

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of
CITY OF MARYSVILLE,
Petitioner,
To Construct a Public Railroad-Highway
Grade Crossing

DOCKET TR-111147
DECLARATION OF MICHAEL
TURCOTT

- 1 I, Michael Turcott, under penalty of perjury under the laws of the state of Washington, declare as follows.
- 2 I am over 18 years of age, a resident of the state of Washington, and competent to be a witness.
- 3 I am employed by the Utilities and Transportation Commission (Commission) as a Transportation Planning Specialist in the Rail Safety section. I have been in the position for five years. As a Transportation Planning Specialist, I provide technical assistance to public agency road authorities and railroads with respect to the Commission's requirements for railroad crossing projects.
- 4 On July 28, 2011, the Commission issued Order 01 in Docket TR-111147 approving a petition from the City of Marysville (City) to construct a new highway-rail grade crossing, identified as USDOT 929057W, at the intersection of a proposed extension of 84th Street Northeast in Marysville and the BNSF Railway Company's (BNSF) tracks at milepost 40.1 on the railroad's Bellingham Subdivision. To date, this crossing has not been constructed.
- 5 In 2021 Commission rail safety staff (Staff) audited agency records to identify crossing projects that had been approved by the Commission for more than five years but not yet completed. Design work for crossing projects can become outdated or obsolete due to changes in rail crossing technology, industry standards, state and federal regulations, highway and rail traffic levels, and development in project areas. Because of this, the Commission now requires that crossing projects be completed within a maximum of five years.
- 6 In August 2021, I contacted City staff to inquire about its intentions with the project. According to the City, the crossing remains in its comprehensive plan for future development of parcels in the area, however, the City has no immediate plans to construct this crossing. The City would like to retain Commission approval for construction of the crossing.¹

¹ Email from Jesse Hannahs, dated August 5, 2021 (Attachment B).

- 7 BNSF believes that the City should be required to file a new petition when it is ready to begin the project.²
- 8 Staff requests that the Commission rescind Order 01. The design drawings for the 84th Street Northeast project are more than 14 years old. When it is ready to proceed with the project, the City may file an updated petition with current design work and provide an estimated timeline for completing the project.

DATED at Olympia, Washington, and effective this 4th day of November 2024.

/s/ Michael Turcott
MICHAEL TURCOTT

² Email from Kyle Leatham, dated June 27, 2024 (Attachment A).

ATTACHMENT A

From: [Leatham, Kyle](#)
To: [Turcott, Mike \(UTC\)](#)
Cc: [Scott, Richard D](#); [Young, Betty \(UTC\)](#)
Subject: RE: TR-111147 84th St NE, Marysville
Date: Thursday, June 27, 2024 7:52:37 PM
Attachments: [image001.png](#)

External Email

Mike,
BNSF supports the commission's stance, given the age of the application we believe it should be rescinded. The City can resubmit when they are ready to build.
Kyle Leatham
(425)210-8084

From: Turcott, Mike (UTC) <mike.turcott@utc.wa.gov>
Sent: Tuesday, June 25, 2024 10:16 AM
To: Leatham, Kyle <Kyle.Leatham@BNSF.com>
Cc: Scott, Richard D <Richard.Scott2@BNSF.com>; Young, Betty (UTC) <betty.young@utc.wa.gov>
Subject: TR-111147 84th St NE, Marysville

EXTERNAL EMAIL

Kyle,
This is the second issue. The design plans for this crossing project are now 14 years old. The city wants to keep the order in place. Commission staff believes the city should submit new plans when it is ready to build (essentially file a new petition). What is BNSF's position?

Mike Turcott

(he/him)

Transportation Planning Specialist - Rail Safety
Washington Utilities and Transportation Commission
360-664-1119

mike.turcott@utc.wa.gov

www.utc.wa.gov

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This email states the informal opinion of commission staff, offered as technical assistance, and is not intended as legal advice. We reserve the right to amend these opinions should circumstances change or additional information be brought to our attention. Staff's opinions are not binding on the commission.

From: Turcott, Mike (UTC) <mike.turcott@utc.wa.gov>

Sent: Monday, August 28, 2023 11:40 AM

To: Funderburg, Jr, Alex Deane <Alex.FunderburgJr@BNSF.com>

Cc: Young, Betty (UTC) <betty.young@utc.wa.gov>; Whitcomb, Tyler (UTC) <tyler.whitcomb@utc.wa.gov>; Turcott, Mike (UTC) <mike.turcott@utc.wa.gov>

Subject: FW: Is BNSF interested in this issue? FW: TR-111147 84th St NE, Marysville
Alex, here's another one. Last one from me. Thanks for your help.

Mike Turcott

(he/him)

Transportation Planning Specialist - Rail Safety

Washington Utilities and Transportation Commission

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From: Turcott, Mike (UTC)

Sent: Wednesday, February 8, 2023 11:36 AM

To: Funderburg, Jr, Alex Deane <alex.funderburgjr@bnsf.com>

Subject: Is BNSF interested in this issue? FW: TR-111147 84th St NE, Marysville

Hi Alex,

I never received a response from SS on this. This relates to an 2010 petition and 2011 order for a new crossing in Marysville on the Bellingham Sub. Does BNSF have a position on whether this order stays in effect?

Start by reading the attachment TR-111147 memo.

Thanks,

Mike Turcott (he/him/his)

Transportation Planning Specialist - Rail Safety

Washington Utilities and Transportation Commission

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From: Turcott, Mike (UTC)

Sent: Tuesday, December 21, 2021 4:23 PM

To: Steve Semenick (stephen.semenick@bnsf.com) <stephen.semenick@bnsf.com>

Cc: Young, Betty (UTC) <betty.young@utc.wa.gov>

Subject: TR-111147 84th St NE, Marysville

Steve,

Attached are the 2011 petition and order for construction of the crossing at 84th St in Marysville, and UTC staff 2021 memo. Please review and advise if BNSF wishes to weigh in on this matter.

Mike Turcott

Transportation Planning Specialist

Rail Safety Section

360-664-1119

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ATTACHMENT B

From: [Jesse Hannahs](#)
To: [Turcott, Mike \(UTC\)](#)
Cc: [Jeff Laycock](#); [Chris Holland](#); [Esco Bell](#); [Haylie Miller](#); [Young, Betty \(UTC\)](#)
Subject: [External!] RE: [External!] 84th Street NE - Proposed Rail Crossing
Date: Thursday, August 5, 2021 3:00:18 PM
Attachments: [~WRD0000.jpg](#)
[image001.png](#)
[~WRD0000.jpg](#)
[image001.png](#)

External Email

Mike,

The City of Marysville would like to strongly encourage UTC not rescind the approval for a crossing at 84th ST NE. Over the last several years, up to a dozen developers have approached the City with development inquiries for projects that would have necessitated the construction of the crossing. With significant access issues for the subject parcels, the developers would be provided significantly more assurances and understanding with the continuation of the crossing approval. Rescission would add significant unknowns and potential barriers to development that would be detrimental.

It is however understood that technology changes would provide for different equipment than likely had construction occurred in past years and those details will be worked through during design in the future.

In conclusion, the City requests that the crossing approval remain active.

Sincerely,

Jesse Hannahs

Sent from [Workspace ONE Boxer](#)

On August 5, 2021 at 2:01:09 PM PDT, Turcott, Mike (UTC) <mike.turcott@utc.wa.gov> wrote:



Jesse,

Because much can change over time in terms of highway and rail traffic volumes, sight distance, and crossing signal equipment and technology, specific elements of the crossing will likely change. UTC staff is recommending that the Commission rescind the original order without prejudice and require the City to submit a new petition when it is ready to construct the crossing.

Mike Turcott

Transportation Planning Specialist

Rail Safety Section

360-664-1119

mike.turcott@utc.wa.gov

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From: Jesse Hannahs <jhannahs@marysvillewa.gov>
Sent: Tuesday, August 3, 2021 7:07 AM
To: Turcott, Mike (UTC) <mike.turcott@utc.wa.gov>
Cc: Jeff Laycock <jlaycock@marysvillewa.gov>; Chris Holland <CHolland@marysvillewa.gov>; Esco Bell <ebell@marysvillewa.gov>; Haylie Miller <hmiller@marysvillewa.gov>
Subject: RE: [External!] 84th Street NE - Proposed Rail Crossing

External Email

Dear Mr. Turcott,

The proposed at-grade railroad crossing at 84th ST NE is planned within the City Comprehensive Plan and is of significant importance for the future development of parcels to the west of State Ave and south of 88th St NE. As such, the 84th ST NE at-grade crossing will very likely be a stipulation of development of said parcels and will be led by a development applicant with City support.

In conclusion, the City plans to proceed with the crossing in the future as development occurs and would appreciate the approval remaining in effect.

Sincerely,

Jesse L. Hannahs, P.E.

Traffic Engineer

City of Marysville

360-363-8287

jhannahs@marysvillewa.gov

From: Turcott, Mike (UTC) <mike.turcott@utc.wa.gov>
Sent: Monday, August 2, 2021 11:42 AM
To: knielsen@marysvillewa.gov; Kari Chennault <kchennault@marysvillewa.gov>; Jesse Hannahs <jhannahs@marysvillewa.gov>
Subject: [External!] 84th Street NE - Proposed Rail Crossing



Good afternoon,

On June 22, 2011 the city of Marysville submitted a petition to the UTC to construct a new crossing of the BNSF tracks at 84th Street NE. The UTC issued an order approving the new crossing on July 28, 2011.

Does the city plan to proceed with this new crossing?

Thank you.

Mike Turcott

Transportation Planning Specialist

Rail Safety Section
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