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BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY	)	
	)	
Petitioner,	)	DOCKET TR-150189
	)	
Vs.	)	
	)	
WHATCOM COUNTY	)	
	)	
Respondent.	)	

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EXHIBITS TO TESTIMONY OF  
ROLAND MIDDLETON

Letter from Whatcom County to Department of Ecology dated February 20, 2015.

September 25, 2015

Whatcom County Prosecuting Attorney  
311 Grand Avenue Suite 201  
Bellingham, WA 98225  
(360) 676-6784  
(360) 738-2532 (FAX)

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

February 20, 2015

Marnie Black  
Washington Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503

Dear Marnie,

Thank you for the information and the opportunity to comment on the SEPA checklist provided by BNSF dated 12/17/2014 and submitted 1/13/2015. We are also in receipt of their UTC petition dated 2/4/2015 requesting permanent closure of Valley View Road at the railroad crossing. We understand from you that Ecology has not yet analyzed the information or issued any determination, and that the purpose of our review and comment of the information is to help guide a dialogue with BNSF.

Upon review by Whatcom County, discrepancies and gaps are noted between information in the petition and in the checklist. Impacts identified in either are not addressed and will require vetting by reviewing agencies and those affected. The following are questions and concerns regarding the submitted information:

The petition states the ADT over the tracks at Valley View Road is 90, yet Whatcom County Public Works' data shows the ADT is 370. The SEPA checklist under Section 14- Transportation and Section 15- Public Services does not mention ADT's or the disruption of traffic and access to include normal daily traffic, emergency vehicle use (sheriff, ambulance, fire), school bus routes, or access to homes and agricultural properties. The petition mentions some possible measures such as warning devices, turnarounds and signage but direct impacts of a closure to the area are not known.

The checklist does state that no people would be displaced; this could be interpreted as no displacement from homes but there will be much displacement due to loss of a historic county road access. Please verify whether the Sheriff's Office, Fire District, School District and/ or affected property owners (to include agricultural operators) have been contacted and given ample time and information for meaningful comment.

The petition states the nearest alternate access across the tracks from the crossing proposed for closure would be 1.2 miles. The driving distance needed to detour around the closure would be well over twice that distance. The closest other crossing, at Ham Road is now often blocked. Another circuitous route, via Custer, would cause over a three mile detour. Driving around the closure would take far longer than the drive times noted in the petition especially if moving farm equipment and machinery.

Within the SEPA checklist under Land and Shoreline Use it states that part of the site is classified as an environmentally sensitive area because parts of the site contain wetlands and salmonid bearing streams. What are the impacts of loaded stationary trains sitting on tracks over these areas for extended periods, and how might such impacts be mitigated?

We have other questions and concerns, including Ecology's official position on how issuance of a SEPA determination for this project is consistent with WAC197-11-060(3) and (5), defining a proposal and appropriate phased review, as it is related to the proposed Gateway Pacific Terminal project.

We hope to follow an informative, interdisciplinary public and agency SEPA review process. We also hope to work cooperatively with the Department of Ecology and BNSF on this issue.

Sincerely,

A handwritten signature in black ink that reads "Ron Ewart". The signature is written in a cursive, flowing style.

Ron Ewart  
Current Planning Division Manager  
Whatcom County Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226  
Office: (360) 676-6907 Ext. 50202