



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
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March 30, 2011

Tim Elsea, Public Works Director
Lewis County
2025 Northeast Kresky Avenue
Chehalis, WA 98532

Kyle Heaton, Executive Director
Port of Centralia
3508 Galvin Road
Centralia, WA 98531

Steve Hefley
Puget Sound and Pacific Railroad
411 N. 3rd Street
Elma, WA 98541

Sent via E-mail and First Class Mail

**RE: TR-110158 - Petition on Behalf of Puget Sound and Pacific Railroad to Close the Foron Road Grade Crossing in Lewis County, Washington
USDOT #092559P**

Dear Mr. Elsea, Mr. Heaton and Mr. Hefley:

The formal comment period on Puget Sound and Pacific Railroad's (PSAP) petition to close a highway/railroad grade crossing on Foron Road in Lewis County ended March 25, 2011. The crossing is identified as USDOT No. 092559P. The Utilities and Transportation Commission (Commission) received 13 comments from members of the public. All but one of the comments filed were in favor of closing the crossing.

Respondent, Lewis County filed a letter dated February 11, 2011, opposing closure of the Foron Road crossing. Usually, opposition by the respondent road authority would cause Commission staff to automatically set the matter for hearing. However, Lewis County, in both its February 11, 2011, letter and in a subsequent meeting with PSAP officials and UTC staff, has indicated that it could support closure of the crossing if certain conditions were met. This leads UTC staff to believe that a settlement agreement may be possible, avoiding the time-intensive and expensive adjudicatory process.

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The Commission and its staff support efforts to settle disputes informally in lieu of adjudication. Any settlement must include the agreement of all parties, including commission staff, must meet the public interest and must fully resolve all relevant issues.

Commission staff's major concern about this crossing closure is the proposed alternative route, Kuper Road. It is our understanding that Kuper Road is owned by the Port of Centralia and is not currently dedicated to public use. Commission staff is concerned that the public will not have on-going access to Kuper Road, making closure of Foron Road problematic. This key issue needs to be resolved by the parties before the petition to close the Foron Road crossing can be considered by Commission staff and a recommendation made to the Commissioners.

Given these circumstances, Commission staff will not recommend the Commission set this matter for hearing for a period of 60 days. This will give PSAP, Lewis County, Port of Centralia, and Commission staff an opportunity to resolve some, or all, of the outstanding issues. If all issues can be resolved, including the objection to the closure filed by the citizen, UTC staff can bring the settlement agreement to the Commissioners for approval in an open public meeting, which is a much less burdensome process.

If you have any questions, please contact Kathy Hunter at (360) 664-1257 or khunter@utc.wa.gov.

Sincerely,



David Pratt
Assistant Director, Transportation Safety