

**APPEAL TO THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION  
OPPOSING BNSF PROPOSAL TO CLOSE THE RAILROAD CROSSING AT VALLEY VIEW**

We hereby oppose the proposed closure of this key intersection for the following reasons:

- The petition materials submitted by BNSF contain several factual errors, including:
  - Amount of traffic impacted by the proposal is grossly underestimated (by a factor of almost four).
  - BNSF has not, as stated, “Adequately mitigated impacts with Whatcom County” as Whatcom County Engineer wrote he “does not support petition” in subsequent letter to WUTC.
  - Alternate access route identified in application provides false indication of the extent of detour this closure would involve and doesn’t take into account that the Main Street Crossing (one of the alternate routes) is often blocked by mainline rail traffic. Furthermore, the proposed mitigation to signalize the other identified alternate route, Ham Road crossing, (presently unsignalized), is inadequate as it is also already impacted by rail cars and doesn’t provide direct access from the north.
  - The petition incorrectly states that the crossing serves “a few residential single family residences,” when it is actually used by a large area of Ferndale homes as primary access to Interstate 5.
  - Application materials indicate no other emergency measures are needed; however, this proposal will grossly affect emergency response to the area as detour routes are already compromised.
- The application materials do not include any type of alternatives analysis. Such alternatives could include:
  - Closure of Ham Road crossing (already unsignalized, serves a much smaller area and doesn’t provide nearly as direct access to Interstate 5 for nearby residences and emergency services).
  - Buy more right of way and build extended sidings where existing roads won’t be impacted
  - Build on-site storage for Intalco’s needs as BP has recently done for their purposes.
- The proposal indicates that the closure of this crossing is for the Intalco yard, when Intalco just announced 11/2 that it is curtailing their smelter operations. Is it still needed?
- While the railroad may have eminent domain for its mainline operations, Valley View Road was established before the spur and should therefore be secondary to road operations.
- We question whether adequate notice has been provided about the scheduled public hearing in Whatcom County as there has been no notice at the site in months. In addition, the notice with the date of the public hearing was not sent to all property owners within a radius of the site. This leaves hundreds of commuters and property owners unaware this is happening.