

To Whom it Concerns,

I'm writing to represent the real property and safety interests of the Chuckanut Beaches Association, owner of several private beaches along Chuckanut Drive in Whatcom County. Some of our property is immediately adjacent to the railroad. One of our members was contacted recently by a Burlington Northern safety engineer, and was told that he was not permitted, upon threat of prosecution, to cross the railroad tracks to access our beach property. Public and private access to the beaches along Chuckanut Drive has been documented since the earliest recorded history of this area.

We anticipate that if the Gateway Pacific terminal proposal were to be approved, increased train traffic would involve increased risk to pedestrians and road traffic. Increased regulation of railroad crossing would effectively prohibit historic access to both public and private waterfronts throughout our region. The inability of both private owners to access their own property and of the public to access public waterfront areas without incurring substantial cost to create required overpasses or other crossings as a result of the Gateway Pacific proposal is unacceptable.

Our first concern for further study is the cost of constructing infrastructure to create safe railroad crossings. Please study the regulation of and potential cost for construction of new infrastructure to provide safe railroad crossings everywhere they may be needed. Please provide specific information regarding the design types and cost of creating permissible access/safe railroad crossing and all other applicable regulations regarding same.

Please study and report the number of anticipated private and public railroad crossing places that may need to install safe railroad crossings, and estimated the type (along public roads vs. those designed to accommodate private walking traffic) of each, providing cost estimates for each, and information about who would be responsible for said costs. Please provide total cost estimates, both public and private, for each City and County affected by the Gateway Pacific proposal. If reliable funds may be available to assist in the creation of these safe crossings, please detail the sources. If applicable laws may provide for these "required" "improvements" to be made at the expense of the company requiring them, please discuss.

Our second specific concern is that of the potential for landslides and damage to our narrow beach property directly adjacent to the railroad. It is well known (see Burlington Northern and Bellingham Herald for statistics) that the unstable and often saturated wet hillsides in the Pacific Northwest are prone to landslides. The weight, duration and frequency of the proposed freight trains are of concern.

Please study the propensity of the current and proposed increase in heavy freight train traffic to cause vibrations which may help to create unstable hillsides and which may contribute to the conditions that can cause landslides. Please detail the geologic concerns along the entire Chuckanut Mountain sandstone formation in Whatcom County, well known for its soft and mobile materials.

Please detail cost for remediation of landslides, and provide information re: Burlington Northern responsibility as an element of causation and history of paying for damage to private property harmed by landslides. Please provide ecosystem restoration plans and costs for restoring waterfront properties adjacent to hillside and other railroad slide areas to their former condition.

The Board of the Chuckanut Beaches Association is opposed to granting permission to proceed with the proposed Gateway Pacific terminal for many reasons but specifically those that relate to our responsibilities for preserving the real property of the Chuckanut Beaches Association and the safety of its members.

Thank you for your work, we look forward to your reply.

Sincerely,

Julie Carpenter, Secretary, on behalf of the Board of the Chuckanut Beaches Association  
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