

FACT SHEET
Burlington Northern Santa Fe (BNSF) Railway Company
Petition to Close Hickox Road Grade Crossing
July 13, 2007 – Prehearing Conference

BNSF has Petitioned the UTC to Close the Hickox Road Railroad Crossing

On April 11, 2007, BNSF applied to the Washington State Utilities and Transportation Commission (UTC) to close the portion of Hickox Road that crosses BNSF's railroad tracks in Mt. Vernon.

The UTC is a three-member board appointed by the governor and confirmed by the state senate. The UTC commissioners are responsible for regulating a wide variety of transportation services and utilities, as well as the safety of railroad highway grade crossings. When either a railroad or a road authority (such as a county) believe that changes should be made to a crossing for public safety purposes—including closing the road at its intersection with the tracks and diverting traffic to other routes—either the railroad or the road authority is allowed to petition the UTC to decide the matter. The UTC is now beginning its review of BNSF's petition as outlined in Chapter 81.53 of the Revised Code of Washington and Title 480 of the Washington Administrative Code.

Prehearing Conference – Procedural Matters and Scheduling

A prehearing conference will be held at the UTC's offices in Olympia, WA, on Friday, July 13, 2007, at 10:00 a.m. The purpose of the prehearing conference is to discuss scheduling and procedural matters. A call-in number will also be available for up to 22 people who wish to listen in. **** No decisions about whether the crossing should be closed or remain open will be made at this meeting ****

At the prehearing conference, an Administrative Law Judge (ALJ) from UTC will preside. Attorneys representing BNSF Railway Co., Skagit County and UTC staff will attend, as should representatives of other groups or individuals who wish to become a formal party by becoming an "intervenor" in the proceeding. Members of the public may attend the prehearing conference, in person or by telephone, but are not obligated to do so. **There will not be an opportunity for public comment at the prehearing conference.**

The ALJ will review the law governing the hearing and determine which groups or individuals will be granted "intervenor" status in the case. This means that they will be expected to attend each and every session of the hearing, file documentary exhibits and present witness testimony, and be entitled to cross-examine witnesses presented by others. The ALJ will then work with the parties to set a schedule for filing documents, evidence and briefs and for the formal hearing on the BNSF petition. No other business is anticipated.

Staying Informed and Involved

If you are interested in the proceeding but do not intend to participate as a formal party, you can be added to the commission's mailing list for this matter. Also, you can view BNSF's petition, the formal notice of the prehearing conference and other documents relating to the petition on our website at www.utc.wa.gov/070696 or request paper or electronic copies by contacting John Cupp, Public Involvement Coordinator, at the phone number, e-mail or address in the box at right.

Public Information and Participation:

A public comment hearing WILL be scheduled and held as a later part of this proceeding. In the interim, send your comments to:

**Washington UTC
P.O. Box 47250
Olympia, WA 98504-7250**

OR comments@utc.wa.gov

OR use the public comment form found at www.utc.wa.gov

**Questions? Contact our
Public Involvement Coordinator
John Cupp (360) 664-1113
jcupp@utc.wa.gov**

June 13, 2007