

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

BNSF RAILWAY CO.,
Petitioner.

vs.

CITY OF SPRAGUE,
Respondent.

DOCKET TR-152208

ORDER 01

ORDER GRANTING PETITION, WITH
CONDITIONS, TO CLOSE A PUBLIC
HIGHWAY-RAIL GRADE CROSSING
AT D STREET IN SPRAGUE

USDOT: 089642M

BACKGROUND

- 1 On November 18, 2015, BNSF Railway Co. (BNSF or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to close a highway-rail grade crossing. The crossing is identified as USDOT 089642M and is located at the intersection of D Street and BNSF's tracks in the city of Sprague.
- 2 The petition included the City of Sprague's (City) consent to entry of an order by the Commission without further notice or hearing.
- 3 In its petition, BNSF states that the average daily vehicle count over the crossing is 20, consisting of mainly local traffic. No school buses travel over the crossing. Up to 22 trains per day operate over the crossing at 45 miles per hour, including two passenger trains.
- 4 There are three sets of tracks at the D Street crossing: one mainline and two sidings. The crossing is protected by shoulder-mounted lights and gates. BNSF states that the crossing is redundant because there are several reasonable alternate routes for drivers and pedestrians. F Street and B Street are the closest alternate routes; F Street is located approximately one quarter mile west of the D Street crossing, and B Street is located approximately one quarter mile to the east. Both the F Street and B Street crossings are equipped with shoulder-mounted lights and gates.
- 5 Pursuant to the procedure specified in RCW 81.53.060, Commission staff posted notice of the proposed crossing closure at the crossing. Commission staff also arranged for publication of a legal notice in the Davenport Times, the newspaper of general circulation

in the Sprague area. Publication occurred on December 17 and 24, 2015. The notice directed any person wishing to comment on the petition to respond by email or in writing to the Commission. The Commission did not receive comments or objections regarding the proposed crossing closure within the prescribed time frame.

6 The City, 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.

7 Commission staff investigated the petition and recommends that the petition be granted. The proposed closure is in the interest of improving safety at highway-grade crossings by eliminating a crossing.

FINDINGS AND CONCLUSIONS

8 (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. RCW 81.53.

9 (2) The proposed closure involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.

10 (3) RCW 81.53.060 requires that the Commission grant approval prior to closing a public railroad-highway grade crossing within the state of Washington.

11 (4) Commission staff investigated the petition and recommends that it be granted with the conditions set forth below:

- a. The D Street crossing must be closed no later than December 31, 2016.
- b. Upon closure of the crossing, BNSF must remove the crossing surface and signals.
- c. The City must install guard rail with retro-reflective “Road Closed” signs 50 feet from the mainline tracks on both the north and south approaches to the crossing on D Street. The City must also install retro-reflective “Road Closed Ahead” signs in place of the current railroad crossing advance warning signs on D Street.
- d. BNSF must install “No Trespassing” signs along its right-of-way in all four quadrants of the D Street crossing.

- e. Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- f. Upon completion of all aspects of the closure authorized herein (e.g., the removal of signals and crossing surface, installation of signage and guard rail on the roadway), BNSF and the City must jointly notify the Commission.
- g. Once the crossing is closed, the City must report to the Commission any incidents at this location for a period of one year. An incident is defined as pedestrians trespassing over the closed crossing or other safety-related events at or near the D Street crossing. The first reporting deadline will be 90 days from the date the parties notify the Commission of the crossing closure and continue on a quarterly basis for one year. The City must provide a summary of incidents including, at a minimum, the date and description of the incident. These periodic reports will enable the stakeholders, including Commission staff, to monitor any potential safety issues, including pedestrian trespass problems. If safety concerns arise as a result of the monitoring, the stakeholders will work collaboratively to address the issues.

12 (5) This matter was brought before the Commission at its regularly scheduled meeting on March 24, 2016.

13 (6) After examination of the petition filed by BNSF on November 18, 2015, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

O R D E R

THE COMMISSION ORDERS:

14 The petition of BNSF Railway to close a railroad-highway grade crossing at D Street in Sprague, is granted, as follows:

- (1) The D Street crossing must be closed no later than December 31, 2016.
- (2) Upon closure of the crossing, BNSF must remove the crossing surface and signals.

- (3) The City must install guard rail with retro-reflective “Road Closed” signs 50 feet from the mainline tracks on both the north and south approaches to the crossing on D Street. The City must also install retro-reflective “Road Closed Ahead” signs in place of the current railroad crossing advance warning signs on D Street.
- (4) BNSF must install “No Trespassing” signs along its right-of-way in all four quadrants of the D Street crossing.
- (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (6) Upon completion of all aspects of the closure authorized herein (e.g., the removal of signals and crossing surface, installation of signage and guard rail on the roadway), BNSF and the City must jointly notify the Commission.
- (7) Once the crossing is closed, the City must report to the Commission any incidents at this location for a period of one year. An incident is defined as pedestrians trespassing over the closed crossing or other safety-related events at or near the D Street crossing. The first reporting deadline will be 90 days from the date the parties notify the Commission of the crossing closure and continue on a quarterly basis for one year. The City must provide a summary of incidents including, at a minimum, the date and description of the incident. These periodic reports will enable the stakeholders, including Commission staff, to monitor any potential safety issues, including pedestrian trespass problems. If safety concerns arise as a result of the monitoring, the stakeholders will work collaboratively to address the issues.

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

DATED at Olympia, Washington and effective March 24, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary