

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

THE PUGET SOUND AND)	DOCKET NO. TR-032037
PACIFIC RAILROAD COMPANY,)	
)	ORDER NO. 01
Petitioner,)	
)	ORDER GRANTING PETITION TO
v.)	CLOSE A RAILROAD HIGHWAY
)	GRADE CROSSING
GRAYS HARBOR COUNTY)	
)	USDOT: 096536W
Respondent.)	WUTC: 40C 3.80
.....)	

BACKGROUND

- 1 On December 9, 2003, the Puget Sound and Pacific Railroad Company (PSAP) filed a petition with the Commission, seeking approval to close a railroad-highway grade crossing. The crossing is located at the intersection of 3rd Street and the petitioner’s tracks, in the NW ¼ of the NE ¼ Section 20, Township 18 N., Range 5 W., W.M., in Grays Harbor County, Washington. Funding for the closure is pursuant to the Inter-modal Surface Transportation Efficiency Act, in cooperation with the Washington State Department of Transportation.

- 2 Respondent has consented to an entry of an Order by the Commission without further notice or hearing.

- 3 3rd Street, in the vicinity of the PSAP tracks, consists of a narrow two-lane road with steep grades on both roadway approaches to the crossing. On the south side of the crossing, 3rd Street extends approximately 100 feet, where it ends at the 3rd Street/Elma-McCleary Road intersection. On the north side of the crossing, 3rd Street extends approximately 250 feet, after which the road curves sharply to the east and becomes O’Donnell Avenue. Sight distance down the tracks is obscured by vegetation in all four quadrants of the crossing. Average daily traffic through the crossing is estimated at 219 vehicles. Warning devices at the crossing consist of crossbucks and stop signs.

- 4 The proposal to close the 3rd Street grade crossing is related to a plan by the parties to consolidate two railroad-highway grade crossings in the vicinity. The 3rd Street grade crossing is located approximately ¼ mile to the west of another grade crossing at O'Donnell Avenue. The proposal involves closing the 3rd Street grade crossing and diverting motorists that typically use the 3rd Street grade crossing to the O'Donnell Avenue grade crossing. The portion of O'Donnell that would facilitate this diversion of traffic will be improved to accommodate two-way traffic and the O'Donnell Avenue grade crossing is to be upgraded to include flashing light signals with gates. Upgrades to the warning devices at the O'Donnell Avenue crossing have been approved by Commission order in Docket TR-032027. In addition, Grays Harbor County will construct a cul-de-sac at the point where 3rd Street intersects with O'Donnell Avenue. The cul-de-sac will facilitate turning movements at the resulting dead end at the western terminus of O'Donnell Avenue.
- 5 The petition alleges that closure of the 3rd grade crossing and diversion of its traffic to the O'Donnell Avenue grade crossing, along with the associated improvements to the local roadway system and the warning devices at the O'Donnell Avenue grade crossing, will improve public safety in the vicinity without resulting in significant impacts to traffic circulation.
- 6 Pursuant to the procedure specified in RCW 81.53.060, Commission Staff posted notice of the filing of the petition at the 3rd Street railroad-highway grade crossing and caused the same notice to be published in the Daily World, a newspaper of general circulation in the vicinity of the crossing, on January 23, 2004. The notice directed that any person having objection to the proposal should state such objections in writing to the Commission by February 16, 2004.
- 7 On January 29, 2004, an objection to the closure was filed by Mr. Earl Linn of Elma, Washington. After subsequent discussions with Grays Harbor County, Mr. Linn verbally agreed to withdraw his objection. In a telephone conversation

with Mr. Linn on February 12, 2004, Staff verified that he no longer objected to the proposal. On February 27, 2004, Commission Staff sent a letter to Mr. Linn stating Staff's understanding that he has withdrawn his objection and inviting him to clarify his position if needed. The letter asked Mr. Linn to respond by March 11, 2004. No comments were received.

8 Grays Harbor County, as State Environmental Policy Act lead agency for the proposal, has issued a Determination of Non-Significance for the proposal, thereby satisfying state environmental requirements for the project.

FINDINGS AND CONCLUSIONS

9 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *Chapter 81.53 RCW.*

10 (2) The 3rd Street grade crossing, identified as USDOT 096536W, is a public railroad-highway grade crossing within the state of Washington.

11 (3) RCW 81.53.060 and WAC 480-62-150(1)(b) require that the Commission grant approval prior to the closure of a public railroad-highway grade crossings within the State of Washington.

12 (4) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.

13 (5) This matter was brought before the Commission at its regularly scheduled meeting on March 12, 2004.

14 (6) After examination of the petition filed by the Puget Sound and Pacific Railroad Company on December 9, 2003, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

15 The petition of the Puget Sound and Pacific Railroad Company to close a railroad-highway grade crossing at the intersection of 3rd Street and the petitioner's tracks, in Grays Harbor County, Washington, is granted, subject to the following conditions:

- (1) Closure of the 3rd Street grade crossing is subject to the successful completion of roadway improvements to O'Donnell Avenue specified in the petition, the signalization of the O'Donnell Avenue grade crossing as approved in Docket TR-032027, and the construction of a cul-de-sac as specified in the drawings filed in this proceeding.
- (2) Upon closure of the crossing, the Puget Sound and Pacific Railroad Company must remove the crossing surface and warning devices at the crossing.
- (3) Upon closure of the crossing, Grays Harbor County must install barricades or employ some other means that specifies the terminus points of 3rd Street on either side of the tracks and indicates that access across the tracks is not possible via 3rd Street.
- (4) Grays Harbor County must notify the Commission, in writing, when the crossing is closed to all roadway traffic.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.060, directed the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 12th day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary