

**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

---

In the Matter of the Petition of the BNSF  
Railway to Close a Grade Crossing Located at  
Hickox Road, at Railroad Milepost 65.60 in  
Skagit County, Washington State

**DOCKET NO. TR-070696**

PETITION TO INTERVENE BY  
WASHINGTON STATE  
DEPARTMENT OF  
TRANSPORTATION FREIGHT  
SYSTEMS DIVISION AS AN  
INTERESTED PARTY

---

**1. Name and address of petitioner.**

Jeffrey T. Schultz  
WSDOT  
Freight Systems Division  
State Rail Office  
Transportation Building SA17  
PO Box 47407  
Olympia, WA 98504-7407  
**Phone Number** (360) 705-7981

---

**2. Name and address of the attorney, if any, representing the petitioner.**

Scott Lockwood  
Office of the Attorney General  
Transportation & Public Construction Division  
7141 Cleanwater Dr. SW  
Tumwater, WA 98501-06503  
  
PO Box 40113  
Olympia, WA 98504-0113  
**Phone Number** (360) 753-1620

---

**3. If the petitioner is an organization:** Large State Agency

**a. State the number of members in the organization:**

N/A

**b. State the name of the person authorized to initiate this petition for the organization:**

Jeffrey T. Schultz

**c. Attach a copy of the document authorizing participation in this case or state the basis for the authorization.**

Mr. Schultz is the State Rail Office Operations and Rolling Stock Manager assigned to represent the WSDOT State Rail Office at WUTC hearings.

**d. State the purpose of the organization:**

To improve intercity rail passenger service in the Washington portion of the federally designated Pacific Northwest Rail Corridor.

---

**4. The petitioner has the following interest in this proceeding:**

This railway line is a federally designated High Speed Rail Corridor. WSDOT has been directed by the legislature under RCW 47.79 to incrementally improve intercity rail passenger service, including the elimination of at-grade crossings and the addition of trackage. The elimination of this at-grade crossing is consistent with State law and Federal transportation policy to reduce the number of at-grade railroad/highway crossings. The elimination of this at-grade crossing will facilitate the extension of siding track at Mount Vernon which is necessary to increase rail line capacity to accommodate freight services and eliminate conflicts between State-sponsored intercity rail passenger services and BNSF Railway freight trains.

---

**5. The petitioner's position with respect to the matters in controversy:**

Petitioner supports closure of the crossing. The crossing is not necessary for public convenience and necessity. Acceptable Emergency Vehicle response times will be maintained. There are no adverse impacts to levels of service on streets and roads in area. Federal policy and State law is to reduce and eliminate unnecessary railroad/highway at-grade crossings. There have been several accidents at this location. Elimination of the at-grade crossing will prevent any future accidents involving freight and passenger trains and allow for the construction of a siding extension that is necessary to accommodate freight and passenger train traffic on this single track rail line.

---

**6. Whether the petitioner proposes to broaden the issues in the proceeding:**

No.

---

**7. The petitioner intends to:**

a. **Submit written testimony and exhibits of the following people:**

b. **Call witnesses to testify.**

c. **Cross-examine the witness called by other parties.**

d. **Submit written arguments and/or motions.**

**8. I submit this Petition to Intervene and request authorization to participate in this proceeding.**

/s/ \_\_\_\_\_

June 11, 2007

Jeffrey T. Schultz  
WSDOT  
Freight Systems Division  
State Rail Office  
Transportation Building SA17  
PO Box 47407  
Olympia, WA 98504-7407

---

DECLARATION

I, Jeffrey T. Schultz, declare and affirm that this petition is true and complete to the best of my knowledge and belief.

I further declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 11<sup>th</sup> day of June, 2007 at Olympia, Washington.

/s/Jeffrey T. Schultz

**JEFFREY T. SCHULTZ**

Operations and Rolling Stock Manager

Wash. State Dept. of Transportation

Transportation State Rail Office

DECLARATION OF SERVICE

Lisa M. Savoia states and declares as follows:

I am a citizen of the United States of America, over 18 years of age and competent to testify to the matters set forth herein. On June 12, 2007, I caused to be served by first class mail, postage prepaid, a true and correct copy of the foregoing document entitled PETITION TO INTERVENE BY WASHINGTON STATE DEPARTMENT OF TRANSPORTATION FREIGHT SYSTEMS DIVISION AS AN INTERESTED PARTY on the following:

JOHN LI, MANAGER  
PUBLIC PROJECTS  
BNSF RAILWAY COMPANY  
2454 OCCIDENTAL AVE. SOUTH, SUITE 1A  
SEATTLE WA 98134-1451

JONATHAN THOMPSON  
ASSISTANT ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
P. O. BOX 40128  
OLYMPIA WA 98504-0128

GARY T. JONES  
JONES & SMITH  
P. O. BOX 1245  
MOUNT VERNON WA 98273

BRIAN K. SNURE  
SNURE LAW OFFICE  
612 SOUTH 227<sup>TH</sup> STREET  
DES MOINES WA 98198

DATED this 12<sup>th</sup> day of June, 2007 at Tumwater, Washington.

/s/Lisa Savoia

Lisa Savoia, Legal Assistant