

**WAIVER OF HEARING BY RESPONDENT**

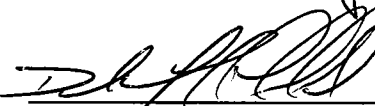
The respondent has investigated the conditions existing at and in the vicinity of the grade crossing described herein and is satisfied that such conditions are substantially as described in the petition. Respondent consents to the modification of the crossing surface. Hearing in this proceeding is hereby waived.

Dated at Seattle, Washington, on the 9<sup>th</sup> day of February, 2006.

Respondent:

BNSF Railway Company

By:

  
DANIEL J. MACDONALD

MANAGER PUBLIC PROJECTS

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