

From: [Scott, Richard D](#)
To: [Young, Betty \(UTC\)](#); Scott.Sawyer@clark.wa.gov
Cc: [Leatham, Kyle](#); [Semenick, Stephen](#)
Subject: Vancouver, WA DOT 092421N 122nd Street UTC Courtesy Email: 240364 Notice of Petition letter to Richard Scott at BNSF Railway Company. CRM:0003800
Date: Monday, May 20, 2024 1:31:39 PM
Attachments: [TR-240364 Notice of petition.pdf](#)
[TR-240364 Petition Clark County.pdf](#)

External Email

Hello Betty—I wanted to formally note that BNSF does not intend to sign this petition. An administrative hearing will be necessary to resolve the process challenges.

As you know, BNSF is a partner in advancing at-grade crossing safety and routinely works with road authorities in that effort. We amicably agree on modifications and sign petitions to advance these projects in normal course. BNSF believes several steps have yet to occur here before a petition is appropriate.

We have previously relayed to the County the first step is a diagnostic team meeting. UTC staff, BNSF, and Clark County, at a minimum, meet on-site to discuss the proposed changes and provide an opportunity for discussion of safety concerns and questions *prior to* a petition being filed. As the last meeting was over 6 years ago, an on-site meeting to discuss changed conditions and the latest proposed modifications is necessary, especially for the County's consideration of a quiet zone.

Following the diagnostic, the County provides design plan iterations for review and comment. We reference several standards regarding crossing safety design in our review, including MUTCD, AASHTO, the FHWA Highway-Rail Grade Crossing handbook, AREMA, etc. to analyze risk factors and assist the County in developing the right level of safety controls.

Once a plan is accepted, we enter into a construction and maintenance agreement with the County for the modifications and right-of-entry, at which point a petition is typically filed and BNSF can proceed with signing. For the County to circumvent the diagnostic meeting, plan review stages and coming to a consensus risks not adequately accounting for clearances, constraints, and other site conditions, and has the potential to introduce new hazards at the crossing, or not fully addressing those that may exist. To highlight one item in particular, this crossing is a crew change location for BNSF, and to install medians as proposed would be a detriment to use of our right-of-way and could cause delays clearing the crossing.

We ask that the County take the right action in fully reviewing the crossing with all stakeholders before petitioning for modifications out of step with the normal process and grade crossing standards.

Rich Scott, PE | BNSF Railway

Assistant Director Public Projects

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From: Document Service Queue <recordscenter@utc.wa.gov>

Sent: Monday, May 20, 2024 11:06 AM

To: Scott, Richard D <Richard.Scott2@BNSF.com>

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EXTERNAL EMAIL

The Washington Utilities and Transportation Commission (UTC) served the following document(s), regarding Docket Number(s) 240364, on 5/20/2024 9:05 AM

We attach a courtesy copy of the above document(s). Please do not reply to this e-mail. If you have any questions regarding this e-mail, please contact the UTC Records Center, at records@utc.wa.gov.