

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION,

Petitioner,

v.

CENTRAL PUGET SOUND REGIONAL
TRANSPORTATION AUTHORITY; and
CITY OF LAKEWOOD,

Respondents.

DOCKETS TR-100127, TR-100128,
TR-100129, and TR-100131
(Consolidated)

PETITIONER WSDOT'S MOTION
TO WITHDRAW PETITIONS

1 Pursuant to WAC 480-07-380(3), Washington State Department of Transportation
("WSDOT") hereby submits this Motion to Withdraw Petitions filed in Dockets
TR-100127, TR-100128, TR-100129, and TR-100131, without prejudice to re-file. For
the reasons set forth below, withdrawal of these petitions is in the public interest.

2 WSDOT filed the above-referenced petitions on January 15, 2010. The petitions
sought approval of proposed modifications to grade crossings designed to improve the
safety of those crossings as part of the Point Defiance Bypass Project.

3 The City of Lakewood and the City of DuPont expressed concerns regarding the
proposed modifications to the grade crossings within their jurisdictions, and these
petitions were consolidated for hearing, presently scheduled to commence June 7, 2010.

4 At the time WSDOT filed the petitions, WSDOT staff believed that the
environmental review was complete under both the National Environmental Policy Act

("NEPA") and the State Environmental Policy Act ("SEPA"). Nevertheless, WSDOT recognizes that many of the concerns expressed by those parties opposing WSDOT's petitions in these matters relate to the sufficiency of the environmental review process undertaken for the Point Defiance Bypass Project.

5 WSDOT recently learned that acceptance of American Recovery and Reinvestment Act monies administered by the Federal Railroad Administration ("FRA") will require WSDOT to conduct further environmental review, including a project level environmental assessment ("EA"). WSDOT anticipates completion of the EA by early 2012, with the FRA issuing findings by mid-2012.

6 WSDOT is persuaded that the additional project level environmental review required by the FRA can best be performed in conjunction with the input from an advisory team of key stakeholders to ensure coordinated decision-making between the agencies, which will provide multiple opportunities and additional resources to identify and resolve potential roadblocks to the project. Having consulted with representatives from the City of Lakewood, the City of DuPont, and Commission Staff, WSDOT has concluded that withdrawing the four petitions at issue in these consolidated dockets at this time, without prejudice, will help facilitate a spirit of coordination; and, therefore, is in the public interest.

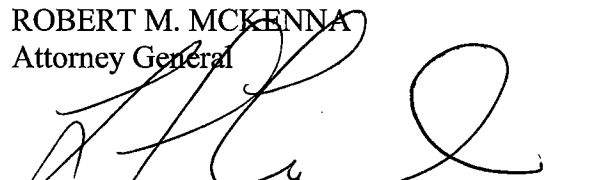
7 Counsel for WSDOT has consulted with counsel for the City of Lakewood, the City of DuPont, and Commission Staff, and was advised these parties do not oppose this motion to withdraw.

8 WHEREFORE WSDOT respectfully requests that the Commission issue an order granting WSDOT's Motion to Withdraw Petitions in Dockets TR-100127, TR-100128,

TR-100129, and TR-100131, and dismiss these matters without prejudice to re-file the same or similar petitions at some point in the future as appropriate.

DATED this 17th day of May, 2010.

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