

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**Joseph P. Rutan, P.E.**  
Interim Director



**Joseph P. Rutan, P. E.**  
County Engineer/Assistant Director  
322 N. Commercial Street, Ste 301  
Bellingham, WA 98225-4042  
Phone: (360) 715-7450  
Fax: (360) 715-7451

March 10, 2015

Mr. David Pratt  
Assistant Director, Transportation Safety  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW,  
P.O. Box 47250  
Olympia, WA 98504-7250

RE: TR-150189-Petition on Behalf of BNSF Railway Co., to Close a Highway-Rail Grade  
Crossing at Valley View Road in Whatcom County, Washington

Dear Mr. Pratt

Whatcom County has reviewed the subject petition to close the Valley View Road crossing (The Petition). Whatcom County Does Not Support the Petition and requests a hearing in order to address our concerns.

This spur line crossing of Valley View Road was constructed in the early 1960's while Valley View Road itself has been in existence since at least the mid 1880's.

The Petition states that this closure is required in order to "...allow existing customers in the Cherry Point Industrial areas to receive and depart full length trains without blocking the main line, switches or roads." It is not clear to us through review of area maps that it is actually the case in that it appears there is sufficient storage capacity available in the immediate area. In addition, Whatcom County's review of permits to allow the two oil refineries served by this line stated that no offsite rail storage was required.

Whatcom County would like to express our concern that this project as proposed may be in conflict with the State Environmental Policy Act (SEPA) as inappropriate phasing of review. In particular, it has been stated to Whatcom County by the proponents of the Gateway Pacific Terminal project that this additional storage, and thereby closure of Valley View, would be required as part of that project. The Petition itself seems to acknowledge this by stating that "...is within the same overall footprint." This precludes Whatcom County from being able to appropriately evaluate the impacts of this specific closure to our road system without knowing BNSF's plans for operating, altering or expanding their system and how the two relate to each other. Whatcom County would appreciate additional information from the petitioner and Department of Ecology as to this being two separate proposals.

RECEIVED  
RECORDS MANAGEMENT  
2015 MAR 10 PM 2:42  
STATE OF WASH.  
UTIL. AND TRNSP.  
COMMISSION

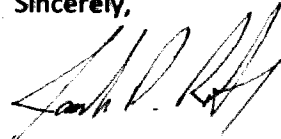
**The Petition also includes the following factual errors:**

**Section 4, Question 2 of the Petition states that there is an average daily vehicle traffic over the tracks of 90 vehicles. Our recent counts, as well as counts dating back several years, are well above this amount averaging approximately 350 vehicles per day.**

**Section 5, Question 3 of the Petition states that it is 1.2 miles to the nearest alternate access across the tracks. While this is true, it does not address the true impact and detour length created by this closure. The actual length of a detour could be 3 to 5 miles. This obviously has an adverse impact on response times for emergency vehicles. The Whatcom County Fire Marshall has expressed concern related to The Petition and supports request for a hearing.**

**Please feel free to contact me at the number provided below if you have any questions or require additional information.**

**Sincerely,**



**Joe Rutan, PE**

**County Engineer/Interim PW Director**

**cc: Jack Louws, County Executive  
Whatcom County Council  
Kathy Hunter, UTC  
Ron Ewart, County Planning  
Wayne Harrison, County Fire Marshall**