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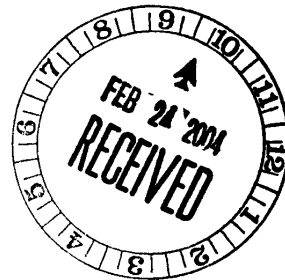
BNSF



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VIA UPS OVERNIGHT MAIL

February 23, 2004

Mr. 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. 397X); The Burlington Northern and Santa Fe Railway Company ("BNSF") Abandonment in McMillan, Pierce County, Washington

Dear Secretary Williams:

On January 8, 2003, BNSF filed a Notice of Exemption seeking authority to abandon or discontinue service of 0.24 miles of railroad line between railroad milepost 28.10 and railroad milepost 28.34 in McMillan, Pierce County, Washington. The line traverses United States Postal Service Zip Code 98374. The Board issued a Notice of Interim Trail Use ("NITU") on February 26, 2003, and said the NITU is set to expire on August 25, 2003. On July 25, 2003, BNSF and Pierce County requested an additional 180 days to negotiate a railbanking agreement. On August 22, 2003, the STB extended the NITU period to February 23, 2004. This letter is to advise the Board that Pierce County and BNSF have consummated an agreement to railbank the right-of-way prior to the NITU expiration date in lieu of abandonment.

Please acknowledge receipt of this letter by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

Ten (10) additional copies of this letter are enclosed for the Board's use and distribution.

Sincerely,


Sarah Whitley Bailiff

SWB/js

cc: Washington Utilities and Transportation Commission
The Washington State Transportation Commission
Richard Batie
Charles Montange (Pierce County)
Rail Services Update

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Office of Proceedings
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