

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

)	DOCKET NO. TR-
)	
BNSF Railway Company)	PETITION FOR THE CLOSURE
_____)	OF A HIGHWAY-RAIL GRADE
Petitioner,)	CROSSING
)	
vs.)	
)	
Yakima County Roads)	
_____)	
Respondent.)	USDOT CROSSING NO.: 104516J-
)	N. Stevens – Railroad Milepost 68.40
)	

Prior to submitting a Petition for the Closure of a Highway-Rail Grade Crossing to the Washington Utilities and Transportation Commission (UTC), State Environmental Protection Act (SEPA) requirements must be met. Washington Administrative Code (WAC) 197-11-865 (2) requires:

All actions of the utilities and transportation commission under statutes administered as of December 12, 1975, are exempted, except the following:

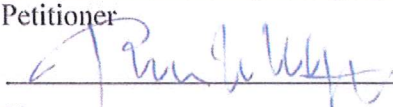
(2) Authorization of the openings or closing of any highway/railroad grade crossing, or the direction of physical connection of the line of one railroad with that of another;

Please attach sufficient documentation to demonstrate that the SEPA requirement has been fulfilled. For additional information on SEPA requirements contact the Department of Ecology.

Without waiving any argument that SEPA requirements are preempted by the Interstate Commerce Commission Termination Act, BNSF refers the Commission to the attached Notice of Decision & Final Determination of Non-Significance (“DNS”). The lead agency, Yakima County Planning Division, has determined the attached DNS is applicable to the closure described in this petition provided that the project substantially conforms to the project described in the Washington SEPA Environmental Checklist, SEP 12-035.

The Petitioner asks the Washington Utilities and Transportation Commission to approve the closure of a public at-grade highway-railroad crossing as described in this petition.

Section 1 – Petitioner's Information

<p>_____ BNSF Railway Company _____ Petitioner</p> <p> 03.06.2014 Signature</p> <p>_____ 2454 Occidental Ave. S., Suite 1A _____ Street Address</p>
<p>_____ Seattle, WA 98134-1451 _____ City, State and Zip Code</p> <p>_____ Mailing Address, if different than the street address _____</p> <p>_____ Richard Wagner _____ Contact Person Name</p> <p>_____ 206.625.6152 Richard.wagner@bnsf.com _____ Contact Phone Number and E-mail Address</p>

Section 2 – Respondent's Information

<u>Yakima County Roads</u>
Respondent
<u>128 North Second Street – Fourth Floor Courthouse</u>
Street Address
<u>Yakima, WA 98901</u>
City, State and Zip Code
<u></u>
Mailing Address, if different than the street address
<u>Kent McHenry</u>
Contact Person Name
<u>509-547-2300</u>
Contact Phone Number and E-mail Address

Section 3 – Crossing Location

1. Existing highway/roadway <u>North Stevens</u>
2. Existing railroad <u>BNSF Railway</u>
3. USDOT Crossing No. <u>104516J</u>
4. Located in the <u> </u> 1/4 of the <u> </u> 1/4 of Sec. <u> 13 </u> , Twp. <u>10</u> , Range <u> 20 </u> W.M.
5. GPS location, if known <u>Latitude: 46.3525545, Longitude: – 120.2728951</u>
7. Railroad mile post (nearest tenth) <u>68.40</u>
8. City <u>near Toppenish</u> County <u>Yakima</u>

Section 4 – Crossing Traffic

1. Type of public road at the crossing State County City
 Port State Park Other _____
2. Average daily vehicle traffic over the tracks 39 Vehicle speed limit Un-Posted 50
3. Number of lanes two
4. Trucks (commercial vehicles) are what percent of average daily traffic 0%
5. Number of school buses over the crossing each day 0
6. Name of railroad(s) operating at crossing BNSF Railway
7. Type of railroad at crossing Common Carrier Logging Industrial
 Passenger Excursion
8. Type of tracks at crossing Main Line Siding or Spur
9. Number of tracks at crossing 1
10. Average daily train traffic, freight: ten through trains daily plus four locals on weekdays and two locals Saturday – Sunday as of September 8, 2013.
11. Authorized freight train speed 49 mph Operated freight train speed 49 mph
12. Average daily train traffic, passenger 0
Authorized passenger train speed N/A Operated passenger train speed N/A

Section 5 – Description of Closure

1. Describe in detail the reasons for closing the crossing BNSF wishes to close this crossing in the interest of improving public safety by reducing the potential for train-vehicle crossing accidents.

2. Describe the area currently served by the crossing, including the approximate number of homes or businesses that might be affected by the closure The area served by the crossing is farmland. Farmers and others who use the crossing can use the crossings at Myers Road or Wapenish Road.

3. How far is the nearest alternate access across the tracks from the crossing proposed for closure? 1.08 miles

4. Describe the alternate access route, including distance and driving time This crossing shares a frontage road (S. Track Road) with the crossing at Myers Road (099193C), which is 1.42 miles to the west. It also shares a frontage road (S. Track Road) with the crossing at Wapenish Road (104518X), which is 1.08 miles to the east. The Myers Road crossing is four minutes by car from the N. Stevens Road crossing, and the Wapenish Road crossing is three minutes by car.

Section 6 – Illustration of Crossing

Attach a diagram, drawing, map or other illustration showing the location of the highway and railroad in the vicinity of the crossing. Include the parcels of private property located on both sides of the highway for a distance of 500' from the crossing and the name and mailing address of each property owner.

Refer to the attached map showing parcels located on both sides of the highway for a distance of 500' from the crossing.

Yakima County Geographic Information Services maps reflect that two of these parcels are "Indian Reservation." No further information is available regarding these parcels.

BNSF is the owner of two of the other adjacent parcels. BNSF's address is 2454 Occidental Ave. S., St. 1A; Seattle, WA 98134-1451.

Nomu Financial, LLC is the owner of the remaining adjacent parcel. Nomu Financial's managing member is William Parrish. His address is 230 South Division Street; Toppenish, WA 98948.

A second attached map shows a hammerhead to be constructed upon approval of the closure.

Section 7 – Waiver of Hearing by Respondent

Waiver of Hearing

The undersigned represents the Respondent in the closure of the following crossing.

USDOT Crossing No. 104516J

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree the grade crossing should be closed and consent to a decision by the commission without a hearing.

Dated at _____, Washington, on the _____ day of
_____, 2013.

Yakima County Roads

Printed name of Respondent

Signature of Respondent's Representative

Title

Name of Company

509-547-2300

Phone number and e-mail address

128 North Second Street- Fourth Floor Courthouse

Yakima, WA 98901

Mailing address

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

)	DOCKET NO. TR-
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BNSF Railway Company)	CERTIFICATE OF SERVICE
_____)	
Petitioner,)	
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vs.)	
)	
Yakima County Roads)	USDOT CROSSING NO.: 104516J-
_____)	N. Stevens -Railroad Milepost 62.40
Respondent.)	
)	
)	

CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp PLLC, whose address is 1218 Third Avenue, Suite 2700, Seattle, Washington, 98101.

I hereby certify that the original and 11 copies of *BNSF's Petition for the Closure of a Highway-Rail Grade Crossing, USDOT Crossing No. 104513J – N. Stevens* has been sent by FedEx to WUTC and a PDF and Word version filed with the Commission electronically. I also certify that true and complete copies have been sent via Electronic Mail and U.S. Mail to the following interested party:

Kent McHenry
 Yakima County Roads
 Yakima County Courthouse, 4th Floor
 128 North Second Street
 Yakima WA 98901
 Kent.McHenry@co.yakima.wa.us

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED: March 10, 2014



 Lisa Miller, Paralegal