

**RESPONDENT'S WAIVER OF HEARING**

Docket No. TR 070026

Petition of Spokane County  
for Freya Street

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 \$ \_\_\_\_\_)

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

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RECEIVED  
RECORDS MANAGEMENT

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 ~~3/9/07~~ Seattle, Washington, on this 9 day  
of March, 20 07.

Respondent the BNSF Railway Company

by John

Print Name John Li

Title Manager, Public Projects.