way
Longview, Washington 98632

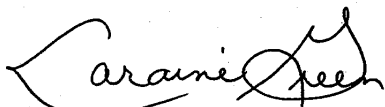
☐ Via Facsimile
☒ Via Mail
☐ Via Federal Express

The documents sent:

Petition for Extension of Temporary Trackage Rights Expiration (STB Finance Docket No.
34086 (Sub No. 2))

Petition for Extension of Temporary Trackage Rights Expiration (STB Finance Docket No.
34088 (Sub No. 2))

DATED this 24th day of January, 2002.


Print Name: LARAIN GREEN