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May 5, 2010

Kathy Hunter
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: TR-100572 – Petition on Behalf of Benton County to Construct a Grade Crossing at Piert Road/BNSF Agrium Spur

Dear Ms. Hunter:

Based on the information contained in the above referenced petition by Benton County, BNSF will not complete the Respondent's Waiver of Hearing form at this time. We believe that further discussion is necessary between BNSF, Benton County, Agrium, and UTC staff to discuss this project rather than going to hearing.

BNSF's issues with this petition in its current form are as follows:

- Benton County is proposing passive warning devices at this crossing. BNSF believes that active warning devices (flashing lights, cantilever, and gates) are warranted at this location due to multiple traffic lanes, level of truck and school bus traffic, and a pedestrian path. Similar existing railroad spur crossings in this vicinity have active warning devices.
- This petition would create a new public crossing without closure of an existing public crossing, which is undesirable. BNSF believes that the following two options are viable for this project: (1) route the Piert Road extension across the BNSF/Agrium spur at the existing Lechelt Road crossing (DOT # 090045C) with addition of active warning devices; or (2) permanently close the Lechelt Road crossing due to the addition of this new Piert Road crossing on this spur line.

If Benton County is willing to revise their petition such that our issues mentioned above are resolved, BNSF would be supportive of the petition. As such, further discussions would be beneficial. It should also be noted that while BNSF operates trains over this Agrium spur track, we are not the owner of the property or trackage at the proposed crossing location. Any crossing improvements (surface, signage & signals) would need to be installed and maintained by Agrium or its designee.

If you have any questions, please contact me at (206) 625-6146 or todd.kuhn@bnsf.com.

Regards,

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