

*Via electronic mail – records@utc.wa.gov*

**September 16, 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  
Notice of Compliance by Burlington Northern Santa Fe Railway  
Company**

Dear Mr. Danner:

I was an intervenor in this Docket and have received a copy of BNSF Railway Company's Notice of Compliance dated September 14, 2010 (the "Notice of Compliance").

By this letter I wish to inquire if the Commission's agrees that the first and third conditions of the Final Order in Docket TR-090121 (the "Order") have been complied with as stated in the Notice of Compliance.

The first condition is:

"(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."

I can see from the attachments to the Notice of Compliance that pedestrian safety has been improved, but I am unclear as to the meaning in the Order of "upgrade and update the safety features at the 271st Street NW at-grade crossing in Stanwood and," and fail to see in the attachments that there has been any upgrade or update completed on the at-grade crossing other than the pedestrian safety improvements.

Mr. David Danner  
September 16, 2010  
Page 2 of 2

The third condition is:

“(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 the Logen Road grade crossing was closed on or before September 15, 2010. As can be seen on the attached photos taken on September 16, 2010, there is no cul-de-sac being completed on the approach to the railroad tracks on Logen Road “simultaneously with closure of the Logen Road crossing” and no explanation has been given as to why simultaneous construction is not reasonably possible.

The conditions of the Order do not appear to have been fully met, if the Commission agrees, I request that the Commission order that the Logen Road at grade crossing be re-opened.

Thank you.

A handwritten signature in cursive script, appearing to read "Lynn Logen".

Lynn Logen

Attachments

cc. Adam E. Toren  
Jonathan Thompson  
Justin Kating / Matthew Otten  
Bradley P. Scarp  
Kelsey E. Endres