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SEP 16 2009

PUBLIC SERVICE COMMISSION

September 15, 2009

Annette Marie Bendish
Attorney at Law
North Dakota Public Service Commission
600 E Boulevard Ave, Dept 408
Bismarck, ND 58505

Re: BNSF Railway Company - Petition to Review Private Railroad Crossings
Our File No. 96220

Dear Ms. Bendish:

Our firm represents BNSF Railway Company. We have been asked to submit this petition in the form of a letter request for the Commission to review seven private railroad crossings and to issue an order determining whether or not audible devices warning of a train's approach will be sounded at these crossings. Attached is a list of the private railroad crossings, together with photographs of each of the seven crossings, at which the Commission may, as a matter of public safety, wish to direct that audible warnings of a train's approach be sounded.

Section 49-11-21, N.D.C.C., as amended by H.B. No. 1342, now prohibits railroads from sounding warning devices at private railroad crossings. However, that legislation also authorizes the Commission to order railroads to sound warning devices at private railroad crossings "based on the safety concerns of the public."

The attachment lists seven private railroad crossings the Commission may wish to review to determine whether or not warning devices should or should not be sounded "based on the safety concerns of the public." For the Commission's convenience photographs of each crossing are also attached. Lynn Leibfried from BNSF is available to meet to review these crossings with the Commission or to try to answer any questions the Commission may have about any of these crossings. BNSF believes now is the appropriate time to review these crossings before the seasons change.

16 RR-09-651 Filed 12/01/2009 Pages: 98
Exhibit 1 - Petition to Review Private RR Crossings
BNSF Railway Company

RR-09-651 Filed: 9/16/2009 Pages: 98
Letter Request to Commission to Review Private RR Crossings

BNSF Railway Company

Annette Marie Bendish

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September 15, 2009

BNSF appreciates the Commission's assistance in providing direction for the use of horns at private railroad crossings.

Thank you for your consideration.

Yours very truly,

A handwritten signature in black ink that reads "Stephen W. Plambeck". The signature is written in a cursive style with a large, prominent "S" at the beginning.

Stephen W. Plambeck

SWP/bjb

Enc.

NORTH DAKOTA PRIVATE CROSSINGS

LS	MP	DOT#	CITY
33	69.83	086644R	Crary
34	28.08	093009S	Erie
34	40.17	093032L	Page
34	150.20	093533R	Heimdahl
35	126.87	081545B	Williston
39	4.38	087697T	Mandan
39	66.24	087513R	Hebron

PRIVATE CROSSING

DOT # 086644R



DOT: 086644R

LS: 23

MP: 69.829

2005 11

















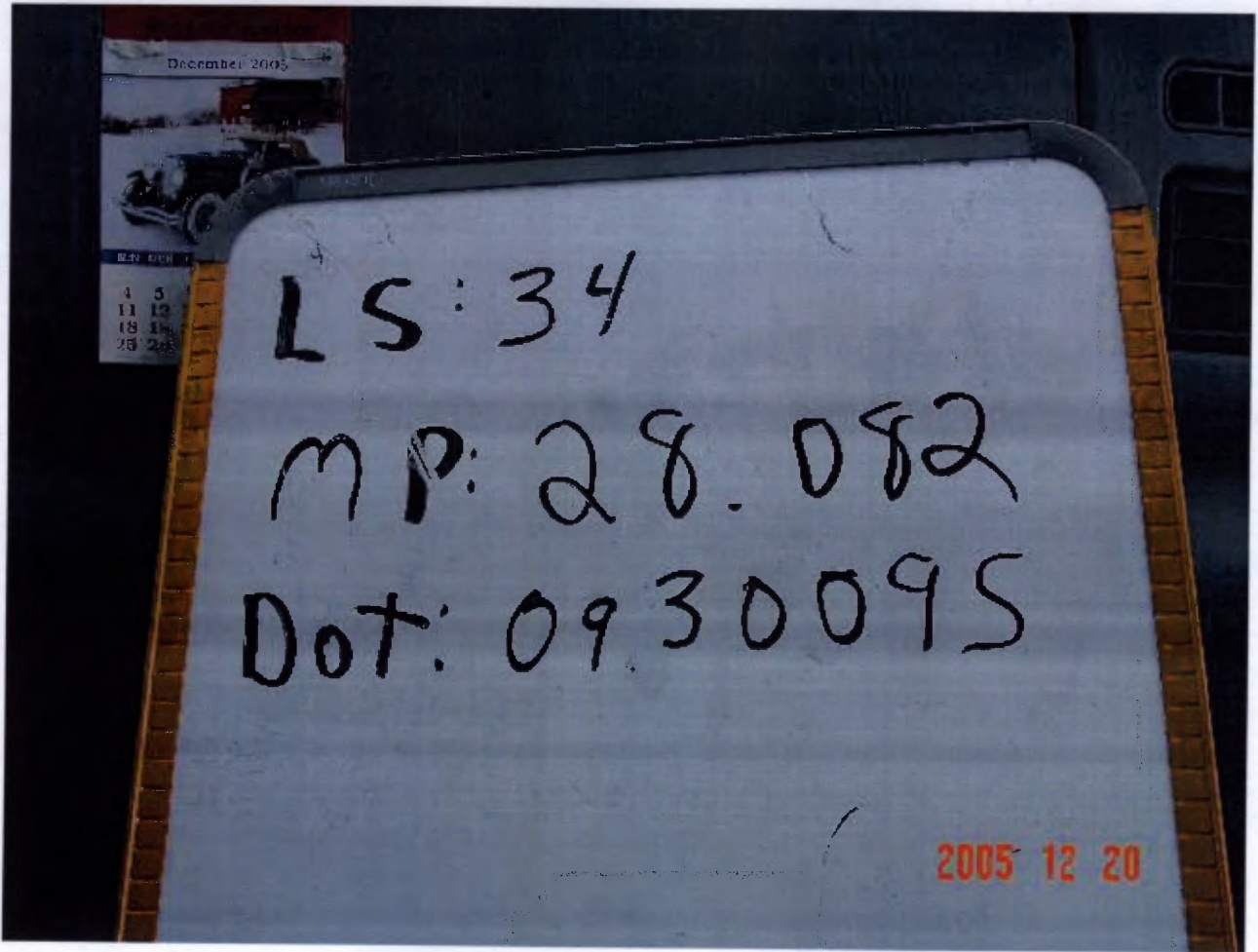


PRIVATE CROSSING

DOT # 093009S



9/15/2009





























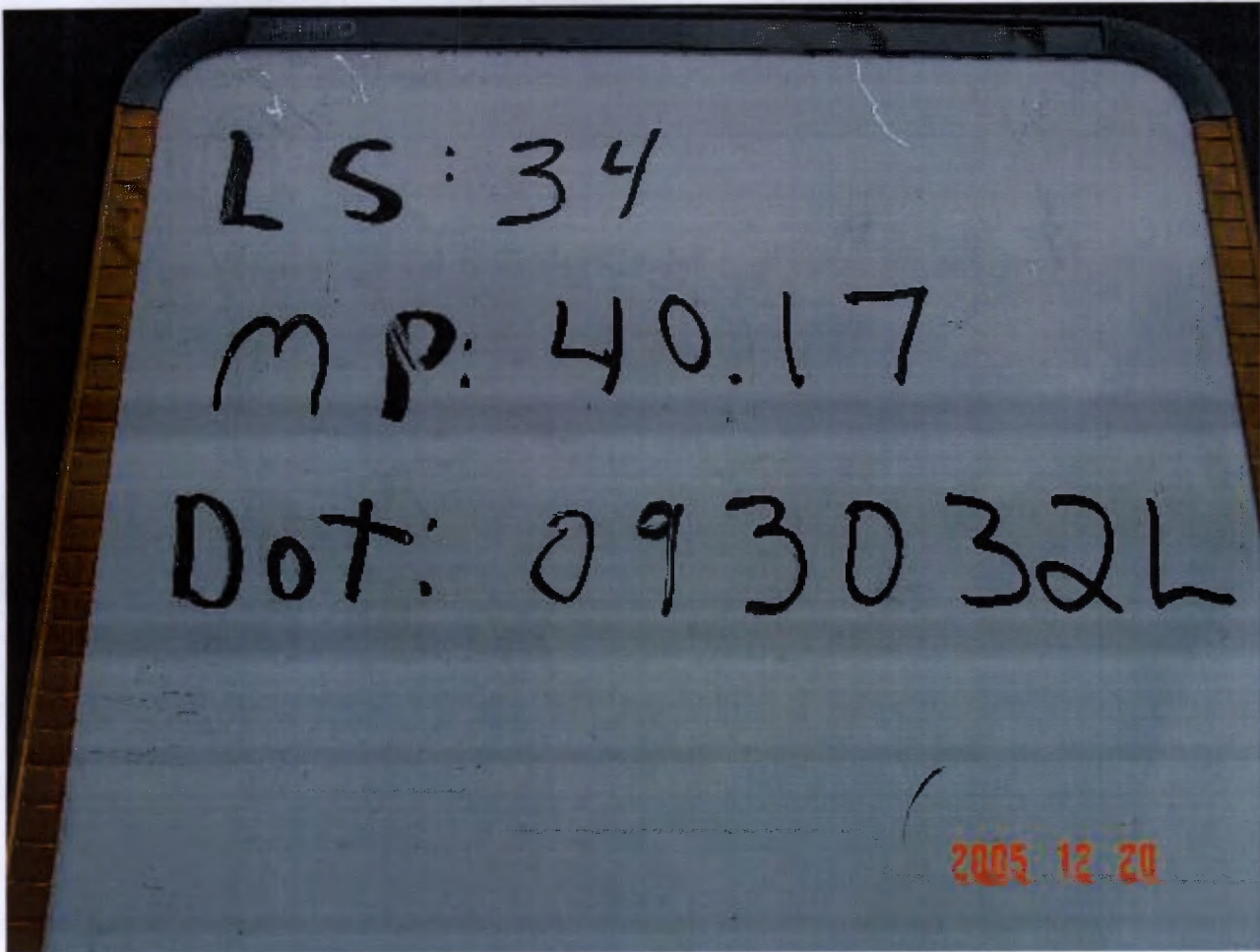


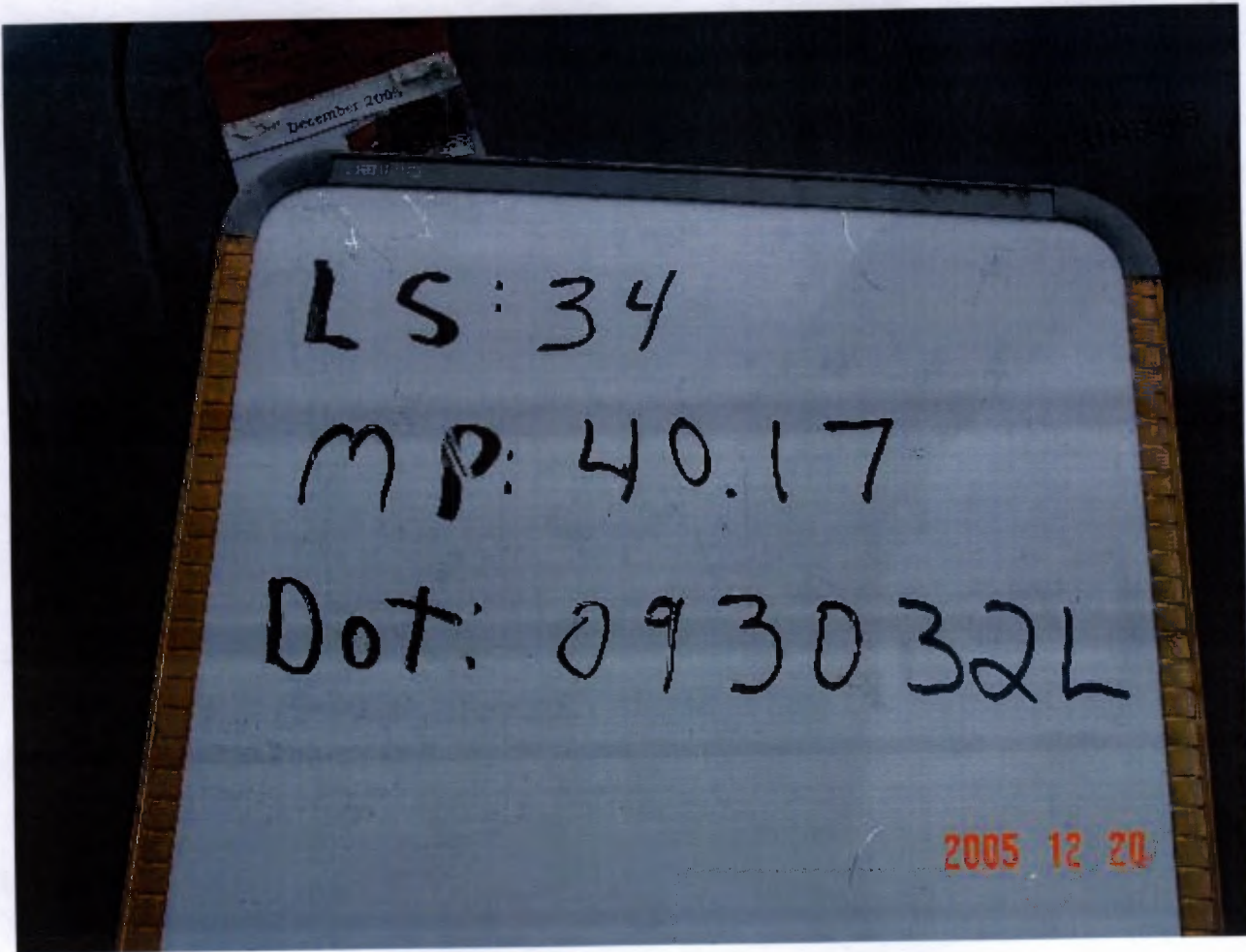
PRIVATE CROSSING

DOT # 093032L



9/15/2009



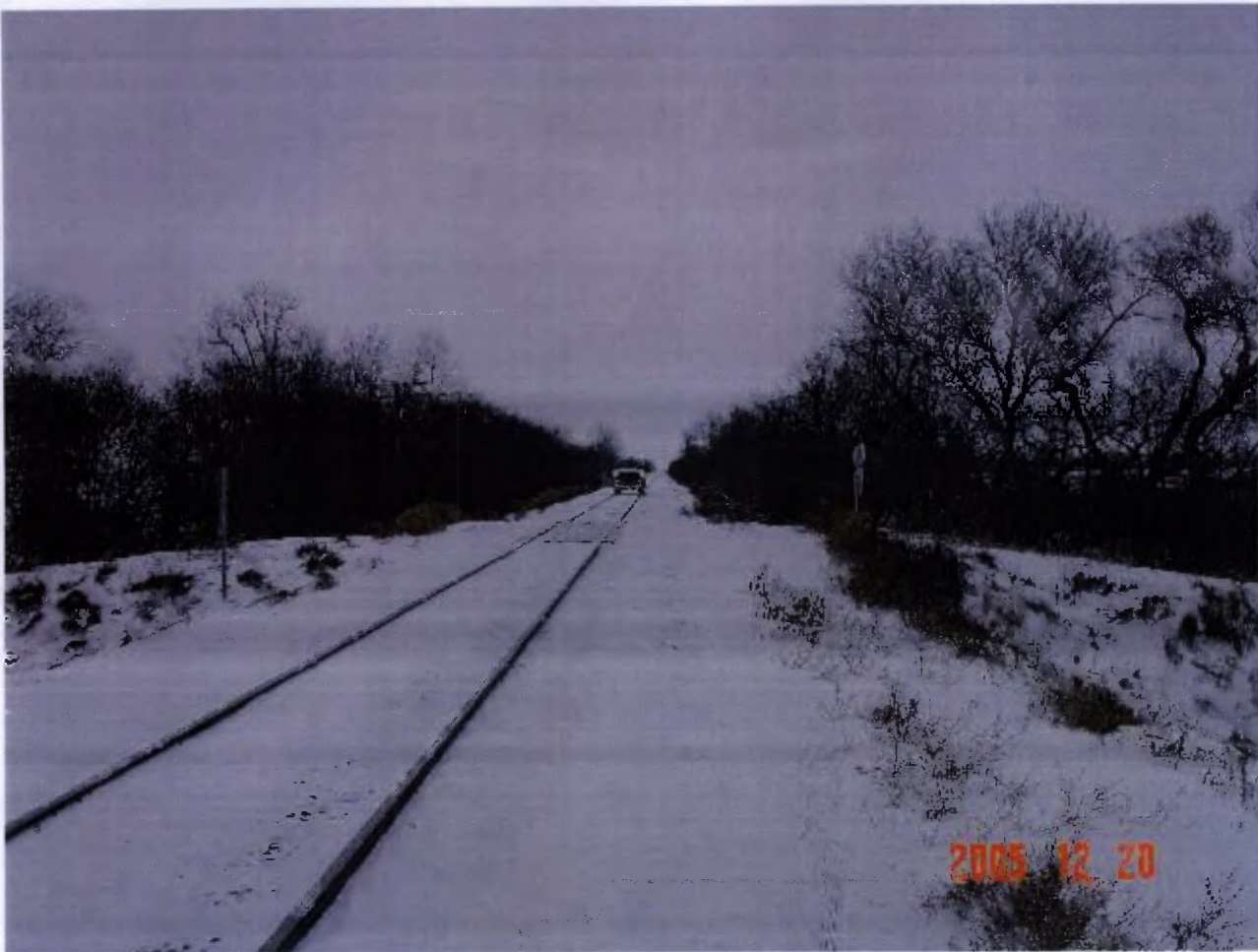




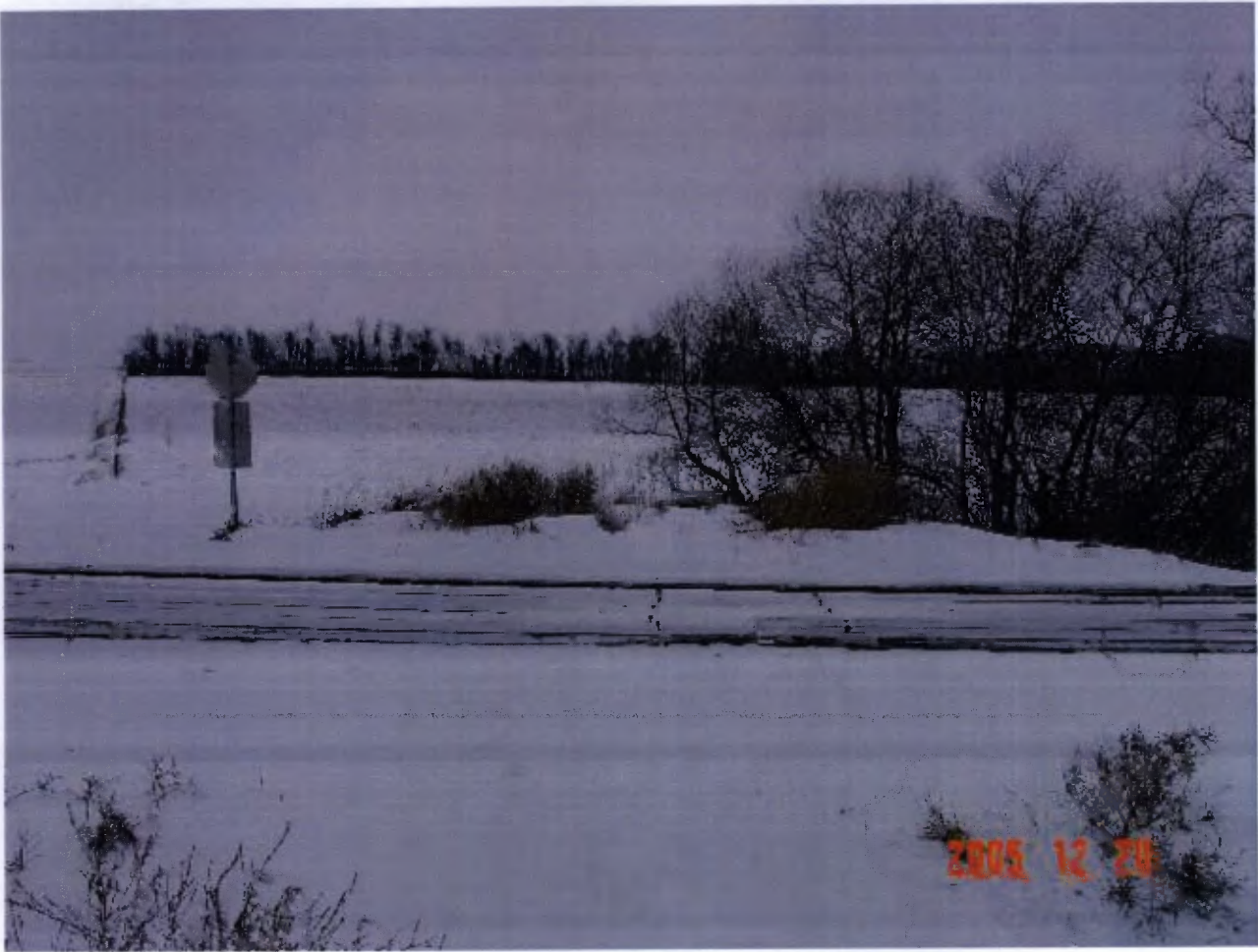
















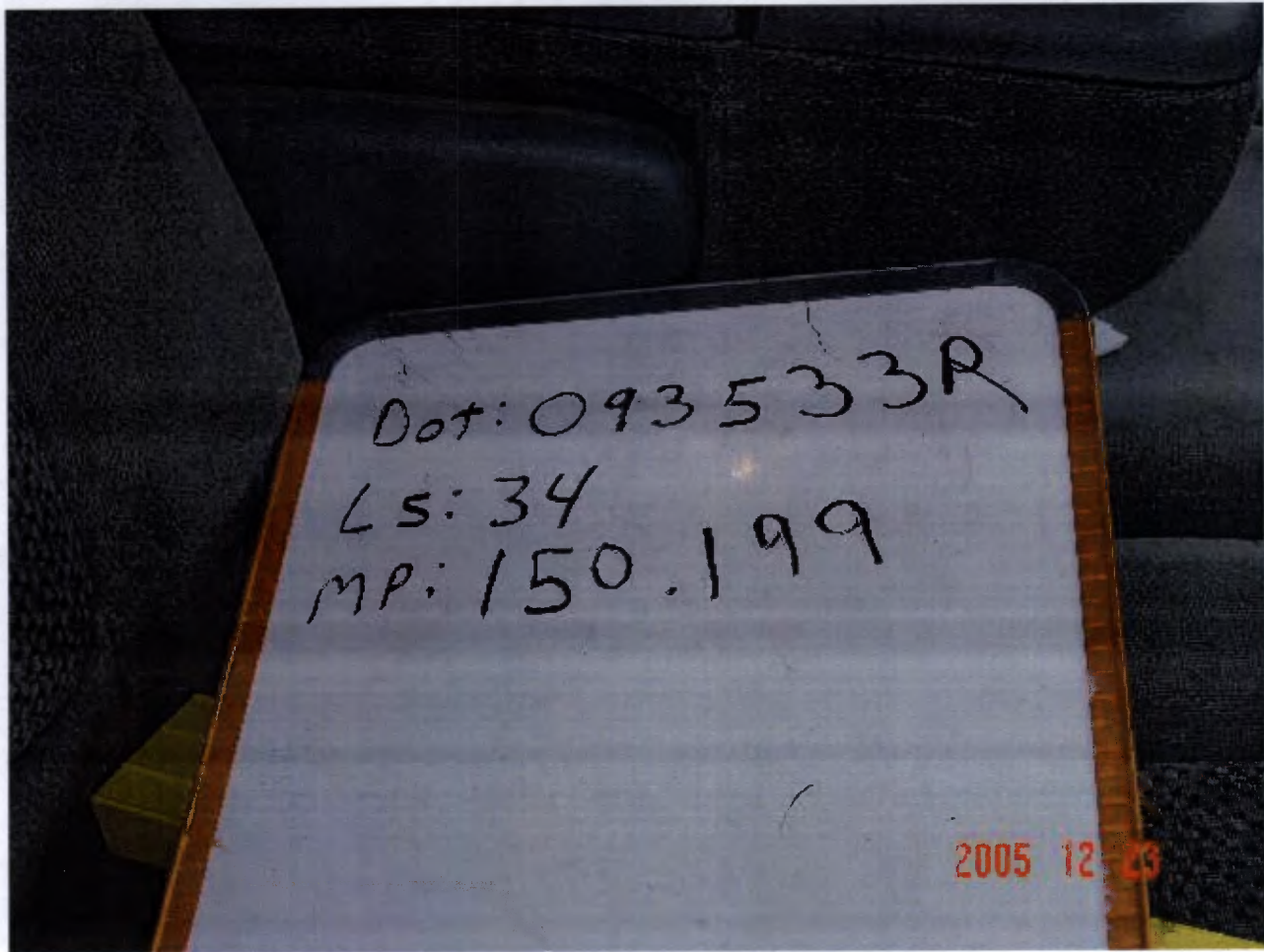


PRIVATE CROSSING

DOT # 093533R



9/15/2009







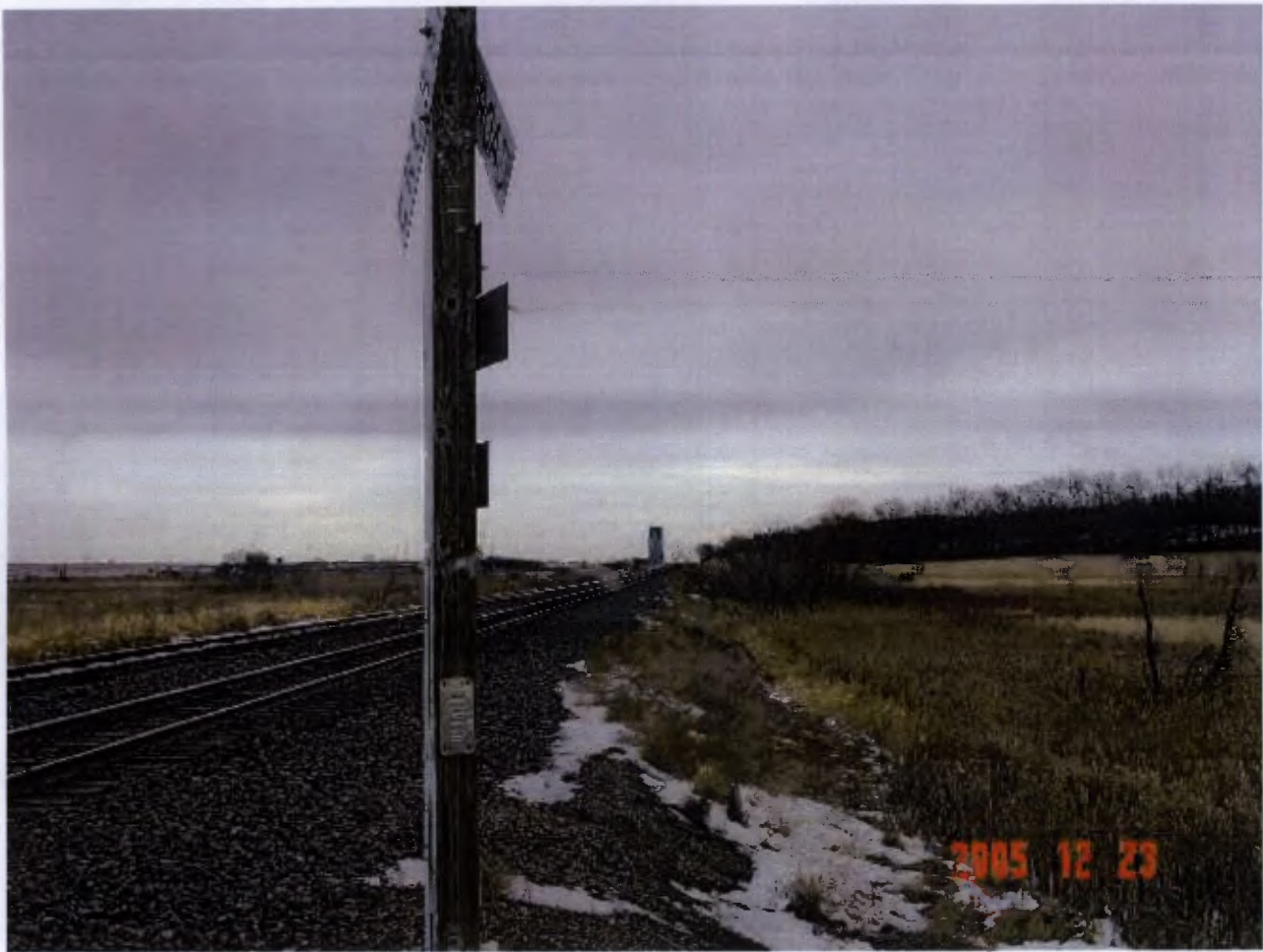










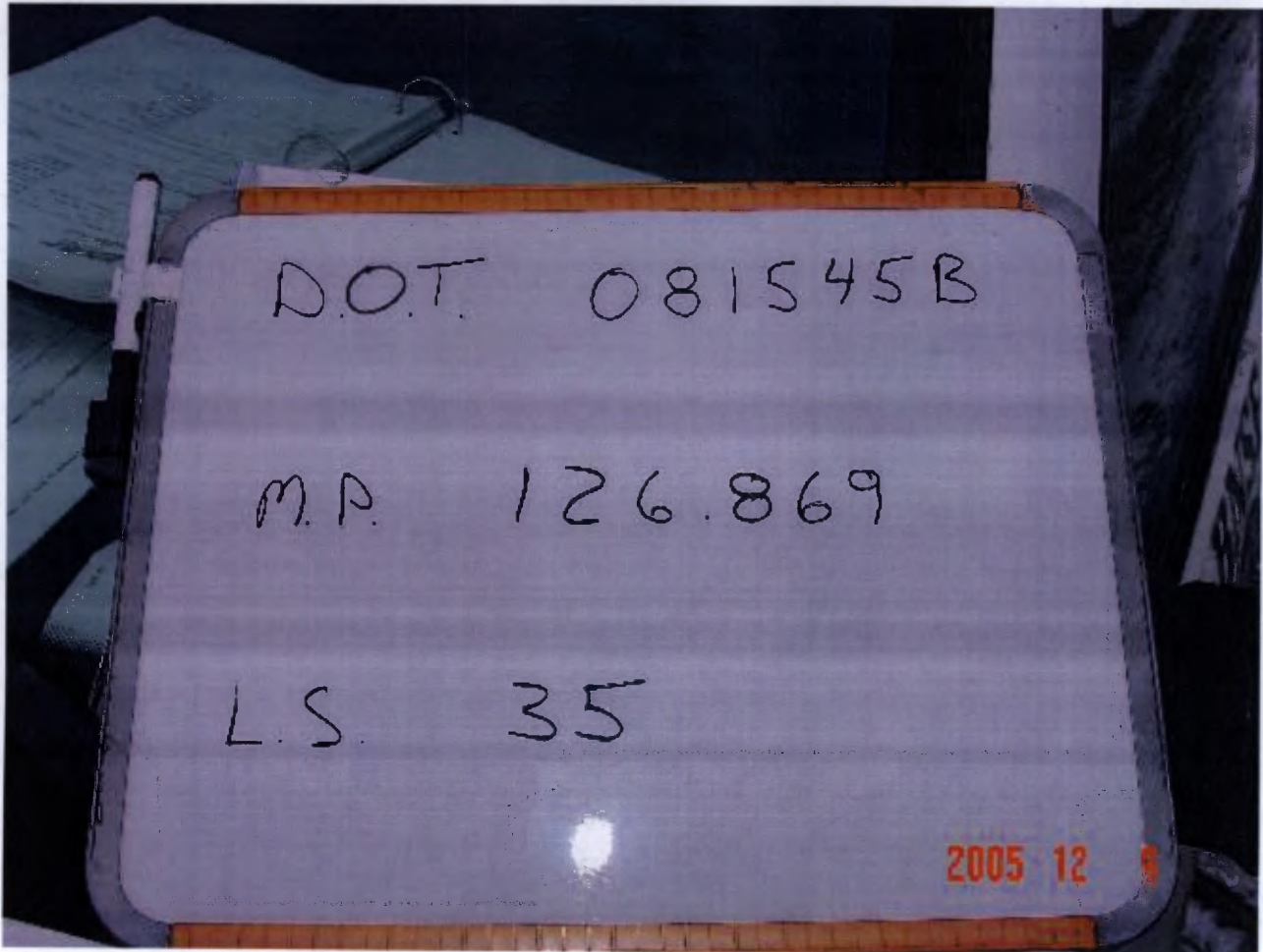




PRIVATE CROSSING

DOT # 081545B

























PRIVATE CROSSING

DOT # 087697T









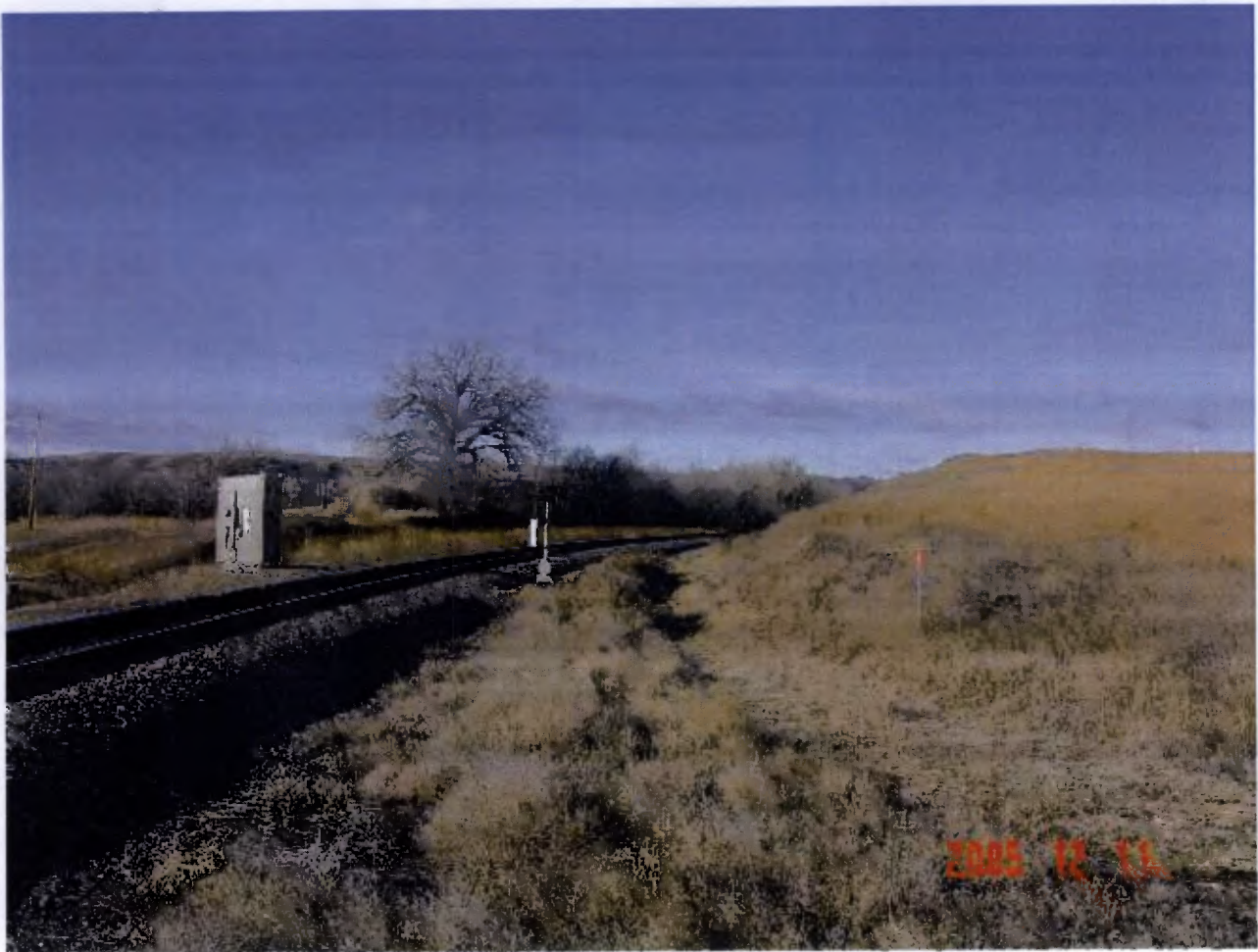
Dot 087697T
MP 4.38
LS 39

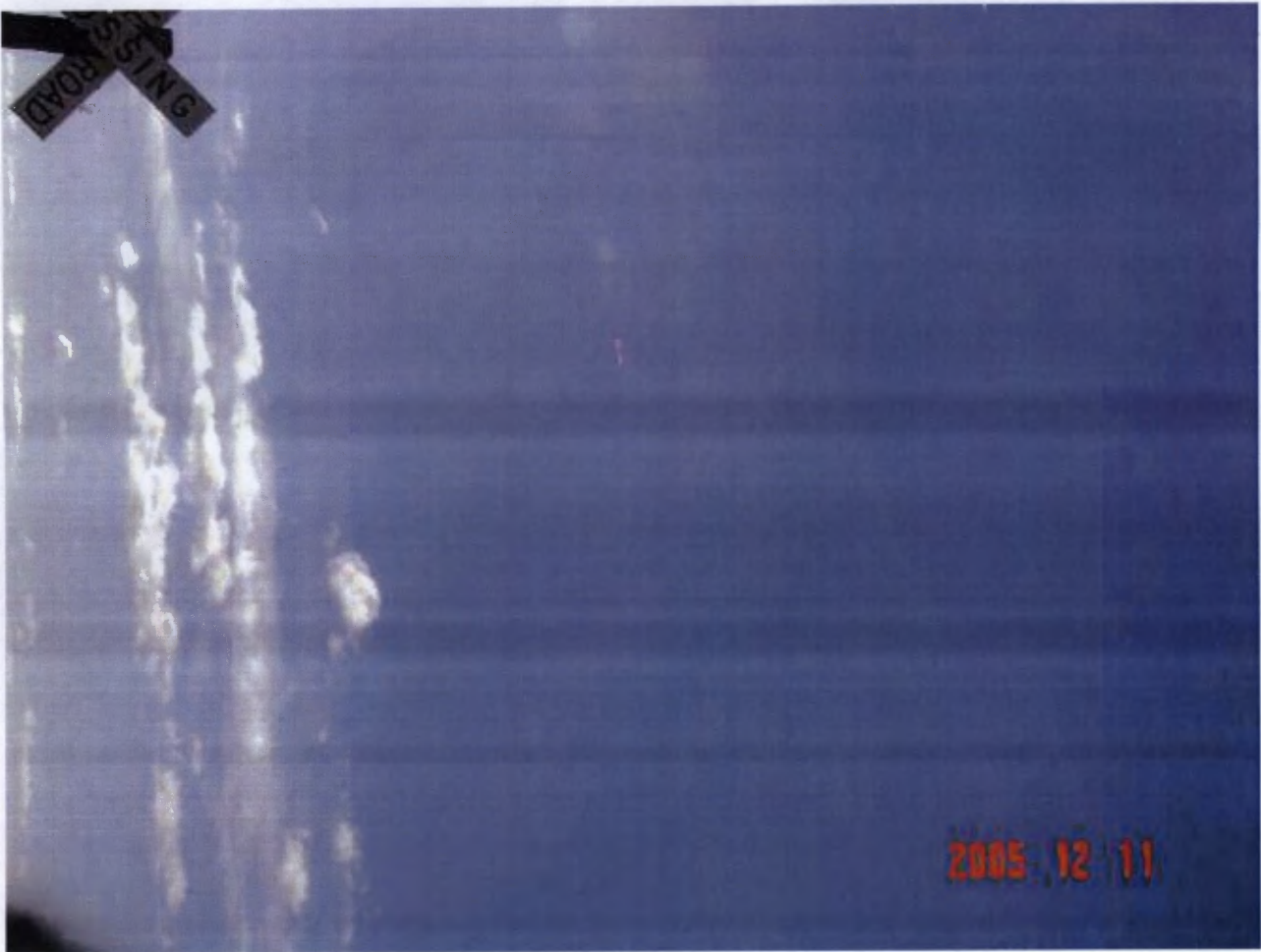
2005 12 11

















PRIVATE CROSSING

DOT # 087513R

DOT: 087513R

MP: 66.239

LS: 39

2005 12 10

BOONE









