

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

***THE BURLINGTON NORTHERN AND SANTA FE RY. CO.—
ABANDONMENT EXEMPTION—IN KING COUNTY, WA***

309223

STB DOCKET NO. AB-6 (Sub-No. 380X)

ENTERED
Office of Proceedings
February 13, 2025
Part of
Public Record

RAYMOND SPENCER AND LAEL SPENCER

—

- REPLY TO MOTIONS OF KING COUNTY, WASHINGTON**
**1) FOR LEAVE TO FILE REQUEST FOR EXTENSION OF TIME, TIME
FOR FILING HAVING OTHERWISE EXPIRED and**
2) TO EXTEND TIME FOR REPLY

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Petitioners Raymond Spencer and Lael Spencer file this reply to the Motions filed by Respondent King County, Washington, namely the Motion For Leave to File Request for Extension of Time, Time for Filing Having Otherwise Expired and the Motion to Extend Time for Reply.

The Spencers reserve the right to object to factual and legal statements in these Motions to the extent those points are restated in reply to the Spencers' Petition. With that reservation, the Spencers have no objection to either Motion.

However, the Spencers point out an inaccurate statement made by King County in the Motion to Extend Time for Reply. Specifically, the County states that the Spencers "appear to desire exclusive ownership and control of the area that has been encroached upon." Motion to Extend Time for Reply at 2 (citing Spencers Pet. at 19). This is a misreading of the Spencers' Petition. Their position is that ownership is not exclusively in the Spencers because King County has a trail easement and a banked railroad easement. And the right to control depends on the nature and scope of the easement rights. *See* Petition at 15 ("If railroad use were ever reestablished and a railroad needed the gravel parking area or the garden bed to be removed, the Spencers are willing to remove either of them").

Nevertheless, the Spencers hope that this and potentially other misunderstandings of their Petition may be addressed in further briefing or hearing in this matter.

Respectfully submitted this 13th day of February 2025.

STEPHENS & KLINGE LLP

/s/ Richard M. Stephens

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CERTIFICATE OF SERVICE

I hereby certify that I have on the 13th day of February 2025, caused to be served a copy of the foregoing Reply to the Motions of King County, Washington 1) Motion For Leave to File Request for Extension of Time, Time for Filing Having Otherwise Expired and 2) Motion to Extend Time for Reply upon all parties of record in this proceeding by email.

/s/ Richard M. Stephens

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