

[Service Date October 1, 2010]

October 1, 2010

RE: *BNSF Railway Company v. Snohomish County*, Docket TR-090121

TO ALL PARTIES:

On September 13, 2010, Lynn Logen sent a letter to the Commission inquiring about the status of Burlington Northern's compliance with the required conditions to close the Logen Road at-grade crossing. On September 16, 2010, Mr. Logen sent a second letter to the Commission, asking again for the Commission's opinion on whether or not BNSF had met all conditions precedent to closing the Logen Road at-grade crossing.

BNSF filed a Notice of Compliance on September 14, 2010, supported by photographs of required improvements made to the 271st Street crossing. BNSF filed a Supplemental Notice of Compliance on September 20, 2010, containing more detailed explanations of the railroad's efforts to comply with the conditions of Order 04.

Commission Staff filed a response to Mr. Logen's inquiries on September 24, 2010. As detailed in the Declaration of Kathy Hunter (attached hereto), Commission Staff traveled to Stanwood, Washington, on September 22, 2010, and inspected the 271st Street crossing. Commission Staff concludes that Burlington Northern has complied with all conditions required to allow BNSF to close the crossing at Logen Road and begin construction of the turnaround cul-de-sac at that location.

Upon review of Commission Staff's response, the Commission concludes it is not necessary to re-open the docket for further proceedings, and that at this time all conditions set out in Order 04 are being met in the appropriate sequence.

Commission Staff is directed to ensure that BNSF completes construction of the required turnaround cul-de-sac at the approach to the tracks from Logen Road within a reasonable period of time. Further, Burlington Northern is directed to provide the Commission with

an additional Notice of Compliance when all conditions set out in Order 04 have been met.

Sincerely,

DAVID W. DANNER
Executive Director and Secretary

Attachment