

May 11, 2007

Carol Washburn
State of Washington
Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250



Re: WUTC Reference # 070696

Ms. Washburn,

This letter is submitted in opposition to removal of the railroad crossing on West Hickox Road near Mt Vernon, WA.

Our company provides transportation services, hauling fresh bulk milk from PNW dairy farms to their markets. West Hickox Road and this particular crossing are used daily in the course of our milk hauling operations to serve dairy farmers in this area.

We believe that removing the Hickox Road railroad crossing will negatively impact; residents and the farm business owners in this area, our business, and the general public.

Our concerns are as follows:

Emergency Services:

- Removing the Hickox Road Crossing will increase Emergency Services response time and could leave residents and the general public vulnerable. If construction, weather, traffic accidents, etc. close Dike Road for any period of time, the access and response time of Emergency Services to this area would be further weakened.

Flooding:

- With potential for Skagit River flooding, Dike Road may become impassible from time to time. Removing the Hickox Road crossing would limit access to the residences and farming businesses on Dike Road. As a perishable commodity, if fresh milk is not picked up on regularized schedule, it must be discarded. The impacts are both economic and environmental.

Routing:

- Removing the Hickox Road Crossing would add time and miles to our daily routes. The cost is virtually impossible to pass to dairy product consumers.
- The alternative route will change our direction of travel. The maneuverability of our standard 83-foot long tractor and double tank trailer configuration will be made very difficult by the directional change.

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Page 2



Re: WUTC Reference # 070696

Hickox Road is a vital access point to the farm businesses and residences in this area. Please do not allow the removal of this very important railroad crossing.

If you have any question or comment, please contact me directly. I can be reached at:

LTI, Inc.
8631 Depot Road
Lynden, WA 98264
bradw@lynden.com
800/327-6255

Thank you for your consideration.

Sincerely,

LTI, Inc. d/b/a/ Milky Way

Brad Williamson
President

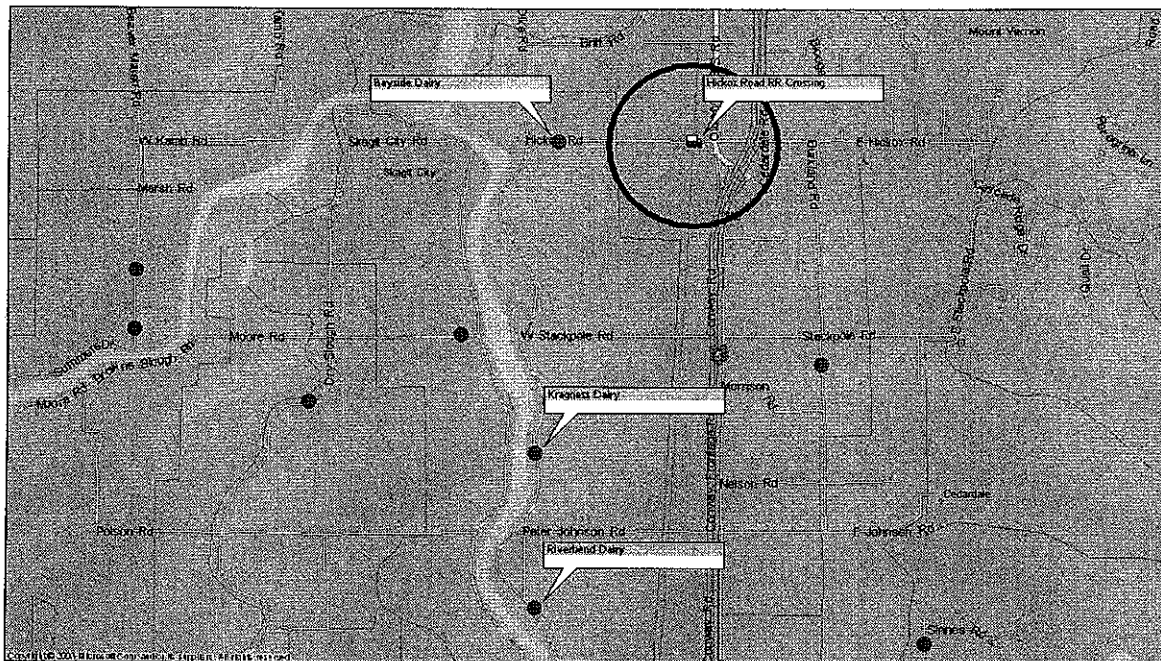
May 11, 2007

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P.O. Box 47250
Olympia, WA 98504-7250
Page 3



Re: WUTC Reference # 070696

Dairy Farm Locations on Hickox Road and Dike Road near Mount Vernon, WA.



May 31, 2007

John H. Kenley
In-house Counsel
Direct (206) 286-6725
John.Kenley@darigold.com

Ms. Carole Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250

**Re: Reference No. TR-070696 BNSF
Highway – Railroad Grade Crossing Closure – Hickox Road**

Dear Ms. Washburn:

I am writing in support of Dave Boon's request that the Hickox Road crossing not be closed. Mr. Boon is a member of the Northwest Dairy Association (NDA) - one of over 600 dairy farmers who collectively own NDA and Darigold, Inc. NDA produces and transports over 8 billion pounds of fluid milk annually. The maintenance and continued existence of the public road infrastructure that allows us to do business efficiently and safely is clearly very important to us. I hope that his letter will provide you with information that will allow you to decide that the Hickox Road crossing is a valuable public asset and should be maintained or, alternatively, that the creation of a functional equivalent to the crossing is required if closure occurs.

The Private Interests and Investment Backed Expectations of Dave Boon and his Farming
Neighbors support Non-Closure

The Boon's farm is not new to the site. Substantial funds have been invested in the farm throughout the years with the expectation that the Hickox Road infrastructure would remain in place. These expectations were reasonable given that farmer tax dollars helped to fund the building and maintenance of this infrastructure. What's more, government officials have apparently known that the Boon's rely and have relied upon the Hickox Road crossing for a long time – allowing closure now without securing an alternative means to maintain infrastructure functionality would be a failure by government to avoid an inequitable outcome.

The following specific impacts would result from crossing closure, all of which would be borne by Mr. Boon and other affected farmers:

Greatly Increased Dairy Transport Costs – The fluid milk produced on Mr. Boon's farm is highly perishable and daily tanker pickups are generally required. Closure of the crossing would require these tankers to travel several additional miles on small roads to

reach the Boon farm every day. The increased travel distance caused by the closure would also impact equipment and feed transport costs. Mr. Boon and NDA's costs will surely increase. In addition, public costs such as local traffic and noise due to the increased travel distances of large trucks will also very likely increase.

Increased Safety and Property Risks – Emergency vehicles currently use the crossing to access local homes. Closure of the crossing would add several minutes to the emergency vehicles' time to reach area homes and farms. Closure of the crossing would also eliminate an important escape route in an area that is susceptible to flooding.

Public Policy supports Non-Closure

The Boon farm is in an area zoned for agricultural use. This zoning categorization strongly implies that local and state public policy supports and encourages dairy farming on the Boon farm. In addition, federal policy supports agriculture uses and specifically supports agricultural development that increases production efficiency and reduces environmental impacts from farming. By increasing the travel distance between farm and market the crossing closure thwarts both of these federal policies. Your decision-making analysis should include the fact the crossing closure will reduce the efficient use of the land for its intended agricultural use – and thus is contrary to local, state and federal public policy.

There is No Compelling Interest Favoring Closure

Finally, we are not aware of a strong counter-balancing interest supporting closure of the crossing that is not amenable to a solution that accommodates all parties. If such an interest exists – we would appreciate understanding the nature of the interest so that a reasonable accommodation for all parties could be reached.

Please contact me if you have any questions or require additional information. We appreciate your time and effort and are willing to supply additional facts if requested.

Sincerely,

John Kenley