

TR-070696 (P)



**BNSF Railway Company**  
2454 Occidental Ave South  
Suite 1A  
Seattle, WA 98134-1451

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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

April 9, 2007

Katherine Hunter  
WUTC  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: Petition for the Abandonment and Closure of a Highway Rail Grade Crossing  
DOT # 084737D

Dear Ms. Hunter:

Enclosed is the captioned petition for closure of the grade crossing at Hickox Road in Mt. Vernon, Skagit County, WA.

Please let us know if you require any additional information.

Thank you.

Sincerely,

Vivian Doolittle  
Assistant to John Li,  
Public Projects Manager  
BNSF Railway Company

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BNSF Railway Company	)	DOCKET NO. TR-
	)	
Petitioner,	)	PETITION FOR THE ABANDONMENT
	)	AND CLOSURE OF A HIGHWAY-RAIL
	)	GRADE CROSSING AT HICKOX ROAD.
	)	
vs.	)	
	)	
The County of Skagit, WA	)	
	)	D.O.T. 084 737D
Respondent,	)	
	)	W.U.T.C.
	)	
.....	)	

Application is hereby made for an order from the Washington Utilities and Transportation Commission consenting to the abandonment and closure to public use of a grade crossing located at the point described in the following interrogatories and answers which are hereby referred to and made a part of this petition.

<u>BNSF RAILWAY COMPANY</u>	
Petitioner	
<u>2454 Occidental Ave. South, Suite 1A</u>	
P.O. Box	Street
<u>Seattle, WA</u>	<u>98134</u>
City	ZIP Code

(See Instructions on last page)

## INTERROGATORIES

1.

State name of highway and railway at crossing intersection:

Existing highway            Hickox Road

Existing railway            The BNSF Railway Company

State Crossing No:        084 737D

Located in the \_\_\_ 1/4 of the \_\_\_ 1/4 of Sec. 06, Twp. 33, Range 04 W.M.

Railway mile post (nearest tenth):        65.60 (BNSF LS 50, Bellingham Subdivision)

City:                        Mount Vernon

County:                     Skagit

2.

(a) Type of highway at crossing (Indicated with X):

( \_\_\_ ) State, ( X ) County, ( \_\_\_ ) City Street

Average Daily Traffic over the tracks:        391 AADT

(b) Type of railroad at crossing (Indicate with X):

( X ) Common Carrier, ( \_\_\_ ) Logging, ( \_\_\_ ) Industrial

( X ) Main Line, ( \_\_\_ ) Branch Line, ( \_\_\_ ) Spur

Average Daily Train Traffic:        17

3.

State fully the reasons for seeking authority to close and abandon the public use of the grade crossing described:

- 1) Safety – Elimination of this crossing will improve the safety of the highway and railway system as it removes the potential modal conflict point from both systems. As part of the crossing closure plan, petitioner also provides to signalize the passive crossing at Stackpole Rd. This upgrade will improve the safety measurement of the alternate access.
- 2) Redundancy - Hickox Road is a redundant crossing. There are two existing alternate accesses to the area located beyond the existing crossing. In specifics, Stackpole Rd is about 1 mile south and Blackburn Rd is 1.5 miles north to the crossing in subject. The extra mileage for the crossing users to take is negligible if the alternate accesses would be used. See Section 4.3, list of extra mileage to different destinations via alternate routes.

- 3) **Impact on Passenger Operations** – Hickcox Road is located within the proposed expansion of the Mt. Vernon Siding. This expansion is part of the State of Washington’s Passenger Rail Program. Removal of this crossing will allow construction of the project as set forth by the legislature. Passenger Rail operations and reliability will be improved by the removal of this crossing and the improvement of the Mt. Vernon Siding.
- 4) **Recommended by WSDOT’s Study** -The traffic impact study of Hickox Rd crossing closure, which is sponsored by Washington State Department of Transportation, recommends closing the crossing. See “Hickox Road Railway Crossing Closure Traffic Impact Analysis”

**4.**

Describe the area or site that is served by the crossing, including the approximate number of homes or businesses that might be affected by the closure.

- 1) **West side of the Hickox Road crossing,:**  
The west end of Hickox Rd intersects with Dike Rd. The distance between Dike Rd intersection and the railroad crossing in subject is about 0.8 mile. Most of this area is farmer land. There are 12 homes and no merchants in this area.
- 2) **East side of the Hickox Rd crossing:**  
Hickox Rd intersects with Old HWY 99 at about 0.1 mile east of the railway crossing in subject, and is dead-ended at about 0.15 mile east of the Old HWY 99 intersection. There are several businesses along Hickox Rd at the east side of Old HWY 99, including Carpenter Training Center, PAPE Machinery and Timberland Homes.
- 3) **The Distance from the Hickox Crossing to Different Destinations:**

<b>Destinations from the Middle Point of the East Side of Hickox Xing</b>	<b>Miles to the Destination Via Hickox Xing</b>	<b>Miles to the Destination Via Alternate Access</b>	<b>Extra Mileage by Taking the Alternate Access</b>
I-5 South Bound Access	0.65	3.1	2.5
I-5 North Bound Access	1.6	3.3	1.7
Intersection of Old HWY 99 and Blackburn Rd	2	2.9	0.9
Intersection of Old HWY 99 and Stackpole Rd	1.5	2.3	0.8
Skagit County Fire District Three	1.7	4.7	3
Skagit Valley Hospital	3.2	4.8	1.6
The School Bus Station at Cleveland Rd	2.2	2.7	0.5

5.

How far is the nearest alternate access across the tracks from the crossing proposed for closure?

- 1) W Stackpole Road is the nearest alternate access that is 1 mile to the south of the Hickox Road crossing.
- 2) Blackburn Road is another alternate access that is 1.5 miles to the north of Hickox Road.

6.

Attach a sketch showing the layout of the highway and railway in the vicinity of the crossing as well as the parcels of private property located on both sides of the highway for a distance of 500' from the crossing, including the name and mailing address of each property owner.

**Parcel # P29327**

**Owner Info**

SMITH RICHARD H/PATRICIA A  
BURKLAND ROBERT E/PAMELA K  
18495 DIKE RD  
Mount Vernon, Wa 98273

**Parcel # P16426**

**Owner Info**

SUNDQUIST LILLIAN M  
C/O GILBERTSON NORMA  
P O BOX 395  
Stanwood, Wa 98292

**Parcel # P29326**

**Owner Info**

D & D SEED CO INC  
18754 PEDERSON LANE  
Mount Vernon, Wa 98273

**Parcel # P16410**

**Owner Info**

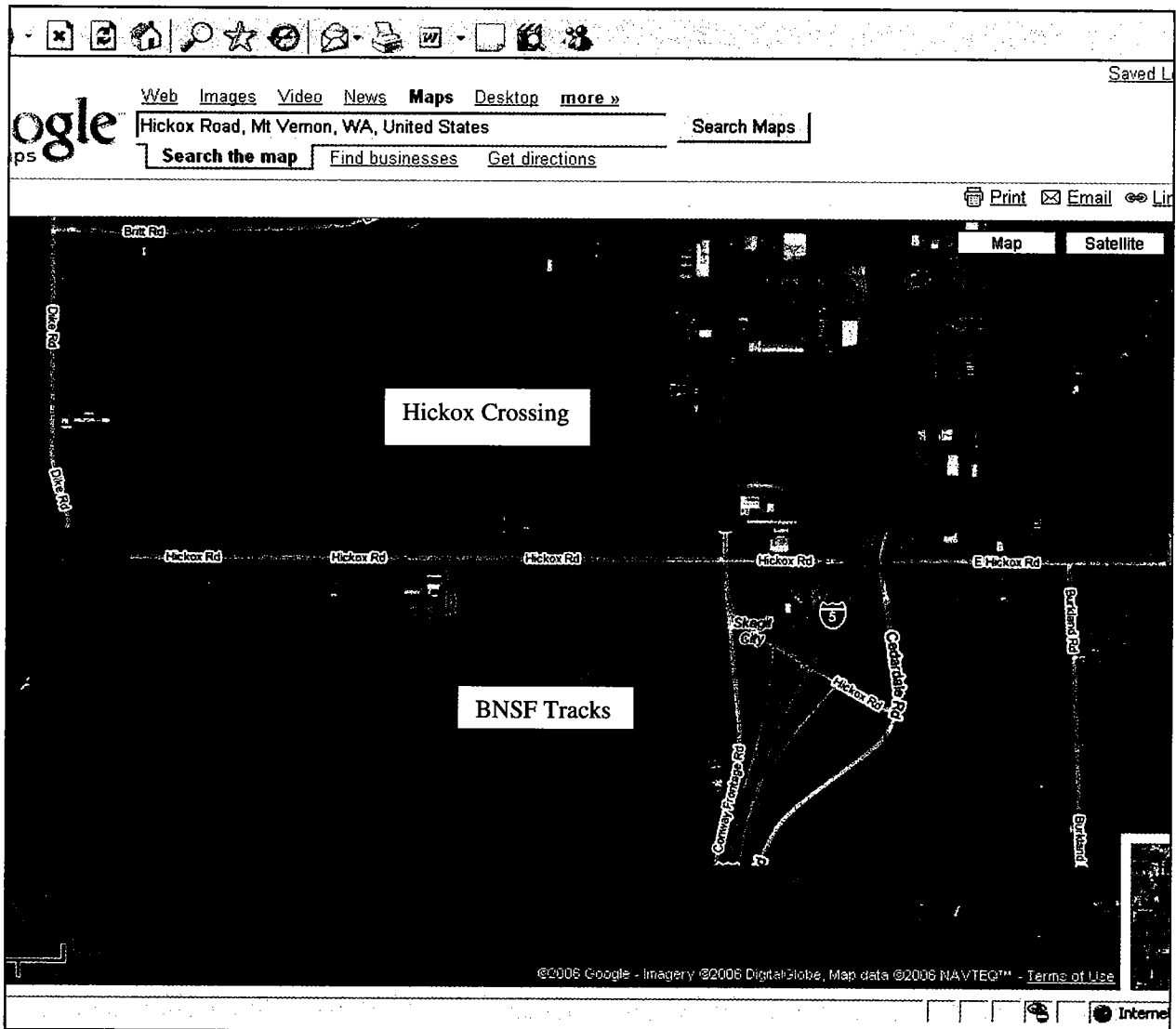
PEDROZA RODOLFO  
18764 HICKOX RD  
Mount Vernon, Wa 98273

**Parcel # P16411**

**Owner Info**

SCHWAB CHARLES W  
SCHWAB SHERIDA A  
18266 GROUSE LN  
Mount Vernon, Wa 98274

Satellite Picture of the Highway and Railway in the Vicinity of the Crossing:



(Source: Google Map)

Layout of the Highway and Railway in the Vicinity of the Crossing with Parcel Numbers:



(Source: Access Skagit County – The Official Website for Skagit County Government)



**WAIVER OF HEARING BY RESPONDENT**

Having investigated the conditions existing at and in the vicinity of the grade crossing described herein and being satisfied that such conditions are substantially as described in the interrogatories and answers thereto, and consent that the grade crossing should be closed and abandoned to public use. Hearing in this proceeding is hereby waived.

Dated at \_\_\_\_\_, Washington, on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Respondent

By: \_\_\_\_\_

**INSTRUCTIONS**

The original and one copy of the petition with interrogatories completely answered must be filed with the Washington Utilities and Transportation Commission unless the waiver of hearing form is filled out by the respondent. If waiver of hearing is filled out by the respondent, only the original copy of the petition is required to be filed with the Commission.

If waiver of hearing is not executed on the petition filed, the copy will be served upon the respondent for answer within 20 days. Upon receipt of respondent's answer, the application will be investigated.

Under the terms of RCW 81.53.060 as amended by the session laws of 1959, the Commission may order the closure of a grade crossing without hearing where:

- (1) notice of the filing of the petition is posted at, or as near practical to, the crossing.
- (2) notice of the filing of the petition is published once in some newspaper of general circulation in the community or area where such crossing is situated, which publication shall appear within the same week that the notice referred to in (1) above is posted; and
- (3) no objections are received by the Commission within twenty days from the date of the publication of the notice.

If an objection is received, the matter will be set for hearing.

Petitions submitted by counties must be signed by at least two members of the Board of County Commissioners.