

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

In re the Matter of the Petition of the)	
Washington State Department of)	DOCKET NO. TR-100131
Transportation (WSDOT) to Modify a)	
Highway-Rail Crossing at Barksdale)	PETITION TO INTERVENE
Avenue, City of DuPont, USDOT)	BY CITY OF LAKEWOOD,
Crossing Number 085836E.)	WASHINGTON, A
)	MUNICIPAL CORPORATION,
)	AS AN INTERESTED PARTY

1. Name and address of petitioner.

City of Lakewood
6000 Main Street SW
Lakewood, WA 98499

Phone Number (253) 589-2489
Facsimile (253) 589-3774

2. Name and address of the attorney, if any, representing the petitioner.

Heidi Ann Wachter
City Attorney
City of Lakewood
6000 Main Street SW
Lakewood, WA 98499

Phone Number (253) 983-7704
Facsimile (253) 589-3774
E-mail hwachter@cityoflakewood.us

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3. **If the petitioner is an organization:** A Municipal Corporation Organized Pursuant to RCW 35A.13
- a. **State the number of members in the organization:** N/A
 - b. **State the name of the person authorized to initiate this petition for the organization:** Heidi Ann Wachter
 - c. **Attach a copy of the document authorizing participation in this case or state the basis for the authorization.**

Heidi Ann Wachter is the City Attorney representing the City of Lakewood and has been requested by the City Council and City Manager of the City to represent the City of Lakewood in any matter related to the “Point Defiance Bypass” project, which involves the crossing identified in this case.

- d. **State the purpose of the organization:**

The City of Lakewood is a local political subdivision whose jurisdictional boundaries lie within Pierce County, Washington. The City’s purpose is to exercise its delegated powers of government (including but not limited to police powers), to administer designated affairs within its jurisdictional boundaries in order to, among other things, promote the public health, safety and welfare of its citizens. The City of Lakewood further provides, by agreement, services outside its jurisdictional boundaries including the provision of emergency services via mutual aid.

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4. **The petitioner has the following interest in the proceeding:**
- The railway crossing at issue in this Docket is part of the “Point Defiance Bypass” project, a project which includes seven crossings within the jurisdictional boundaries of the City of Lakewood. This project will bring, according to the Petitions for Modification filed in those Dockets, 18 trains a day, 16 of which will move at 79 miles an hour through crossings that are currently nearly inactive and cross some of the busiest arterials in the city. None of the proposed modifications suggest grade separation as is preferred under State law. Full compliance with state law regarding grade separation must be thoroughly explored. The City is opposed to this project because of the dangers associated with introducing this amount of new train traffic at this speed and believes that consideration given to any crossing must necessarily consider the impact of the project as a whole.

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5. **The petitioner’s position with respect to the matters in controversy:**

Petitioner opposes anything short of full compliance with state law regarding grade separation. The purpose of the law is to provide for safe crossings between

trains and vehicles and nowhere is the danger associated with such crossings more real than in an urban setting such as the City of Lakewood, a city of just under 60,000 and bounded almost entirely by other cities and two military installations.

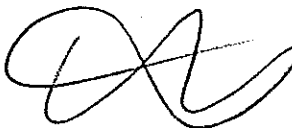
6. Whether the petitioner proposes to broaden the issues in the proceeding:

Only to the extent necessary to fully address the impact of the project as a whole.

7. The petitioner intends to:

- a. Submit written testimony and exhibits
 - b. Call witnesses to testify
 - c. Cross-examine the witness called by other parties
 - d. Submit written arguments and/or motions
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8. I submit this Petition to Intervene and request authorization to participate in this proceeding.

 M. MCKENZIE
WSBA #23258
FCM

Dated this: 29th day of March, 2010.

Heidi Ann Wachter
City of Lakewood
City Attorney
6000 Main Street SW
Lakewood, WA 98498