

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

BNSF RAILWAY CO.,

Petitioner,

CITY OF BINGEN,

Respondent.

Seeking Approval to Upgrade Signals
at a Railroad-Highway Grade Crossing

DOCKET TR-160273

ORDER 01

ORDER GRANTING PETITION TO
MODIFY HIGHWAY-RAIL GRADE
CROSSING ACTIVE WARNING
DEVICES AT WALNUT STREET AND
AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT: 090168N

BACKGROUND

- 1 On March 3, 2016, BNSF Railway Co. (BNSF or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify active warning devices at a railroad-highway grade crossing. BNSF filed a revised petition on April 8, 2016. The crossing is identified as USDOT 090168N and is located at the intersection of Walnut Street and the Petitioner's tracks in the city of Bingen. The Petitioner further requested the Commission authorize an expenditure of \$14,502 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
- 2 The Respondent, the City of Bingen (City), consented to entry of an Order by the Commission without further notice or hearing.
- 3 In the 2014 Marine and Rail Oil Transportation Study, Commission Staff identified the Walnut Street crossing as an under-protected crossing along an oil route, based on identified risk factors and existing levels of protection at the crossing. Commission Staff conducted an on-site diagnostic review meeting with representatives from BNSF and the City. As a team, the participants generally agreed on a future course of action to improve safety at the crossing, including interim and long-term recommendations. This project addresses the recommended interim improvement at the crossing.
- 4 Walnut Street is a two-lane roadway with a speed limit of 25 miles per hour. Average annual daily vehicle traffic through the crossing is estimated at 850 vehicles. Walnut Street is not part of an established school bus route; however, the crossing is part of an

established truck route with trucks making up 12 percent of the total daily traffic. Freight trains are authorized to operate at 45 miles per hour over this three-track crossing, which consists of one mainline track and two sidings. Thirty freight trains per day currently operate over the crossing at 45 miles per hour. Passenger trains are authorized to operate at 45 miles per hour. Currently, two passenger trains per day operate over the crossing at 45 miles per hour.

- 5 Railroad warning devices at the Walnut Street crossing consist of shoulder-mounted flashing lights, a crossbuck and advance warning sign on the north approach to the crossing, and motion-sensor train detection. BNSF proposes to replace the existing incandescent lighting with LED lighting.
- 6 Commission Staff reviewed the proposed upgrade and recommends approval of the project. The upgrades to LED flashing lights will improve the overall safety at the crossing by providing greater visibility for the motoring public and pedestrians.
- 7 The proposed project will improve safety in the interim, until the crossing can be fully upgraded to include gates, a concrete crossing surface, and relocation of the bungalow to increase sight distance, which are the long-term recommendations.
- 8 The total approximate cost of this project is \$26,259. The Petitioner is contributing \$11,757 in labor toward the cost of the upgrades and is responsible for any additional project costs. An expenditure of \$14,502 from the Grade Crossing Protective Fund is available to help fund the improvements.

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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. RCW 81.53; RCW 81.53.271; RCW 81.53.281.
- 10 (2) The grade crossing at Walnut Street, identified as USDOT 090168N, is a public railroad-highway grade crossing within the state of Washington.
- 11 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also* WAC 480-62-150.

- 12 (4) RCW 81.53.271 allows the Commission to disburse up to \$20,000 from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device, without requiring the Petitioner to share the cost.
- 13 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 14 (6) After reviewing BNSF's petition filed on March 3, 2016, and the revised petition filed on April 8, 2016, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 15 BNSF Railway Co.'s petition to upgrade warning devices at a railroad-highway grade crossing, located at Walnut Street, is granted. The cost of a portion of this upgrade shall be paid from the Grade Crossing Protective Fund. Approval of the petition is subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$14,502.
 - (2) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
 - (3) BNSF must sign and return the attached project agreement.
 - (4) The project must be completed no later than February 28, 2017.
 - (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) BNSF must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in

full compliance with applicable laws, regulations, and the conditions specified in this Order.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective April 18, 2016.

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 website 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 website.

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