BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

		Docket No. TR-031022
Marysville, Washington		
Petitioner,	)	**Road Name** 116th Street N.E.
Vs	)	
The Burlington Northern and	)	**DOT Crossing No.** 084654P
Santa Fe Railway Co.	)	**WUTC Crossing No.** 2B 42.00
Respondent	)	
	)	

Application is hereby made to the Washington Utilities and Transportation Commission for an order (check one or more of the following)

[ ] directing the _____ of a grade crossing;
(construction - reconstruction-relocation

[ ] directing installation of automatic grade crossing signal or other warning device (other than crossbucks) at a new crossing.

[XX] directing **upgrade** of warning devices at an existing crossing;

[ ] allocating funds from the "grade crossing protective fund" for _____ of active warning devices;
(installation and/or maintenance)

[ ] authorizing the construction of the project, funding to be pursuant to the Intermodal Surface Transportation Efficiency Act (ISTEA) in cooperation with the Washington State Department of Transportation Local Programs Division;

at the railroad grade crossing identified above and described in this petition. This application seeks the relief specified above by (check one of the following)

[ ] hearing and order [**XX**] order without hearing

[ ] [**XX**] Has application for funding, pursuant to Intermodal Surface Transportation Efficiency Act
YES NO been made to the Local Programs Division for this project.

[ ] [ ] If the answer is yes to the question above, has the funding requested under the Intermodal Surface Transportation
YES NO Efficiency Act been denied?

I certify under penalty of perjury that the information provided in and with this petition is true and correct.

David Weiser
Petitioner

David Weiser Mayor
Print Name Title

1049 State Avenue Suite 201
Street Address

Marysville WA 98270
City - State - Area Code

INTERROGATORIES
Use additional paper as needed

[1]

State name of highway and railway at crossing intersection:

Existing or proposed highway **116th Street N.E.** mile post _____

Existing or proposed railway **The Burlington Northern and Santa Fe Railway Co.** mile post **42.04**

Located in **1/4** of the **1/4** of Sec. Twp. **N** Range **E, W.M.**

WUTC crossing number **2B 42.00** DOT crossing number **84-654P**

Street **116th Street N.E.** City **Marysville** County **Snohomish**

[2]

Character of crossing (indicate with X or numbers where applicable):

(a) Common Carrier (**XX**) Logging or Industrial ( )

(b) Main Line ( ) Branch Line (**XX**) Siding or Spur ( )

(c) Total number of tracks at crossing **1**
(Note: A track separated 100 feet or more from another track constitutes a separate crossing).

(d) Operating maximum train speed:

Passenger **79** MPH
Freight **50** MPH

Legal maximum train speed:

Passenger **79** MPH
Freight **50** MPH

(e) Actual or estimated train traffic in 24 hours:

Passenger Trains **4** Freight Trains **10**
(Note: Round trip counted as two trains. Include switch movements).

[3]

Character of Roadway:

(a) State Highway-Classsification **N/A**

(b) County Highway-Classification **N/A**

(c) City Street-Classification **Minor Arterial**

(d) Number of traffic lanes existing in each direction: **One** Number of additional traffic lanes proposed: **N/A**

(e) Posted vehicle speed limit: Automobile **35 MPH** Trucks **35 MPH**

(f) Estimated vehicle traffic in 24 hours: Current total **13,500** including **1,000** trucks and **18** school bus trips. Projected traffic in **20** years: total **20,000** including **1,500** trucks and **30** school bus trips.

[4]

(a) If temporary, state for what purpose crossing is to be used and for how long.

N/A

(b) If temporary grade crossing, will you remove the crossing at completion of the activitiy requiring the temporary crossing?

N/A

[5]

(a) State whether or not a safer location for a grade crossing exists within a reasonable distance in either direction from the proposed point of crossing, and if so, what reason, if any, why this safer location should not be adopted, even though in doing so, it may be necessary to relocate a portion of the highway or railway.

No

(b) Are there any hillsides, earth, or other embankments, buildings, trees, orchards, side tracks (on which cars might be spotted), loading platforms, etc., in the vicinity not feasible to move, which may obstruct the view and which can be avoided by relocating the proposed crossing. Would it be practical to do so: Please describe.

No

[6]

(a) Is it feasible to construct and use an over or under crossing at the intersection of said railway and highway? If not, state why?

No. It is economically infeasible and traffic and train volumes do not warrant a grade separation.

(b) Does the railway line at any point in the vicinity of the proposed crossing pass over a fill or trestle or through a cut where it is feasible to construct an under or overpass, even though it may be necessary to relocate a portion of the highway to reach that point?

No.

(c) If a suitable place for an under - or over - crossing exists in the vicinity of the proposed crossing, state the distance from the proposed crossing; the approximate cost of construction; and what, if any, reason exists why it should not be constructed.

No.

[7]

(a) State approximate distance to nearest public or private crossing in each direction of railroad involved herein.
.84 miles south - 104th Street N.E. - public
.41 miles south - private crossing

(b) If there is an existing crossing near vicinity, or if more than one crossing is proposed is it feasible to divert highways served and to be served by existing and proposed crossings, thus eliminating the need for more than one crossing?
No

(c) If so, state approximate cost of highway relocation to effect such changes.
N/A

(d) Will the proposed crossing eliminate the need for one or more existing crossings in the vicinity? If so, state direction and approximate distance to the crossing or crossings.
No

(e) If this crossing is authorized, do you propose to close any existing crossing or crossings?
No.

[8]

State the lengths of views which are now available along the line of railway to travelers on the highway when approaching the crossing from either side of the railway and when at points on the highway as follows:

Approaching crossing from .....(direction) an unobstructed view to

right when on highway 300 feet from crossing of _____ feet
right when on highway 200 feet from crossing of _____ feet
right when on highway 100 feet from crossing of _____ feet
right when on highway 50 feet from crossing of _____ feet
right when on highway 25 feet from crossing of _____ feet
left when on highway 300 feet from crossing of _____ feet
left when on highway 200 feet from crossing of _____ feet
left when on highway 50 feet from crossing of _____ feet
left when on highway 25 feet from crossing of _____ feet

Approaching crossing from .....(opposite direction) an unobstructed view to

Right when on highway 300 feet from crossing of _____ feet
Right when on highway 200 feet from crossing of _____ feet
Right when on highway 100 feet from crossing of _____ feet
Right when on highway 50 feet from crossing of _____ feet
Right when on highway 25 feet from crossing of _____ feet
Left when on highway 300 feet from crossing of _____ feet
Left when on highway 200 feet from crossing of _____ feet
Left when on highway 100 feet from crossing of _____ feet
Left when on highway 50 feet from crossing of _____ feet
Left when on highway 25 feet from crossing of _____ feet

[9]

Attache one or more prints showing a vicinity map and a layout of railway and highway, as well as profiles of each, also showing plerdcent of grade, 500 feet of highway and railway when approaching crossing from all four directions. On the prints, spot and identify obstructions of view located in all four quadrants. Provide a traffic control layout showing the location of the existing and proposed signing of the intersections.

See exhibit "A" print attached.

[10]

(a) Is it feasible to provide a 25 foot level grade crossing on both sides from center line of railway at point of crossing?
Yes

(b) If not, state in feet the length of level grade it is feasible to obtain.
N/A

(c) Is it feasible to obtain an approach grade, prior to the level grade of five percent or less? If not, state why, and state the percent approach grade possible.
Yes

[11]

Do you know of any reason not appearing in any of the answers to these interrogatories why the proposed crossing should not be made at grade or at the point proposed by you? If so, please state same fully.
No

Interrogatories 12 and 13 are to be completed only if this petition involves installation, replacement, or changing of automatic grade crossing signal or other warning device, other than crossbucks.

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[12]

(a) State in detail, the number and type of automatic signals or other warning devices (other than crossbucks) proposed to be installed. (This portion should be filled in only after conference between the railroad and the petitioning local government agency.)

Install two new automatic flashing light traffic control device, shoulder mount type, with gates. Provide intertie to traffic intersection lights with State Avenue and 116th Street N.E. Install cantilevered highway signals.

(b) State an estimate of the cost for installing the signals or other devices proposed, as obtained from the respondent railroad company ..... **$ 61,552**

(c) State a cost estimate for maintaining the signals or devices for 12 months, as obtained from the respondent railroad company ..... $ _____

(d) If this is an existing crossing, what will the proposed warning devices replace in the way of existing devices.
Removing antiquated cantilevers.

(e) As the petitioner, are you prepared to pay or will you promise to pay to the respondent railroad company, your share of the cost of installing the warning devices proposed as provided by law?

(**XX**) Yes ( ) No

[13]

Furnish a brief statement of why the public safety requires the installation of the automatic signals or devices as proposed?

Upgrade and installation of new warning devices will improve the safety of the motoring public.

RESPONDENT'S WAIVER OF HEARING

Docket No. _____

Petition of _____

For _____

I have investigated the conditions existing at and in the vicinity of the proposed crossing changes. As a result, [check one or more of the following, as appropriate:]

[**XX**] I am satisfied that conditions are as represented in the petition and the interrogatories and that the petition should be granted.

[**XX**] The cost of installation (estimated at **$ 61,552**) is acceptable.

[ ] subject to approval and apportionment pursuant to the Intermodal Surface Transportation Act by the Washington State Department of Transportation Local Programs Division.

[ ] as apportioned between the parties

[ ] to be paid by petitioner.

Other conditions to waiver of hearing:

As per the agreement between the parties, hereto.

The undersigned hereby waives hearing and further notice. The Washington Utilities and Transportation Commission may enter a final order without further notice of hearing.

Dated at Seattle, Washington, on this 20th day of June, 2003.

Respondent B.N.S.F. Ry. Co.

By _____

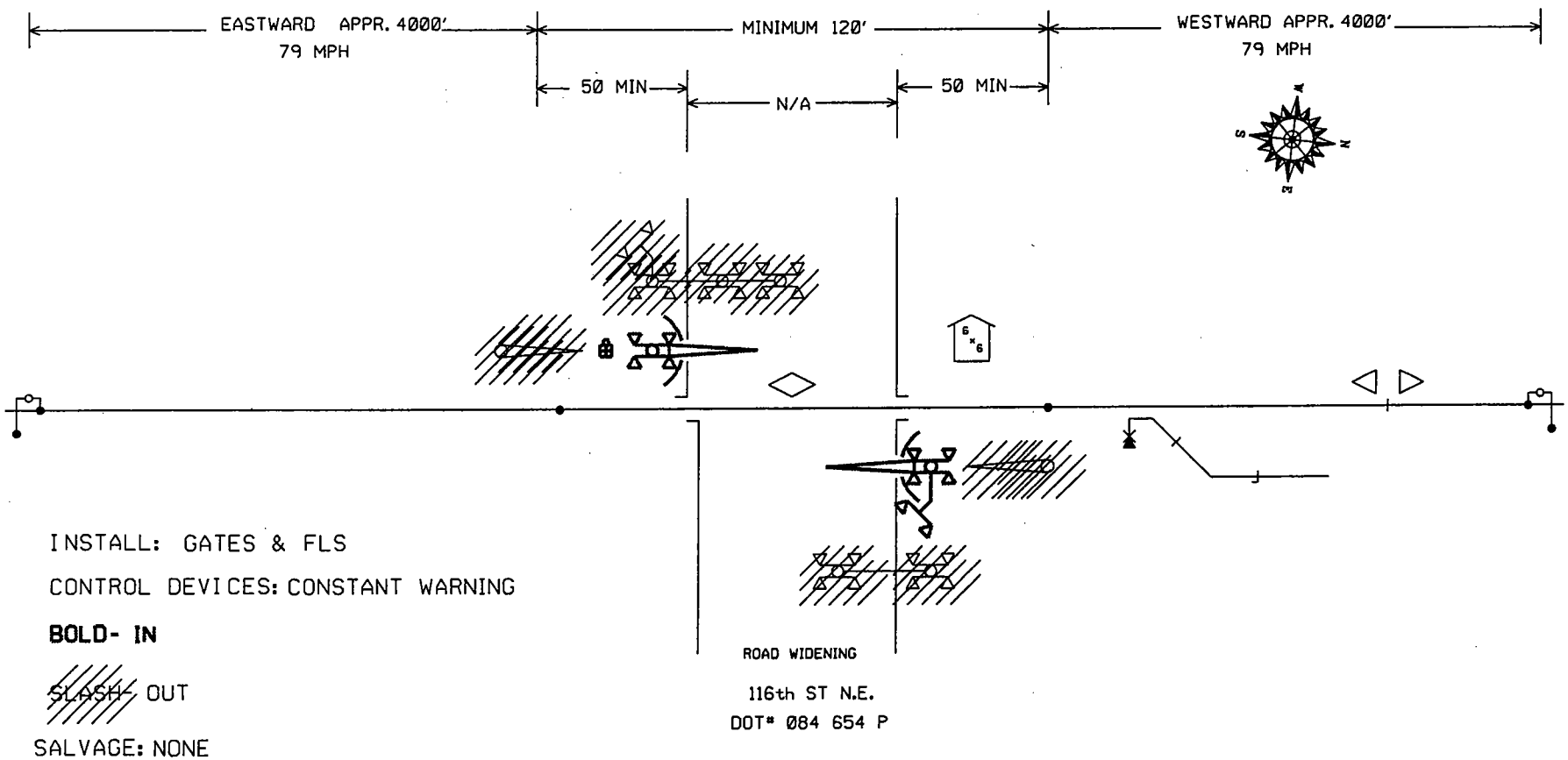
Print Name: John M. Cowles

Title: Mgr. Public Projects

TO SEATLE

The Burlington Northern & Santa Fe Railway Company

TO VANCOUVER



INSTALL: GATES & FLS

CONTROL DEVICES: CONSTANT WARNING

BOLD- IN

~~SLASH~~ OUT

SALVAGE: NONE

116th ST N.E.

DOT# 084 654 P

- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- UNIDIRECTIONAL CROSSING CONTROL
- BIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placement:

Clearance to C.L. Track = Min. 12', Max. 20'

Edge of Road to C.L. Foundation: Min. 4'1" with curb, Min. 8'1" without curb, Max. 12'

House Clearance: 25' Min. to C.L. of Track, 30' Min. to Edge of Road

Front Lights: 30-15 Degrees Lenses

Back and Side Lights: 70 Degrees Lenses

Cantilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.

MARYSVILLE, WA

116th ST N.E.

LS 0050 BELLINGHAM SUBDIVISION

MP. 42.04 NORTHWEST DIVISION

DOT# 084 654 P

KANSAS CITY

NO SCALE DATE: 02/13/03

FILE: 0050042_04.dgn MJ/TLP

EXHIBIT "A"