

Via electronic mail – [records@utc.wa.gov](mailto:records@utc.wa.gov)

**September 13, 2010**

Mr. David W. Danner  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250

**Subject: Docket No. TR-090121 Order 03  
Petition by Burlington Northern Santa Fe Railway Company**

Dear Mr. Danner:

I was an intervenor in this Docket and understand that the Commission's Order 03, Initial Order Granting Petition to Close Logen Road Grade Crossing Subject to Conditions ("Order 03"), in this Docket allows the closing of Logen road under certain conditions. I have some questions regarding those conditions.

The order provides the following conditions:

"(a) First, BNSF shall upgrade and update the safety features at the 271st Street NW at-grade crossing in Stanwood and, as directed by a diagnostic team, provide proportionate funding for pedestrian safety improvements (i.e., sidewalks).  
(b) Second, BNSF was to work with Snohomish County to improve road conditions at the 300th Street NW / Dettling Road grade crossing.  
(c) Third, BNSF shall work with Snohomish County to construct a turnaround cul-de-sac on the approach to the railroad tracks on Logen Road."

The Final Order in Docket TR-090121 revised these conditions as follows:

"(a) First, BNSF shall upgrade and update the safety features at the 271st Street NW at-grade crossing in Stanwood and, as directed by a diagnostic team, provide proportionate funding for pedestrian safety improvements (i.e., sidewalks). This condition shall be fulfilled prior to the closure of Logen Road.

(b) Second, BNSF shall work with Snohomish County to improve road conditions at the 300th Street NW / Dettling Road grade crossing. This condition need not be fulfilled prior to closure of the Logen Road crossing, but shall be fulfilled during the siding track extension project.

(c) Third, BNSF shall work with Snohomish County to construct a turnaround cul-de-sac on the approach to the railroad tracks on Logen Road. This condition shall be fulfilled simultaneously with closure of the Logen Road crossing to the extent reasonably possible."

It is my understanding that it has been posted at the Logen Road grade crossing that the crossing will be closed September 14, 2010, however I do not believe that conditions (a) and (c) have been met. I have requested confirmation of (a) and (c) from Snohomish County.

Since those conditions do not appear to have been met, is the Commission's order affected? Does this mean that Order 03 and the Final Order are now invalid and BNSF does not have permission to close the Logen Road at-grade crossing to public use? Do I need to file some sort of petition to re-open this matter?

Thank you.

Lynn Logen