

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Burlington Northern Railroad Company, )  
Petitioner )  
vs. )  
Ferndale, Washington, )  
Respondent )

No. TR-940330  
PETITION

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.

Burlington Northern Railroad Company  
Petitioner

By:

*[Handwritten Signature]*

Attorney for **Petitioner**

( 999 Third Avenue  
( **P. O. Box** **Street**  
(  
(  
( Seattle WA 98104  
( **City** **State**

(See Instructions on page 3)

INTERROGATORIES

1.

State name of highway and railway at crossing intersection:

Existing highway Thornton Drive

Existing railway Burlington Northern Railroad Company

Located in NW 1/4 of the NW 1/4 of Sec. 20, Twp. 39N, Range 2E., W.M.

Railway mile post (nearest tenth) Railroad MP 107.07

Street Thornton Drive Town Ferndale County Whatcom  
(if applicable) (if applicable)

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

State,  County,  City Street

Other \_\_\_\_\_

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

Common Carrier,  Logging,  Industrial

Other \_\_\_\_\_

Main Line,  Branch Line,  Spur

3.

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

Due to the proposal to provide Amtrak (passenger train) service, it will be required to extend the siding track through the crossing and to construct 4 yard tracks near the crossing of Thornton Drive. The siding will be used for holding freight trains for Amtrak to pass. It is possible Thornton Drive will be blocked for up to an hour per occurrence. The State of Washington is proceeding to purchase the properties being served by Thornton Drive, therefore the Thornton Drive grade crossing will no longer be required to access the properties being served.

4.

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 feet from the crossing, including the name and mailing address of each property owner.

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 \_\_\_\_\_ 19\_\_.

\_\_\_\_\_  
Respondent

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

## INSTRUCTIONS

The original and one copy of petition with interrogatories fully and correctly answered should 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.

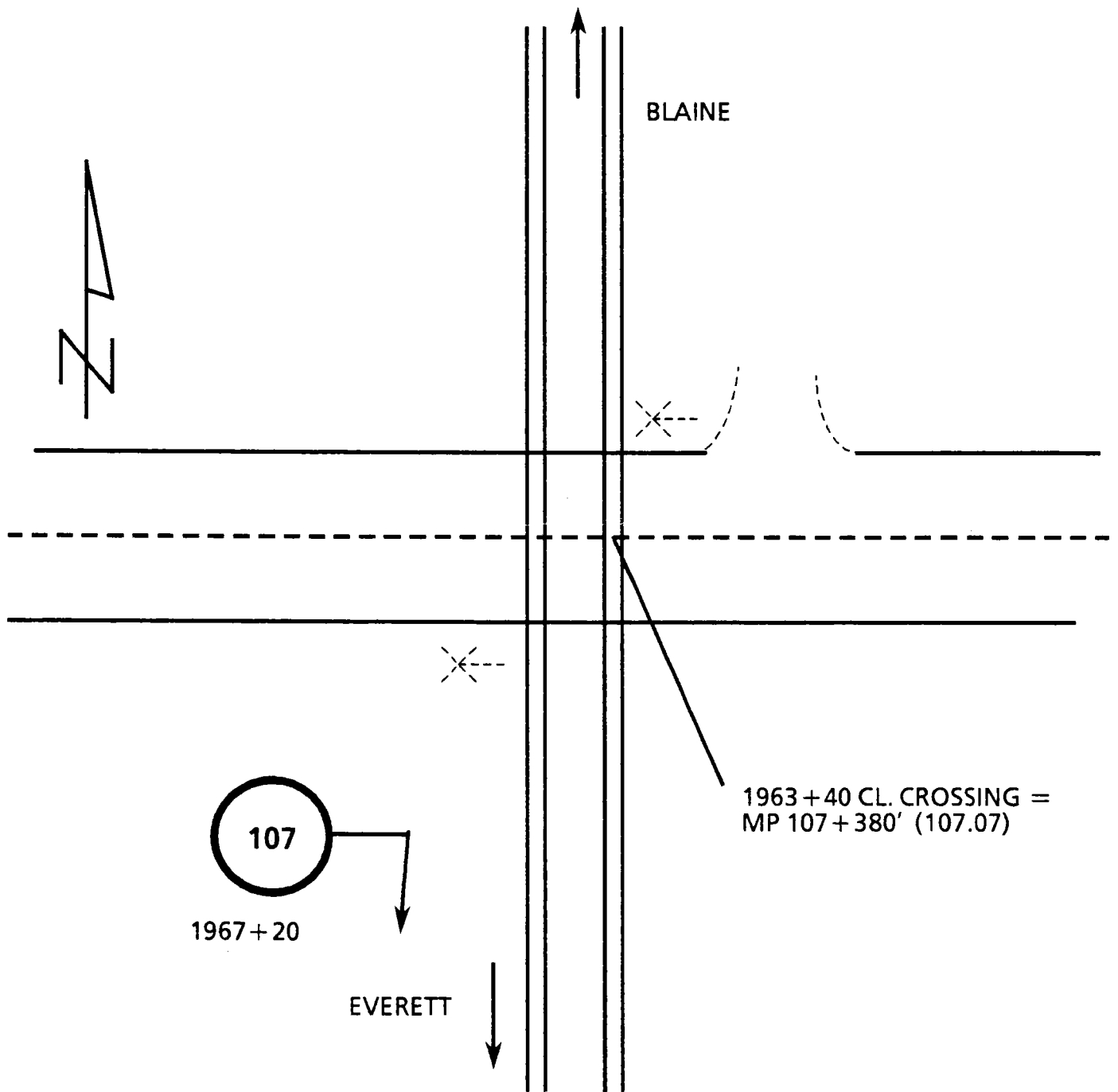
Under the terms of RCW 81.53.060 as amended by the session laws of 1959, the Commission may order the closure of a grade crossing without hearing where:

- (1) Notice of the filing of the petition is posted at, or as near as 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.

In those cases involving the relocation of a highway where it is proposed to establish a new grade crossing and close an existing crossing, it will expedite matters to file Form S. F. 1044-B along with Form S. F. 1044.

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



**BN RAILROAD CO.**  
**CASCADE DIVISION - BELLINGHAM SUBDIVISION**  
**CLOSURE OF THORNTON DRIVE**  
**CROSSING (MP 107.07)**  
**FERNDALE, WA.**

NO SCALE  
 MANAGER ENGINEERING - SEATTLE, WA. - 3-1-94

DOT #84-838P