

LAW OFFICES
OF
GLENN & ASSOCIATES, P.S.
A PROFESSIONAL SERVICES CORPORATION

DANIEL O. GLENN

2424 EVERGREEN PARK DRIVE S.W.
P. O. BOX 49
OLYMPIA, WASHINGTON 98507-0049

PHONE (360)943-7700
FAX (360)943-7721

February 14, 2011

Mr. David Danner, Executive Director
Washington State Utilities and
Transportation Commission
1300 S. Evergreen Park Drive SW
Olympia, WA

RE: TR-110159 through TR-110162 inclusive
Petitions upon behalf of Puget Sound & Pacific Railroad
Closure of four highway rail grade crossings in Elma

Dear Mr. Danner:

This letter is written in response to the notification provided to the City of Elma dated January 26, 2010 (sic 2011). It is tendered to the Commission in my capacity as Elma's City Attorney.

The matter of the actions sought under the petition were discussed by the Mayor and Council at their meeting of February 7, 2011. Initial public comment was received on the matter from several citizens who attended that meeting. Based upon the discussion at the Council Meeting, the comments of the citizens received up to this point, and the evaluations carried out by the City's department heads, the City's position is as follows.

A. General Position: The City does not support the petitions and believes that a hearing is necessary to resolve the issues related to the petitions. Of course, there is always the hope some type of resolution can be achieved through discussions, but the Mayor and Council did not want to take a chance that a failure to timely respond would waive the position of the City and its citizens.

Mr. David Danner, Executive Director
February 14, 2011
Page 2

B. Concerns Relating to the Petitions: If I understand correctly, Mr. Starks, the Director of Public Works, has previously indicated to Ms. Hunter that of the four crossings, three are within the corporate limits, while the 17th Street crossing is outside of the corporate limits. However, the following constitutes a brief summary of the initial concerns expressed by the citizens, the elected officials, and the department heads. Many of the concerns set forth below would require the expenditure of significant funding to mitigate the impacts and protect the safety of the citizens. It should be noted the following list is only an initial list and further review is being undertaken by the City Staff.

Among the general comments were the following:

1. The closures would require significant improvements to the remaining streets, including the potential need of the acquisition of additional right of way and the construction of wider streets. Examples given included the necessary improvements to 3rd Street and Pine Streets in order to adequately serve the increased traffic.

2. Also, one of the comments indicated the 13th Street crossing would need major improvements, including a realignment.

3. Finally, a general comment that such closings would effectively limit access to the developments which have been approved upon the hill north of Elma to one crossing. The population in those developments and the area north of the tracks continues to increase with the resulting increased traffic flow.

As to specific comments, the following were submitted.

1. 2nd Street:

A. This is currently the crossing most heavily utilized by oversized vehicles delivering loads to the businesses and residences north of the tracks. This element arises from the adjoining 3rd Street crossing being one which has a severe angle point in the crossing area. The commercial operations which would be affected include Elma Feed, Les Schwab Tire, Grays Harbor PUD, and the City's Public Work Shop.

B. There is also the concern that given the location of the switch utilized by the Railroad between 2nd & 3rd, there will be significant blockage period on 3rd while such switching occurs.

2. 5th Street: Many of the comments which relate to 10th Street are directly applicable to 5th Street as well. However, the following comments relate specifically to 5th.

A. It is the direct access used to reach an industrial operation to the north of the tracks. Closing would force increased use of adjoining crossings by larger vehicles with the resulting reconstruction needs for those crossings.

B. Closure would also militate the installation of a turnaround structure which existing right of way would not accommodate.

3. 10th Street:

A. An initial concern was that the traffic count was carried out during the off-season for the use of the City park facilities, including ball fields, served by the access. Thus, the count is likely far below the average one would obtain if done during the extended season during which the facilities are utilized by the public.

B. A second concern relates to the necessity of usage of that crossing during the periods in which the 11th & Wakefield area are subject to flooding. The latter is closed to avoid damage to residences in that area due to the "wakes" from vehicles passing through the water and thus 10th becomes the crossing of necessity.

C. Closing 10th would also likely increase the risk of injury to children who currently utilize that crossing to access the ball fields. In short, a matter of pedestrian safety.

D. As would be true if 17th Street crossing were closed, there would be the need for adequate "turn arounds" on both sides for use by the many vehicles which would likely reach that crossing. By way of example, that would include emergency response vehicles, school buses picking up students in the immediate area, and the automobiles driven by those who enter into the area and discover the closure.

E. There was a concern expressed that, with the closures of both 5th & 10th, the 6th Street crossing would likely be blocked during the switching process leaving the 6th Street residents with no reasonable alternative access.

Mr. David Danner, Executive Director
February 14, 2011
Page 4

4. 17th Street: While technically outside of the corporate limits, the closure would have many of the impacts referenced above.

A. Turnaround: Again, such a structure would be necessitated by the closure. The current public ownership does not have adequate right of way to provide such a necessity.

B. The route is also the route used by the City to access its municipal well field located on Bailey Road during those periods that Wakefield Street is flooded at 13th Street. Closure would necessitate the development of alternate access routes.

Thank you for your consideration. The City looks forward to its participation in the review and resolution of these requests.

Yours truly,

GLENN & ASSOCIATES, P.S.



Daniel O. Glenn

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cc: City of Elma