

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

BURLINGTON NORTHERN RAILROAD	)	
COMPANY,	)	DOCKET NO. TR-961212
	)	
Petitioner,	)	
	)	
v.	)	ORDER DISMISSING PETITION
	)	WITHOUT PREJUDICE
SNOHOMISH COUNTY,	)	
	)	
Respondent.	)	
.....	)	
.	)	

**BACKGROUND**

1 On September 26, 1996, Burlington Northern Railroad Company filed with the Commission a petition seeking authority to abandon and close the public use of a highway/railway crossing at the intersection of 292<sup>nd</sup> Street N.W. (Logan Road) and existing tracks of Burlington Northern Railroad Company. The location of the crossing is:

At or near railway mile post 56.92 in the SW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 13, Township 32N, Range 4E, W.M., in Stanwood, Snohomish County, State of Washington.

2 The crossing may be generally described as the intersection of Logan Road with the tracks of Burlington Northern Railroad Company.

3 On March 3, 2000, the Transportation Director of the Commission issued a Determination of Non-significance for the above mentioned petition pursuant to the State Environmental Policy Act, chapter 43.21C RCW and chapter 197-11 WAC. Notice of the Determination of Non-significance was sent to the Washington State Department of Ecology on March 6, 2000. Pursuant to RCW 81.53.060, this notice was posted at the affected crossing and published in the local newspaper.

4 Comments regarding the Determination of Non-significance were filed by Peter Logan, Floyd & Marilyn Templeton and Schenk Packing Company. The Commission served a Notice of Prehearing Conference on May 22, 2000, scheduling a teleconference for May 24, 2000.

5 On May 22, 2000, Burlington Northern Railroad Company requested that the petition be dismissed because of changed circumstances since the petition was filed. Ann Rendahl,

Assistant Attorney General, filed a letter on May 24, 2000, stating that the Commission staff had no objection to the dismissal. Jason Cummings, Deputy Prosecuting Attorney for Snohomish County, filed a letter on May 30, 2000, stating that Snohomish County does not object to the dismissal.

- 6 The Commission finds it serves the public interest to allow Burlington Northern to withdraw its petition. The Commission further finds the petition should be dismissed without prejudice.

**ORDER**

- 7 IT IS ORDERED that Burlington Northern Railroad Company's Petition to Close A Grade Crossing at 292<sup>nd</sup> Street (Logan Road) is dismissed without prejudice.

Dated at Olympia, Washington, and effective this            day of June, 2000.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER,  
Chairwoman

WILLIAM R. GILLIS,  
Commissioner

RICHARD HEMSTAD,  
Commissioner

**NOTICE TO PARTIES: This is a final Order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this Order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).**