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'95 MAY 11 A8:29

STATE OF WASH  
UTIL & TRANSP  
COMMISSION

BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

In the Matter of the Petition of the	)	
WASHINGTON STATE DEPARTMENT	)	DOCKET NO. TR-940309
OF TRANSPORTATION, BURLINGTON	)	
NORTHERN RAILROAD COMPANY and	)	MOTION FOR EXTENSION
THE NATIONAL RAILROAD PASSENGER	)	OF TIME IN WHICH TO FILE
CORPORATION for Modification of Order	)	AN ANSWER TO PETITION
Regulating the Speed of Passenger Trains	)	FOR ADMINISTRATIVE REVIEW
in Marysville, Washington.	)	
	)	

THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION and Burlington Northern Railroad Company hereby request an extension of time in which to file an answer to the City of Marysville Petition for Administrative Review.

The City of Marysville submitted its Petition for Administrative Review on April 28, 1995. The petition was received by respondents Burlington Northern Railroad Company and Department Of Transportation on May 1, 1995. The attorneys of record for Burlington Northern and the State, who represented the respective respondents at the hearing, have been out of the country since May 1, 1995. Both are expected to return on or before May 15, 1995. See Affidavit of Larry E. Leggett, paragraph 4.

The answer of respondents is due May 11, 1995. The respondents ask the

MOTION FOR EXTENSION OF  
TIME TO FILE ANSWER - 1

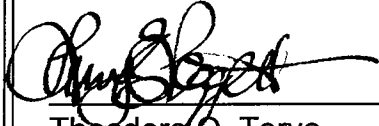
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KROSCHER & GIBSON  
ATTORNEYS AT LAW  
SUITE 607  
110 110TH AVE. N.E.  
BELLEVUE, WASHINGTON 98004  
(206) 462-9584  
FAX (206) 625-6517

1 Commission, pursuant to WAC 480-09-078(4), for an extension of time to May 24,  
2 1995 in which to file their respective answers.

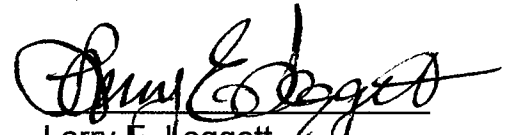
3 Respectfully submitted this 10th day of May, 1995.

4  
5 WASHINGTON STATE DEPARTMENT  
6 OF TRANSPORTATION

7 

8 Theodore O. Torve  
9 Of Attorneys for Respondent  
10 Washington State Department  
11 of Transportation

KROSCHER & GIBSON

12 

13 Larry E. Leggett  
14 Of Attorneys for Respondent  
15 Burlington Northern Railroad  
16 Company

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MOTION FOR EXTENSION OF  
TIME TO FILE ANSWER - 2

KROSCHER & GIBSON  
ATTORNEYS AT LAW  
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BELLEVUE, WASHINGTON 98004  
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FAX (206) 625-6517

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'95 MAY 11 18:29

BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION  
COMMISSION

In the Matter of the Petition of the	)	
WASHINGTON STATE DEPARTMENT	)	DOCKET NO. TR-940309
OF TRANSPORTATION, BURLINGTON	)	
NORTHERN RAILROAD COMPANY and	)	
THE NATIONAL RAILROAD PASSENGER	)	AFFIDAVIT OF
CORPORATION for Modification of Order	)	LARRY E. LEGGETT
Regulating the Speed of Passenger Trains	)	
in Marysville, Washington.	)	

I, LARRY E. LEGGETT, do declare and depose that:

1. I am an attorney in the law firm of Kroschel & Gibson, who represent Burlington Northern in this matter.
2. Rexanne Gibson is a member of this firm and the attorney of record for Burlington Northern in this matter.
3. I spoke with Theodore O. Torve, Office of Attorney General, Department of Transportation, who supervises Ms. Jeanne Cushman, who is the attorney of record for Washington State Department of Transportation in this matter.
4. Both Ms. Gibson and Ms. Cushman have been out of the country since May 1, 1995 and are expected to return on May 15, 1995.
5. It was believed that either Ms. Gibson or Ms. Cushman would return before that time but neither have.

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6. The Washington State Department of Transportation and Burlington Northern intend to file an answer to the Petition for Administrative Review filed by the City of Marysville on April 28, 1995, and served on both respondents May 1, 1995.

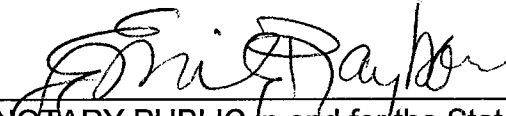
7. Because Ms. Gibson and Ms. Cushman have been out of the country and have been unable to respond, it is necessary to request an additional two weeks in which to allow respondents to file an answer.

FURTHER this affiant sayeth naught.

DATED this 10<sup>th</sup> day of May, 1995.

  
Larry E. Leggett

SUBSCRIBED AND SWORN to before me this 10<sup>th</sup> day of May, 1995.

  
NOTARY PUBLIC In and for the State of Washington, residing at Mountlake Terrace.  
My commission expires: 3-19-97

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STATE OF WASHINGTON  
BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

In the Matter of the Petition of the )  
WASHINGTON STATE DEPARTMENT ) DOCKET NO. TR-940309  
OF TRANSPORTATION, BURLINGTON )  
NORTHERN RAILROAD COMPANY and )  
THE NATIONAL RAILROAD PASSENGER ) CERTIFICATE OF MAILING  
CORPORATION for Modification of Order )  
Regulating the Speed of Passenger Trains )  
in Marysville, Washington. )  
\_\_\_\_\_)

CERTIFICATE OF MAILING

I, the undersigned, do hereby certify that on the 10th day of May, 1995, I served a copy of the foregoing Motion for Extension of Time in Which to File an Answer to Petition for Review and Affidavit of Larry E. Leggett, by mailing the original and three copies thereof by first class mail, postage prepaid, addressed as follows:

Office of the Secretary  
Washington Utilities & Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

A copy of the above documents, addressed as follows:

Theodore O. Torve  
Assistant Attorney General  
Washington State Department of Transportation  
P.O. Box 40113  
Olympia, WA 98504-0113

CERTIFICATE OF MAILING - 1

ORIGINAL

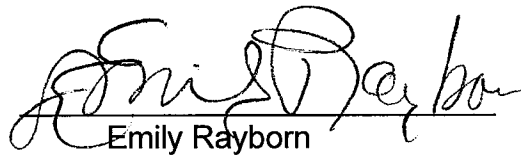
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Thom H. Graafstra, City Attorney  
Keithly, Weed and Graafstra, Inc.  
21 Avenue A  
Snohomish, WA 98290-2962

Ann Rendahl  
Assistant Attorney General  
Washington Utilities & Transportation Commission  
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Olympia, WA 98504-0128

Jeanne Cushman  
Assistant Attorney General  
Washington State Department of Transportation  
P.O. Box 40113  
Olympia, WA 98504-0113



Emily Rayborn

rg\trainspd.iii\certmail.er