

BALLARD TERMINAL RAILROAD
MEEKER SOUTHERN RAILROAD

Subsidiaries of: Ballard Terminal Railroad Company, LLC
4725 Ballard Avenue NW Office: (206) 782-1447 Fax: (206) 782-7724
Seattle, WA 98107

Providing Local Rail Connections to the Entire North American Freight Rail Network

To: MIKE ROWSWELL, FAX: 1-360-586-1172
FROM: BYRON COLE

HERE ARE THE 4 "RESPONDENTS WAIVER
OF HEARING" FORMS FOR THE NEW TRAIL
CROSSINGS (AT GRADE) ON OUR MSN LINE.

Byron

RESPONDENT'S WAIVER OF HEARING

Docket No. _____

Petition of Pierce County Parks & Recreation
for TRAIL GRADE CROSSING OF MSN MAINLINE, AT MILITARY ROAD

I have investigated the conditions existing at and in the vicinity of the proposed crossing changes. As a result, [check one or more of the following, as appropriate:]

I am satisfied that conditions are as represented in the petition and the interrogatories and that the petition should be granted.

The cost of installation (estimated at \$ 15,000)

subject to approval and apportionment pursuant to the Intermodal Surface Transportation Act by the Washington State Department of Transportation Local Programs Division.

as apportioned between the parties.

to be paid by petitioner.

Other conditions to waiver of hearing:

SEE COMMENTS FOR SIMILAR CROSSING AT "INDUSTRIAL PARK CURVE"

The undersigned hereby waives hearing and further notice. The Washington Utilities and Transportation Commission may enter a final order without further notice of hearing.

Date at FRIDAY HARBOR, Washington, on this 29TH day of JULY, 2005.

Respondent BACARD TERVINGOR RR CO, LLC
D BA NEEVER SOUTHERN RR (MSN)

by Byron D Cole

Print Name BYRON D. COLE

Title MANAGING MEMBER, LLC
GENERAL MANAGER, MSN