

RESPONDENT'S WAIVER OF HEARING

Docket No. TR-042083

Petition of Benton County, WA

for New Public Crossing (Sagebrush Road) off Badger Road in Sect. 11, Township 8 N., Range 28 E., W.M., directly south of I-82 and across from southbound freeway.

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 \$ (being developed))

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:

Waiver is without prejudice and matter may be re-opened if final agreement(s) are not reached.

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 San Bernardino, California, on this 29th day of July, 2005.

Respondent BNSF RAILWAY COMPANY

by John Shurson

Print Name JOHN SHURSON

Title ASST. DIRECTOR PUBLIC PROJECTS

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