

SERVICE DATE

JAN - 5 1994

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

LYNDEN, WASHINGTON,)	
)	DOCKET NO. TR-921181
Petitioner,.)	
)	
v.)	COMMISSION DECISION AND
)	ORDER ADOPTING INITIAL
BURLINGTON NORTHERN)	ORDER GRANTING PETITION
RAILROAD COMPANY,)	
)	
Respondent.)	
.....)	

Hearings were held on the petition at Lynden, Washington, on August 31 and September 13, 1993, before Administrative Law Judge Rosemary Foster.

On November 24, 1993, the administrative law judge entered an Initial Order. The initial order was served on all parties of record.

No petition for administrative review was filed within the 20 days allowed by rule for filing. In accordance with RCW 34.05.464 and WAC 480-09-780(6), the Commission accepts the findings of fact and conclusions of law, and adopts the Initial Order as its own for purposes of this proceeding.

O R D E R

THE COMMISSION ORDERS That the Initial Order in this proceeding is affirmed and adopted for purposes of this proceeding. In so doing,

THE COMMISSION FURTHER ORDERS That the petition of the city of Lynden for authorization to construct the Alder Street crossing is granted, conditioned upon the installation of shoulder mounted gates and flashing signals, and further conditioned upon removal by the responsible parties of brush and trees which impair the sight distances recommended in FWHA's Railroad Highway Crossing Handbook (U S DOT, 1978); and

THE COMMISSION FURTHER ORDERS That all motions consistent with the terms of this order are granted; those inconsistent with this order are denied.

DATED at Olympia, Washington, and effective this *4th* day of January 1994.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Sharon L. Nelson
SHARON L. NELSON, Chairman

Richard Hemstad
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).