

Gary T. Jones

Gail R. Smith

May 30, 2007

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

RECEIVED
RECORDS MANAGEMENT
07 MAY 31 PM 3:50
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

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

Dear Ms. Washburn:

I am writing on behalf of David Boon owner and manager of the dairy located at the Southwest corner of the intersection between Hickox Road and BNSF Mainline track. The Boons are milk producers who farm land in the area and ship milk and receive large trucks to supply their farming needs. The primary access to the farm is Hickox Road and the proximity of the farm to Interstate 5 and South Mount Vernon is an economic advantage. This railroad closure seriously threatens the viability of the dairy and imposes significant costs on its continued operation.

Among the costs are higher insurance rates because of slower response times for fire and emergency personnel to come to the farm. All routes leading from the farm which do not cross Hickox Road involve multiple mile travel on narrow County roads. This is not only slow but dangerous to the extent that farm equipment, trucks, and other support vehicles currently use the Hickox Road crossing for shorter, safer access.

The Hickox Road crossing is particularly significant because it is a crossing for the Interstate 5 corridor, to Frontage Roads in addition to being the crossing of the Burlington Northern Sante Fe track. The ability to maintain a commercially viable dairy is partly a function of being able to get farm equipment to and from the center of the farm out to sources of forage and back to the farm. Closing the Burlington Northern crossing would narrow the available options for the dairy.

The interests of the dairy and those landowners whose property lies West of BNSF mainline track would be served by having a separation of the grade crossing. This would improve safety, maintain the vehicle access to the property and allow for farm use without the risk of train collision. However, this investment in infrastructure may not be immediately justifiable and the option of leaving the grade crossing open for agricultural use or other interruptible use would be preferable to a total closure. If the Utilities and Transportation Commission decides to allow a closure it would be in the interest of the Boon family to have a relocated crossing. Because we

perceive that the control of a limited access crossing would be a constant problem, the relocation option is the preferred alternative.

My clients are concerned about the Hickox Road crossing because of its regional impacts and would like to see that the farm use of the South Mount Vernon area between BNSF tracks and Skagit River are viable for continuing commercial and agricultural use. The grade crossing threatens that use and requires mitigation measures now and in the long-term future. The decisions about how to solve the problem should be made in conjunction with Skagit County, the City of Mount Vernon, other landowners, and the Regional Transportation Planning Organization which coordinates transportation decisions.

Respectfully yours,

JONES & SMITH

GARY T. JONES
GTJ/sh