

BNSF

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VIA UPS OVERNIGHT MAIL

July 14, 2004

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 422X); The Burlington Northern and Santa Fe Railway Company Abandonment in Snohomish, Washington

Dear Secretary Williams:

This letter replies to the June 19, 2004 filing by Charles Montange on behalf of the City of Snohomish in the above-referenced docket. BNSF objects to a public use condition requiring BNSF to hire a third party expert to prepare a report addressing the following concerns: (a) the structural integrity of the bridge across the Snohomish River in the event of a severe earthquake and (b) the presence or absence of lead-based paint on said bridge. This requested public use condition falls outside the statutory framework for public use conditions. However, BNSF is voluntarily hiring such a third party expert to address the issues that the City mentions above regarding the bridge and will be shared with the City as we negotiate terms for trail use. In this regard, BNSF does not object to the issuance of a Notice of Interim Trail Use.

If you have any questions, please do not hesitate to contact me at (202) 347-8667.

Sincerely,

Sidney L. Strickland /js

Sidney L. Strickland, Jr.

SLS/js

cc: Victoria Rutson (SEA, STB)
Charles Montange (for City of Snohomish)
James Gallegos
Richard Batie
John Sims

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