

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

BNSF RAILWAY CO.,)	DOCKET TR-140478
)	
Petitioner,)	ORDER 01
)	
)	ORDER GRANTING PETITION TO
)	RECONSTRUCT A PUBLIC
CITY OF FERNDALE,)	HIGHWAY-RAIL GRADE CROSSING
)	AT BROWN ROAD IN FERNDALE
Respondent.)	
)	USDOT: 084839W
)	
.....)	

BACKGROUND

- 1 On March 25, 2014, BNSF Railway Co. (BNSF or Petitioner) filed a petition with the Washington Utilities and Transportation Commission (Commission) seeking approval to reconstruct a railroad-highway grade crossing at Brown Road in Ferndale. On July 21, 2014, BNSF filed a revised petition. The crossing is identified as USDOT 084839W and is located at the intersection of Brown Road and BNSF’s tracks. BNSF proposes to connect two sidings, Custer and Ferndale and create a five mile double-track segment along this corridor. The new track will be located on the east side of the existing mainline track.
- 2 On August 18, 2014, the City of Ferndale (City) consented to entry of an Order by the Commission without further notice or hearing.
- 3 Brown Road is a two lane rural local road with one lane in each direction. Average daily vehicle traffic over the crossing is estimated at 1,468. As a designated truck route, 11 percent of the vehicles are commercial motor vehicles. Up to 20 school buses travel over this crossing each weekday. The posted legal speed limit is 35 miles per hour.
- 4 BNSF currently maintains one mainline track at this location. The authorized and operating speed limit for freight trains is 60 and passenger trains is 79 miles per hour. Up to 17 freight trains and four passenger trains operate over the crossing on a daily basis.
- 5 Railroad warning devices at the Brown Road crossing consist of cantilever-mounted lights and gates, crossbucks and constant warning train detection.
- 6 By connecting the two sidings, a five mile double-track segment of track will be created. The expanded siding will allow BNSF to transition two freight trains on this siding without

impacting public crossings and reduces the meet-and-pass waiting distance between the existing sidings. As part of the crossing reconstruction, BNSF will reduce the grade of the approaches to the crossing from four to three percent, a more desirable standard and provides for a smoother ride for motorists.

- 7 There will be no change to the type of railroad warning devices at the crossing. However, the existing equipment will be replaced with new equipment, concrete crossing panels will be installed for the new track crossing surface and constant warning train detection will be added to the new track. “2 Tracks” signs will also be posted on both approaches to the crossing and a “Do Not Stop on Tracks” sign will be added on the west side of the crossing.
- 8 The proposed upgrades are in the interest of improving safety and convenience for roadway users.

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 proposed reconstruction of a crossing involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.
- 11 (3) RCW 81.53.261 and WAC 480-62-150 require that the Commission grant approval prior to reconstructing a public railroad-highway grade crossing within the state of Washington.
- 12 (4) Commission staff investigated the petition and recommends that it be granted. All traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices.*
- 13 (5) After examination of the petition filed by BNSF Railway Co. on March 25, 2014, and revised on July 21, 2014, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

14 The petition of BNSF Railway Co. to reconstruct a railroad-highway grade crossing at Brown Road and the Respondent's tracks in Ferndale is granted, as follows:

- (1) The modifications must conform to those described in the petition.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices*.
- (3) Petitioner must notify Commission Staff within 30 days upon completion of this modification project.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 03 in Docket A-090485. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective January 16, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).