



## Memorandum

February 4, 2015

**To:** Greg Kopta, Director, Administrative Law Division

**Thru:** David Pratt, Assistant Director, Transportation Safety

**From:** Kathy Hunter, Rail Safety Manager

**Subject:** Staff Recommendation to Set Matters for Hearing  
**TR-143902** – Petition on behalf of the City of Woodinville to Modify an At-grade Highway-Rail Grade Crossing at State Route 202 in Woodinville  
USDOT 091797E  
**TR-143903** – Petition on behalf of the City of Woodinville to Modify an At-grade Highway-Rail Grade Crossing at State Route 202 in Woodinville  
USDOT 092050F

On November 18, 2014, the city of Woodinville (City) filed petitions with the Utilities and Transportation Commission (commission) seeking approval to modify two at-grade highway-rail grade crossing in Woodinville. The commission assigned TR-14902 and TR-143903 to the petitions.

On December 8, 2014, commission staff provided notice of the filing of the petitions to affected entities. There are multiple entities impacted by the petitions.

- Eastside Community Rail – freight easement owner of the line
- Ballard Terminal Railroad – freight operator of the line
- Washington State Department of Transportation (WSDOT) – crossing is located on a state route
- King County – owner of the land under the crossing (TR-143903 only)
- Port of Seattle – owner of the land under the crossing<sup>1</sup> (TR-143902 only)

The response period ended December 29, 2014, and the following replies were filed.

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<sup>1</sup> The Port of Seattle has agreed to sell the land at this location to the City of Woodville but the transaction is not complete due to required approval by the Surface Transportation Board.

- Eastside Community Rail and Ballard Terminal Railroad - Object to the crossing modifications
- WSDOT- Signed Waivers of Hearing
- King County - Signed Waiver of Hearing (TR-143903 only)
- Port of Seattle - Takes no position (TR-143902 only)

On January 5, 2015, commission staff encouraged the City, Ballard Terminal Railroad and Eastside Community Rail to discuss the objections in hopes of resolving the issues prior to setting the matter for hearing. Commission staff requested an update from these parties of their negotiations by January 23, 2015.

On January 23 and 28, 2015, commission staff was notified that the parties were unable to reach agreement on several remaining issues, see Attachments 3 and 4. After reviewing these comments, commission staff recommends that the petitions be set for hearing to address the remaining concerns.

Attachment 1 – Petition TR-143902 and supporting documents

Attachment 2 – Petition TR-143903 and supporting documents

Attachment 3 – Comments on behalf of Eastside Railway and Ballard Terminal Railroad

Attachment 4 – Comments on behalf of the City of Woodinville