



Memorandum

April 7, 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 Matter for Hearing
TR-150189 – Petition on behalf of BNSF Railway Co., to Close an At-grade Highway Rail Grade Crossing at Valley View Road in Whatcom County
USDOT 096110B

On February 4, 2015, BNSF Railway Co., (BNSF) filed a petition with the Utilities and Transportation Commission (commission) seeking approval to close an at-grade highway rail grade crossing located at Valley View Road in Whatcom county. The commission assigned TR-150189 to the petition.

On February 20, 2015, commission staff provided notice of the filing of the petitions to Whatcom County, the road authority. Whatcom County timely filed comments in opposition to closure of the highway-rail grade crossing, citing:

- Potentially existing sufficient storage capacity for trains in serving customers in the Cherry Point Industrial areas
- Conflict with State Environmental Policy Act as inappropriate phasing of review
- Inaccurate traffic vehicle data
- Inaccurate detour route calculations, adversely impacting response times for emergency services

In addition, approximately 45 comments have been filed with the commission from members of the public and special interest groups; 41 comments opposed to the closure; 2 in favor of the closure and one undecided comment. After reviewing the comments, commission staff recommends that the petitions be set for hearing to address the concerns.

Attachment 1 – Petition TR-150189 and supporting documents
Attachment 2 – Comments on behalf of Whatcom County