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our community
together*

KENNETH R. AHLF
City Attorney

JOSEPH M. SVOBODA
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Asst. City Attorney

1230 RUDDEL ROAD S.E., SUITE 201, LACEY, WA 98503-5747
(360) 491-1802 FAX (360) 491-1805

ENTERED
Office of Proceedings

APR 26 2004

Part of
Public Record

VIRGIL CLARKSON
Mayor
NANCY J. PETERSON
Deputy Mayor
ANN BURGMAN
JOHN DARBY
MARY DEAN
THOMAS L. NELSON
GRAEME SACKRISON

CITY MANAGER
GREG J. CUOIO

April 21, 2004



Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board
1925 "K" Street N.W.
Washington D.C. 20423-0001

**Re: *Surface Transportation Board Docket No. AB-6 (Sub-No. 410X)
The Burlington Northern and Santa Fe Railway Company
Abandonment from Quadlock, Washington to Olympia, Washington***

Dear Secretary Williams:

By letter dated March 26, 2004, I forwarded to your office an original and ten copies of a Request for both a Public Use Condition and a Trail Use submitted jointly by the cities of Lacey and Olympia, Washington. Subsequently, I received a telephone call from one of your staff members indicating that the Notice of Exemption seeking authority to abandon the railroad line had not as yet been filed by the Burlington Northern and Santa Fe Railroad Company and therefore our request was premature. The person I spoke with indicated that our Request package would be held until the Notice was filed by BNSF and then would be officially filed in the records of the Surface Transportation Board.

I have been subsequently informed by a representative agent for BNSF that the actual Notice of Exemption seeking such authority was filed by BNSF on April 5, 2004. Therefore, I would appreciate receiving an acknowledgement that the Request for a Public Use Condition and a Trail Use by the cities of Lacey and Olympia, Washington, has officially been filed in this proceeding.

Out of an abundance of caution, I am enclosing a new original Request together with 10 copies and an additional Certificate of Service by Mail upon the Burlington Northern and Santa Fe Railway Company.



TDD Relay
1-800-833-6388

City Council
(360) 491-3214

City Manager
(360) 491-3214

City Attorney
(360) 491-1802

Community Development
(360) 491-5642

Finance
(360) 491-3212

Park & Recreation
(360) 491-0857

Police
(360) 459-4333

Public Works
(360) 491-5600

Fax #
(360) 438-2669



Page Two
April 21, 2004

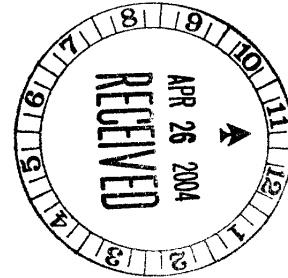
Sincerely,



KENNETH R. AHLF
Lacey City Attorney

KRA/kae
Enclosures

cc: Richard Batie, Burlington Northern and Santa Fe Railway Company
Michael A. Smith, Attorney at Law
Carol Sanders-Staubach Company
Merri Lannoye, Lacey Human Resources Director
John Vanek, Olympia Assistant City Attorney



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10 I am Karen Ellison, Declarant herein, and make this Declaration of my own
11 knowledge.

12 I am now, and at all times herein mentioned was, a citizen of the United States, a
13 resident of the State of Washington, and over eighteen (18) years of age and not a party
14 to this action.

15 At the direction and under the supervision of the Lacey City Attorney, I mailed a
16 copy of the Request for both a Public Use Condition and a Trail Use by first class mail,
17 postage prepaid to Burlington Northern and Santa Fe Railway Company, 2600 Lou Mink
18 Drive, 2nd Floor, NOC Building, Fort Worth, TX 76131 on April 21, 2004.

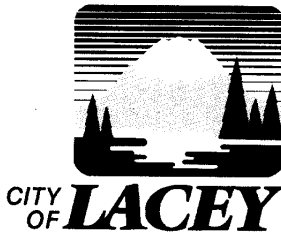
19 I certify under penalty of perjury under the laws of the State of Washington, that
20 the foregoing is true and correct.
21

22
23 Karen Ellison
24 Karen Ellison
25
26

DECLARATION OF MAILING

Page 1 of 1

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POST OFFICE BOX 3400
LACEY, WA 98509-3400

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CITY MANAGER
GREG J. CUOIO

and

City of Olympia
P. O. Box 1967
Olympia, WA 98507-1967



Mr. Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Burlington Northern Santa Fe Abandonment in Thurston County, Washington, STB Docket Number AB-6, and Sub No. 410X

Dear Mr. Williams:

This request is filed on behalf of the City of Lacey and the City of Olympia, who are each a municipality interested in advancing transportation and recreation opportunities, hereinafter referred to as "proponents".

The rail corridor proposed for abandonment extends from Burlington Northern Santa Fe (BNSF) milepost 3.27, at Quadlock near Union Mills Road in Thurston County, Washington to BNSF milepost 9.07 near Jefferson Street in Olympia, Thurston County, Washington, a distance of approximately 5.8 miles. The said rail corridor is proposed for abandonment in STB Docket No. AB-6, Sub. No. 410X.

Proponents are requesting issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use, rather than an outright abandonment, of a 3.46 mile section of the proposed abandonment. This 3.46 mile section is from BNSF milepost 3.27, at Quadlock near Union Mills Road in Thurston County, Washington to BNSF milepost 6.73 near Fones Road in Olympia, Thurston County, Washington.¹

As an overview of this section, the eastern 2.68 mile section of this request parallels City of Lacey park and wetland properties and residential areas; and at the intersection of Carpenter Road the corridor runs centrally east-west through the City of Lacey's commercial business district, parallel to Pacific Avenue. The remaining western section of the corridor subject to this

¹ In 1987 the remainder of the corridor proposed for abandonment, between Fones Road, milepost 6.73, and downtown Olympia, milepost 9.07 was abandoned as part of an I-5 improvement program. The I-5 overhead trestle was removed and track was taken up. Properties and easements associated with this section of the corridor have since been acquired by the City of Olympia for a trail system. This section of the corridor is therefore not subject to this Public Use Condition and Interim Trail Use Request; although this section is to be developed as a trail along with the remainder of the corridor.



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request runs from milepost 5.95 to milepost 6.73 through commercial properties within the City of Olympia.

A. Request for Public Use Condition

Proponents ask the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is that the rail corridor is suitable for preservation as a recreational/commuter trail. From east to west, this section of rail corridor parallels park and natural properties mixed with suburban residential areas in Thurston County and the City of Lacey, continues on through the heart of Lacey's business district along Pacific Avenue and Lacey Boulevard, and connects with the City of Olympia's Woodland Trail corridor, providing access to the State Capitol's downtown core. Additionally, this trail would connect with the I-5 bike corridor running parallel to a major interstate, I-5, and with the Chehalis Western trail which is a major 15.5 mile north-south regional trail running from Puget Sound on the north to the County's rural communities of Yelm, Tenino, Bucoda and Rainier in the south. High use of this corridor by pedestrians, bicyclists, and recreationalists is anticipated. This corridor has also been identified by the Washington State Department of Transportation as a feasible option for future commuter rail connections with the State's I-5 high speed rail system.
2. An order barring removal or destruction of structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures may have considerable value for the corridor's intended public use. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In support of its request for the imposition of a trail use condition, proponents state the following:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16. U.S.C. § 1247 (d), and 49 CFR § 1152.29, the proponents are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Burlington Northern Santa Fe and operated by Burlington Northern Santa Fe. Specifically, the City of Lacey will assume financial responsibility for that part of the corridor from milepost 3.27 to milepost 5.95. The City of Olympia will assume financial responsibility for that part of the corridor from milepost 5.95 to 6.73.

The property, known as a section of the Lacey Spur/St. Clair Line, extends from from BNSF milepost 3.27, at Quadlock near Union Mills Road in Thurston County, Washington to BNSF milepost 6.73 near Fones Road in Olympia, Thurston County, Washington. This right-of-way is part of a line or railroad proposed for abandonment in STB Docket No. AB-6, (Sub-No 410X).

A map depicting the right-of-way is attached. The proponents acknowledge that use of the right-of-way is subject to the users' continuing to meet the responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

C. Exemption of Filing Fee

The proponents are each a local municipal government entity and exempt from the filing fee under 49 CFR 1002.2 (e) (1).

Respectfully,


Greg C. Quoio
City Manager
On behalf of: The City of Lacey
Date: 3-25-04


Steven R. Hall
City Manager
On behalf of: The City of Olympia
Date: 3/22/04

By signature below, I certify service upon Burlington Northern Santa Fe, by _____ U.S. Mail, postage prepaid, this 26th day of March, 2004.


Greg C. Quoio
City Manager

QUADLOCK - OLYMPIA, WASHINGTON

OLYMPIA

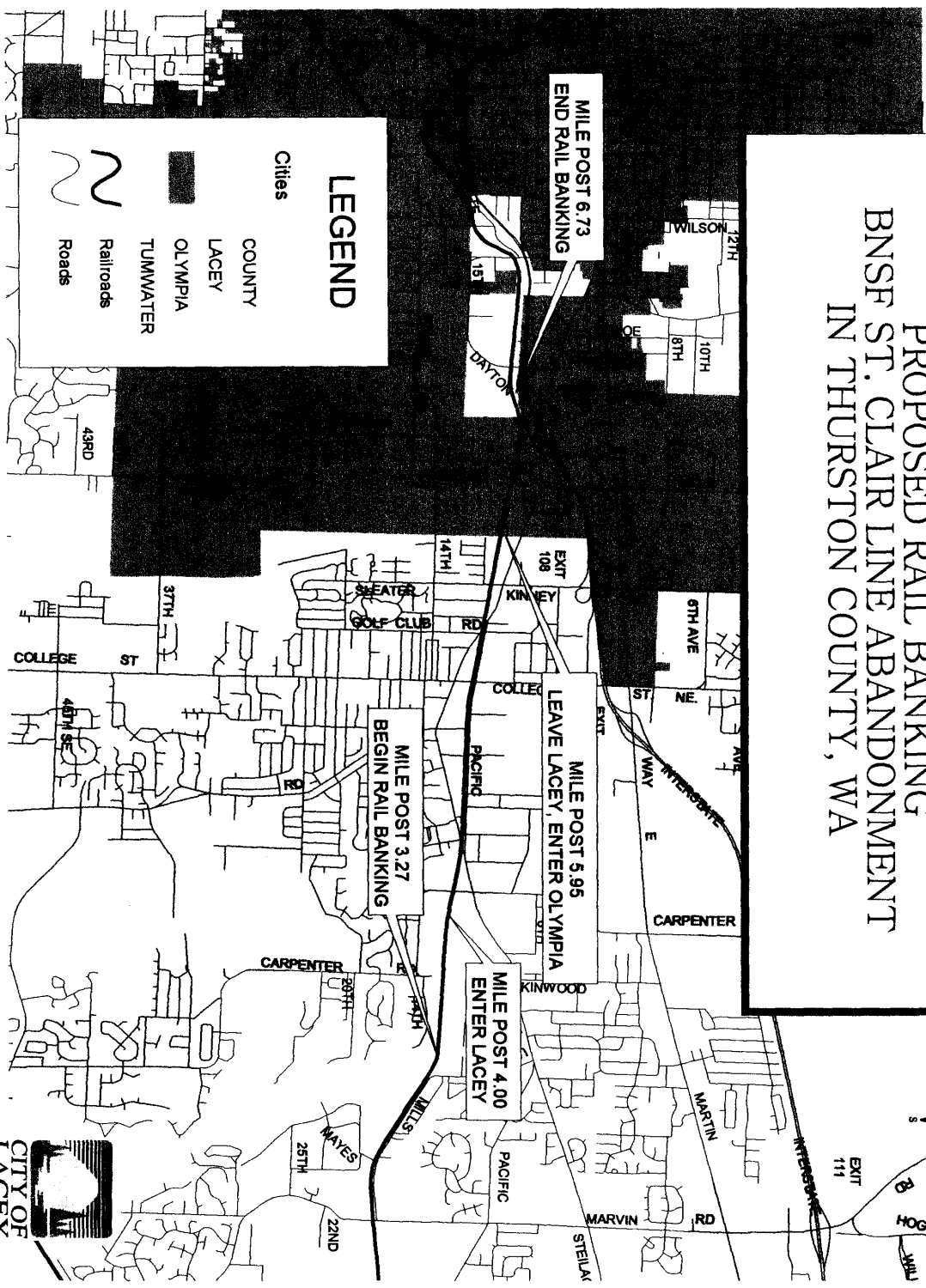
OLYMPIA MILEPOST 9.07

LACEY

QUADLOCK MILEPOST 3.27

NORTH

PROPOSED RAIL BANKING BNSF ST. CLAIR LINE ABANDONMENT IN THURSTON COUNTY, WA



LEGEND

- Cities
 - COUNTY
 - LACEY
 - OLYMPIA
 - TUMWATER
- Railroads
- Roads



CITY OF
 LACEY