

3. **If the petitioner is an organization:** Limited Liability Company registered in Washington State.

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

4

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

Richard H. Smith

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

Attached is the resolution of the members of S & B Land, LLC.

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

To invest in real property which has potential for appreciation because of urban development and achievement of highest and best use.

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

Continuing to realize investment backed expectations for land use which is compatible with Growth Management Act planning for Skagit County and the City of Mount Vernon, including transportation plans, zoning, utilities, extensions and other factors related to realizing the highest and best use of land resources.

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

The petitioner opposes the closure of the crossing. The crossing is essential for realizing the economic value of previously committed public expenditures for infrastructure including Interstate 5 interchange at Hickox Road, improvements to Old Highway 99 South, sewer line extension, and other urban growth infrastructure. The petitioner is also joined by a dairy farm owner and is a substantial investor in farmland and farm business enterprises on the west side of the Hickox Road closure and on the east side of Interstate 5, all of which would be adversely affected by the loss of the Hickox Road closure. The ability to farm on the east and west side of Interstate 5 depends substantially upon the ability to drive farm equipment over the Hickox road interchange to the frontage roads and hence to fields that are designated Agricultural Natural Resource Lands by the Skagit County Comprehensive Plan. There is no practical alternative to the use

of the Hickox Road interchange for moving farm equipment to till the soil, plant crops, harvest crops and deliver goods to market after processing.

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

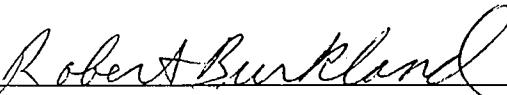
Yes. The petition and the intervention by WSDOT have completely omitted any consideration of the Skagit County Comprehensive Plan, the state Growth Management Act, the local transportation planning needs and serve exclusively the demands of the freight rail carrier and intercity rail passenger service. Alternatives to the proposed action exist and have been dismissed unreasonably by the petitioner. Petitioner contends that the railroad crossing closure is a major action affecting the environment because of its implications for agricultural natural resource land use, public safety, including fire response, emergency medical service, flood evacuation and other issues touching the public interest which warrant preparation of the Draft Environmental Impact Statement.

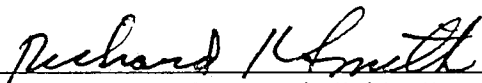
7. **The petitioner intends to:**


- a. **Submit written testimony and exhibits of the following people:**
To be named.
- b. **Call witnesses to testify.**
- c. **Cross-examine the witnesses called by other parties.**
- d. **Submit written arguments and/or motions.**

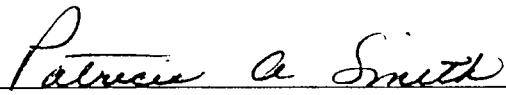
8. **I submit this Petition to Intervene and request authorization to participate in this proceeding.**

DATED this 27th day of June 2007.


ROBERT BURKLAND, individually and as
a member of S & B Land, LLC


RICHARD H. SMITH, individually and as
a member of S & B Land, LLC


PAMELA BURKLAND, individually and as
a member of S & B Land, LLC

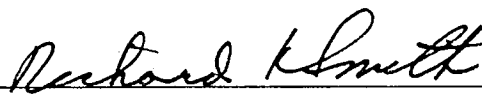

PATRICIA A. SMITH, individually and as
a member of S & B Land, LLC

DECLARATION

We, RICHARD H. SMITH and PATRICIA A. SMITH, declare and affirm that this petition is true and complete to the best of our knowledge and belief.

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

Dated this ____ day of June 2007 at Mount Vernon, Washington.

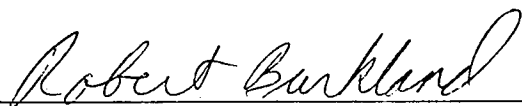

RICHARD H. SMITH, individually and as
a member of S& B Land, LLC


PATRICIA A. SMITH, individually

We, ROBERT BURKLAND and PAMELA BURKLAND, declare and affirm that this petition is true and complete to the best of our knowledge and belief.

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

Dated this ____ day of June 2007 at Mount Vernon, Washington.

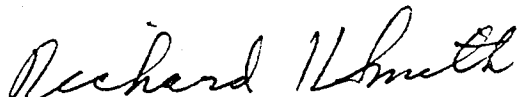

ROBERT BURKLAND, individually


PAMELA BURKLAND, individually

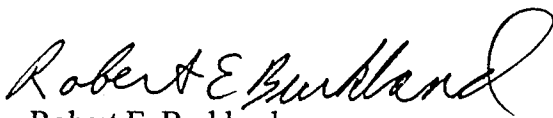
June 20, 2007

S & B Land, LLC, Resolution #2007-1

On this date, S & B Land, LLC, met and authorized Gary Jones, attorney for S & B Land, LLC, to act on behalf of the LLC, in Petition to Intervene before the Washington Utilities and Transportation Commission concerning the petition by BNSF Railroad to close the Hickox Road crossing in Mount Vernon, Skagit County, in the State of Washington.

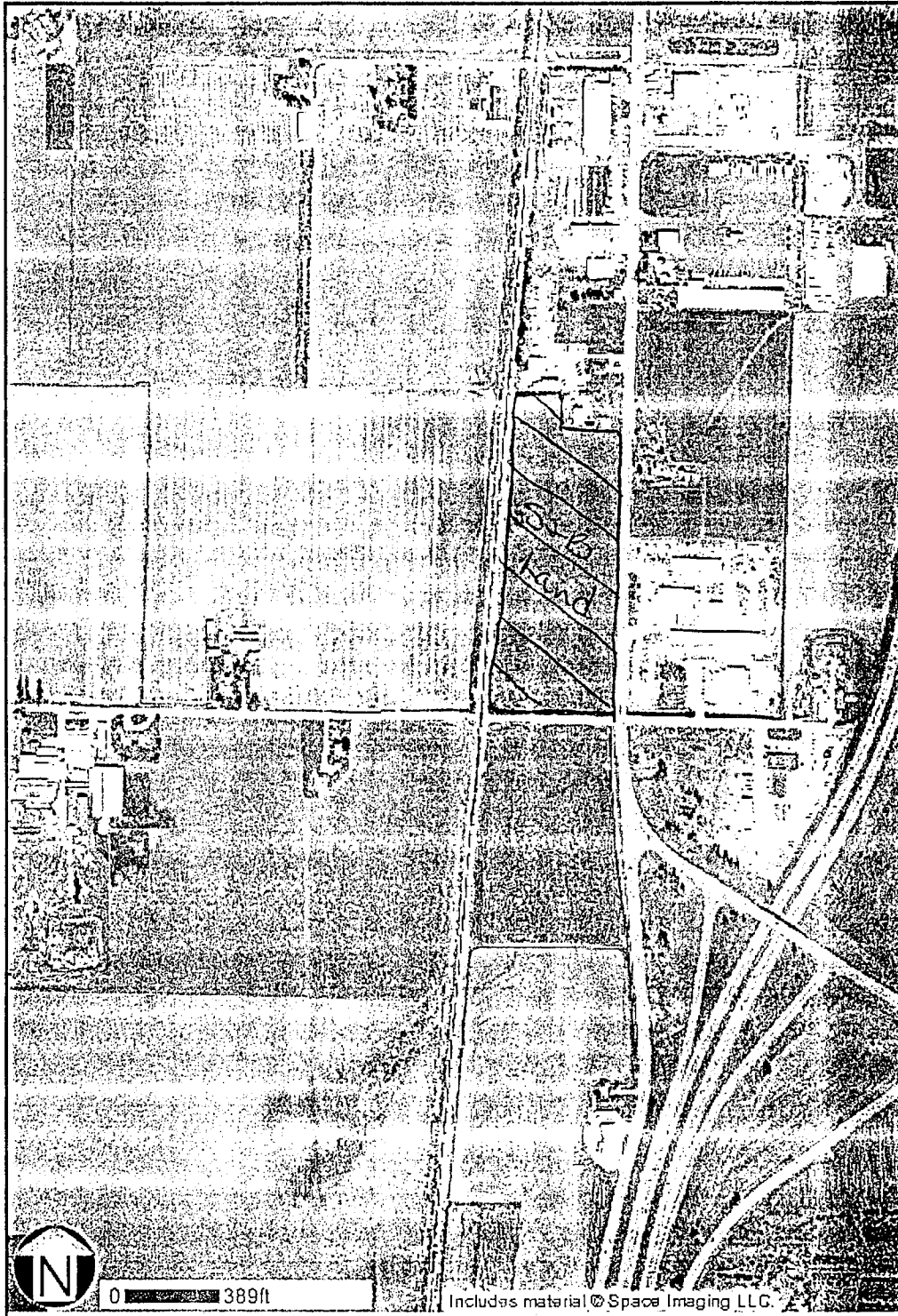


Richard H. Smith
Member of S & B Land, LLC



Robert E. Burkland
Member of S & B Land, LLC

Skagit County GIS Map



Skagit County iMap

SKAGIT COUNTY does not attest to the accuracy to the data contained herein and makes no warranty with respect to the correctness or validity of this map. Data contained in this map is limited by the method and accuracy of its collection.

Map Scale: 1 inch = 705 Feet (1 inch = 0.1 Miles)

