

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

THE BURLINGTON NORTHERN)	DOCKET NO. TR-021232
SANTA FE RAILWAY)	
COMPANY,)	
)	
Petitioner,)	
)	ORDER GRANTING PETITION TO
v.)	CLOSE A RAILROAD-HIGHWAY
)	GRADE CROSSING AT GATES
CITY OF MOUNT VERNON,)	STREET
)	
Respondent.)	USDOT: 084745V
)	WUTC: 2B 67.95
.....)	

BACKGROUND

- 1 On September 26, 2002, The Burlington Northern Santa Fe Railway Company filed a petition with the Commission, seeking approval to close a public railroad-highway grade crossing. The crossing is located at the intersection of the Petitioner’s tracks and Gates Street, in the NW ¼ of the SW ¼ of Section 20, Township 34 N., Range 4 E., W.M., in Mount Vernon, Washington.
- 2 Respondent has consented to an entry of an order by the Commission without further notice or hearing.
- 3 The proposal to close the Gates Street crossing is related to the construction of a multi-modal transportation facility. The facility will be located on the portion of Gates Street east of the Burlington Northern Santa Fe tracks, thereby eliminating the Gates Street railroad-highway grade crossing. A related petition, docketed as TR-021231, seeks to establish another public crossing at Montgomery Street, located one block north of Gates Street. The Montgomery Street crossing will serve as the northern access to the transportation facility.

4 Pursuant to the procedure specified in RCW 81.53.060, Commission Staff posted
notice of the filing of the petition at the Gates Street railroad-highway grade
crossing and caused the same notice to be published in the Skagit Valley Herald,
a newspaper of general circulation in the vicinity of the crossing, on February 5,
2003. The notice directed that any person having objection to the closure should
state such objections in writing to the Commission by February 28, 2003. No
objections were received.

5 The City of Mount Vernon, as National Environmental Policy Act lead agency for
the proposal, has issued a Finding of No Significant Impact determination,
thereby satisfying federal and state environmental requirements for the closure
of the crossing.

FINDINGS AND CONCLUSIONS

6 (1) The Washington Utilities and Transportation Commission is an agency of
the State of Washington having jurisdiction over public railroad-highway
grade crossings within the state of Washington. *Chapter 81.53 RCW.*

7 (2) The Gates Street crossing, designated as USDOT 084745V is a public
railroad-highway grade crossing within the State of Washington.

8 (3) RCW 81.53.060 and WAC 480-62-150(1)(b) require that the Commission
grant approval prior to closing public railroad-highway grade crossings
within the state of Washington.

9 (4) Commission Staff investigated the petition and recommended that it be
granted, subject to specified conditions.

10 (5) This matter was brought before the Commission at its regularly scheduled
meeting on April 9, 2003.

11 (6) After examination of the petition filed by the Burlington Northern Santa
Fe Railway Company on September 26, 2002, and giving consideration to

all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

12 The petition of the Burlington Northern Santa Fe Railway Company for closing a public railroad-highway grade crossing located at the intersection of Gates Street and the Petitioner's tracks, in Mount Vernon, Washington, is granted, subject to the following conditions:

- (1) Upon closure of the crossing, the Burlington Northern Santa Fe Railway Company must remove the crossing surface and warning devices at the crossing.
- (2) The City of Mount Vernon must install barricades or employ some other means that specifies the terminus points of Gates Street on either side of the tracks and indicates that access across the tracks is not possible via Gates Street.
- (3) The City of Mount Vernon must notify the Commission, in writing, when the crossing is closed to the public.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.060, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 9th day of April, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary