

**Hunter, Kathy (UTC)**

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**From:** Joe Rutan [JRutan@co.whatcom.wa.us]  
**Sent:** Thursday, April 15, 2010 9:51 AM  
**To:** Hunter, Kathy (UTC)  
**Cc:** Dave Hower; Michael Donahue  
**Subject:** Re: FW: GCPF Project at Main Street in Custer

Dear Kathy,

Whatcom County wishes to withdraw is application for these proposed crossing improvements. Although Whatcom County has no records of accidents at this location we are aware the BNSF has concerns related to "near misses". The County shares these concerns and looks to work cooperatively with the BNSF to increase the safety of their railroads crossing of this roadway. The County does not have the ability to fund solutions to every identified safety issue on County roadways. A great amount of effort goes into identifying and prioritizing maintenance, safety and capacity deficiencies. Funds and staffing are currently not available to proceed with this lower priority project. Whatcom County will support a BNSF application for the funds to complete the safety improvements, including the issuance of a Whatcom County revocable encroachment permit, at no cost.

I appreciate your efforts regarding this matter.

Joe Rutan, P.E.  
Co. Engineer/Asst. Dir. Public Works  
2011 Young St., Suite 201  
Bellingham, WA 98225-4052  
360-715-7450

>>> "Hunter, Kathy (UTC)" <[khunter@utc.wa.gov](mailto:khunter@utc.wa.gov)> 4/14/2010 7:35 AM >>>

Joe - Is the county willing to consider amending its original GCPF application to include these costs in the grant request?

Kathy Hunter, Deputy Assistant Director, Transportation Safety

Washington Utilities and Transportation Commission

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From: Kuhn, Todd M [mailto:Todd.Kuhn@BNSF.com]  
Sent: Tuesday, April 13, 2010 8:31 PM  
To: Hunter, Kathy (UTC)  
Cc: Joe Rutan  
Subject: RE: GCPF Project at Main Street in Custer

Kathy,

I am not agreeable to what is stated in this letter. For any work that is performed within BNSF property, a permit is required and the cost of the flagman is borne by the Agency. This project is no exception. The County will need to follow the process with BNSF real estate that I previously provided.

Todd M. Kuhn, PE  
BNSF Railway Company | Manager Public Projects Office 206-625-6146 | E-mail [todd.kuhn@bnsf.com](mailto:todd.kuhn@bnsf.com)  
<<mailto:todd.kuhn@bnsf.com>>

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From: Hunter, Kathy (UTC) [mailto:khunter@utc.wa.gov]  
Sent: Tuesday, April 13, 2010 10:08 AM  
To: Kuhn, Todd M  
Cc: Joe Rutan  
Subject: GCPF Project at Main Street in Custer

Hi Todd,

Whatcom County filed the attached letter in their GCPF application last week. Please review and let me know if BNSF is willing to partner with the county and contribute the permit and flagging costs to the upgrades.

Thanks - Kathy