



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

	)	DOCKET NO. TR-
	)	
BNSF Railway Company	)	PETITION FOR THE CLOSURE
_____	)	OF A HIGHWAY-RAIL GRADE
Petitioner,	)	CROSSING
	)	
vs.	)	
	)	
Whatcom County	)	
_____	)	
Respondent.	)	USDOT CROSSING NO.: 096110B –
	)	Valley View – Railroad Milepost 0.58
	)	

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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:**

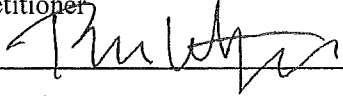
**(2) Authorization of the openings or closing of any highway/railroad grade crossing, or the direction of physical connection of the line of one railroad with that of another;**

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, the SEPA Environmental Checklist was filed on behalf of BNSF with the Washington Department of Ecology, the requesting agency, on January 13, 2015. A copy of the Department of Ecology’s determination will be filed upon receipt.

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*

_____
BNSF Railway Company
_____
Petitioner

_____
Signature
_____
2454 Occidental Ave. S., Suite 1A
_____
Street Address
_____
Seattle, WA 98134-1451
_____
City, State and Zip Code
_____
Mailing Address, if different than the street address
_____
Richard Wagner
_____
Contact Person Name
_____
(206) 625.6152 richard.wagner@bnsf.com
_____
Contact Phone Number and E-mail Address

*Section 2 – Respondent's Information*

_____ Whatcom County _____ Respondent
_____ 322 North Commercial Street, Suite 210 _____ Street Address
_____ Bellingham, WA 98225 _____ City, State and Zip Code
_____ Mailing Address, if different than the street address
_____ Frank M. Abart, Director of Public Works _____ Contact Person Name
(360) 676-6692 _____ publicworks@co.whatcom.wa.us _____ Contact Phone Number and E-mail Address

*Section 3 – Crossing Location*

1. Existing highway/roadway _____ Valley View Road _____
2. Existing railroad _____ BNSF Railway _____
3. USDOT Crossing No. _____ 096110B _____
4. Located in the _____ 1/4 of the _____ 1/4 of Sec. _____ 26, Twp. 40N, Range _____ 1E _____ W.M.
5. GPS location, if known Latitude: 48.9227668 Longitude: -122.6602619 _____
7. Railroad mile post (nearest tenth) _____ 0.58 _____
8. City _____ near Ferndale _____ County _____ Whatcom _____

*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   90   Vehicle speed limit Un-Posted 50
3. Number of lanes   2
4. Trucks (commercial vehicles) are what percent of average daily traffic   8.0%
5. Number of school buses over the crossing each day   0-3 (none on Saturday and Sunday)
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:   four  .
11. Authorized freight train speed   10 mph   Operated freight train speed   10 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 is petitioning to close this crossing to address the proposed extension of both sides of the existing siding track on the south approach to the east toward the Intalco Wye, which will allow existing customers in the Cherry Point industrial area to receive and depart full length trains without blocking the main line, switches or roads. The intended use of the proposed siding extension would otherwise block the crossing for prolonged periods of time. This work will allow trains to exit the main line and allow passenger and higher priority freight trains to clear through the Custer area, as well. The yard tracks and main will also be upgraded to improve safety, efficiency and security. In keeping with past practices between the railroad and the WUTC regarding expansion projects of this kind, BNSF requests this closure to facilitate public safety and avoid traffic hazards, including circumstances anticipated under WAC 480-62-220 or that can occur when a crossing is blocked by a train for an extended duration.

BNSF has worked with Whatcom County and the WUTC to mitigate the effects of this closure. Some mitigation alternatives include the use of active warning devices, signage, and cul-de-sac construction. For instance, active warning devices and signals will be installed at the Ham Road Crossing where none exist presently, while the active warning devices and signals at the Main Street Crossing will remain in place; Install signage at the intersections of Arnie Road & Valley View Road (three at south, east, and west approaches) and Creasey Road & Valley View Road (one at north approach) to indicate no public thoroughfare; Construct a cul-de-sac north of Arnie Road prior to the bridge on Valley View Road. (Conversely, because Creasey Road has a dead end at both its east and west terminal points, there is no evident need to construct a cul-de-sac south of Creasey Road.); As needed, install a private gate at a location south of Creasey Road for the property owner's exclusive use.

Whatcom County *will not* be responsible for funding or constructing the mitigation option(s) proposed by BNSF, except for revised traffic signs. Instead, mitigation for this closing will be funded as part of BNSF's Intalco Yard expansion project.

- 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 crossing provides access to non-residential parcels (primarily farm fields) and a few single family residences. Volumes that need to be re-distributed are less than 90 vehicles per day, which can be safely accommodated on alternate routes with active crossing signals and gates.

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

1.2 miles.

- 4. Describe the alternate access route, including distance and driving time.**

The crossing is 1.5 miles west from the Ham Road crossing (096119M), which is four minutes by car. The crossing is 1.2 miles east from the Main Street crossing (084843L) in Custer, WA, which 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.

Please refer to the attached maps showing parcels located on both sides of the highway for a distance of 500' from the crossing.

Shiraz Balolia is an adjacent parcel owner. Shiraz Balolia's address is 7825 Valley View Road, Custer, WA 98240

A third attached (Google) map shows the area is used primarily as farm land.

*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. 096110B

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  
\_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Printed name of Respondent

\_\_\_\_\_  
Signature of Respondent's Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of Company

\_\_\_\_\_  
Phone number and e-mail address

\_\_\_\_\_  
\_\_\_\_\_  
Mailing address