

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

In the Matter of the Petition of the Burlington
Northern Sante Fe Railway (BNSF) to Close a)
Grade Crossing Located at 156th Street NE, at)
Railroad Milepost 44.78 in Snohomish)
County, Washington State)

DOCKET NO. TR-010194

PETITION TO INTERVENE BY
WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION PUBLIC
TRANSPORTATION AND RAIL
DIVISION AS AN INTERESTED
PARTY

1. Name and address of petitioner.

Jeffrey T. Schultz
WSDOT
Public Transportation and Rail Division
Transportation Building SA17
PO Box 47387
Olympia, WA 98504-7387
Phone Number (360) 705-7981

2. Name and address of the attorney, if any, representing the petitioner.

Jeffrey D. Stier
Office of the Attorney General
Transportation & Public Construction Division
905 Plum Street Bldg #3
PO Box 40113
Olympia, WA 98504-0113
Phone Number (360) 753-6126

3. If the petitioner is an organization: Large State Agency

a. State the number of members in the organization:

N/A

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

Jeffrey T. Schultz

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

Mr. Schultz is the Rail Operations and Technical Expert assigned to represent the WSDOT Rail Office at WUTC hearings.

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

To improve intercity rail passenger service in the Washington portion of the federally designated Pacific Northwest Rail Corridor.

4. **The petitioner has participated in the following UTC cases in the last two years:**

Date:	Docket No.:	Title of Proceeding:
	TR-940288	In the Matter of the Petition of the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, BURLINGTON NORTHERN RAILROAD COMPANY and THE NATIONAL RAILROAD PASSENGER CORPORATION, for Modification of Order Regulating the Speed of Passenger and Freight Trains in Edmonds, Washington
	TR-990656	In the Matter of the Petition of the Burlington Northern Santa Fe Railway (BNSF) to Increase Passenger and Freight Train Speeds to BNSF's Railroad Between the Southern Most Boundary of Seattle's City Limits to the Northern Most Boundary of the City of Tacoma
	TR-981102	Railroad Operations—Rule Making Chapter 480-62 WAC

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

This Railway line is a Federally designated High Speed Rail Corridor. WSDOT has been directed by the legislature under RCW 47.79 to incrementally improve intercity rail passenger service, including the elimination of at-grade crossings and the addition of trackage. The elimination of this at-grade crossing is consistent with State law and Federal transportation policy to reduce the number of at-grade railroad/highway crossings. The elimination of this at-grade crossing will facilitate the extension of siding track at English which is necessary to increase rail line capacity to accommodate freight services and eliminate conflicts between State-sponsored intercity rail passenger services and Burlington Northern and Santa Fe Railway freight trains.

6. The petitioner will raise the following issues in this case:

The crossing is not necessary for public convenience and necessity. Acceptable Emergency Vehicle response times will be maintained. There are no adverse impacts to levels of service on streets and roads in area. Federal policy and State law is to reduce and eliminate unnecessary railroad/highway at-grade crossings. There have been several accidents at this location. Elimination of the at-grade crossing will prevent any future accidents involving freight and passenger trains and allow for the construction of a siding extension that is necessary to accommodate freight and passenger train traffic on this single track rail line.

7. The petitioner intends to:

 X a. **Submit written testimony and exhibits of the following people:**

 X b. **Call witnesses to testify.**

 X c. **Cross-examine the witness called by other parties.**

 X d. **Submit written arguments and/or motions.**

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

May 21, 2001

Jeffrey T. Schultz
WSDOT
Public Transportation and Rail Division
Transportation Building SA17
PO Box 47387
Olympia, WA 98504-7387

STATE OF WASHINGTON)
) **ss.**
THURSTON COUNTY)

I, Jeffrey T. Schultz affirm that this petition is true and complete to the best of my knowledge and belief.

JEFFREY T. SCHULTZ
Rail Operations & Technical Expert
Wash. State Dept. of Transportation
Transportation & Rail Division