

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

SKAGIT COUNTY,

Petitioner,

v.

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-170985

ORDER 01

ORDER GRANTING PETITION FOR  
INSTALLATION OF MEDIAN  
BARRIERS AT A HIGHWAY-RAIL  
GRADE CROSSING ON NORTH  
LEGG ROAD

USDOT: 084791W

**BACKGROUND**

- 1 On September 21, 2017, Skagit County Public Works (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for installation of median barriers at a highway-rail grade crossing located at N. Legg Road, identified as USDOT 084791W.
- 2 On September 21, 2017, the Commission sent a letter to BNSF Railway Company (BNSF) requesting a response to the Petition within 20 days indicating its support or opposition.
- 3 On October 11, 2017, BNSF consented to entry of an order by the Commission without further notice or hearing.
- 4 N. Legg Road is a two-lane roadway with a posted speed limit of 25 miles per hour. Average annual daily vehicle traffic through the crossing is estimated at 154 vehicles. N. Legg Road is part of an established truck route, with trucks making up four percent of the total daily traffic. N. Legg Road is also part of an established school bus route, with two buses traveling over the crossing daily. Twenty freight trains operate over this single mainline track crossing each day at 50 miles per hour. Two passenger trains operate over the crossing each day at 79 miles per hour.
- 5 Railroad warning devices at the N. Legg Road crossing consist of shoulder-mounted flashing lights, gates, a pedestrian bell, crossbucks, and advance warning signs.

6 The County seeks to install non-traversable concrete center median barriers on both approaches to the N. Legg Road crossing. The concrete medians will be six inches tall and 12 inches wide, extending 100 feet back from the gate arm in the down position on both approaches to the crossing. Reflective traffic channelization devices will be installed on the medians. The County is responsible for long-term maintenance of the median barriers.

7 Commission Staff recommends granting Skagit County's petition subject to the following conditions:

- The modifications must conform to those described in and attached to the petition.
- Traffic control devices must comply with all applicable standards specified in the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- Upon completion of the modifications authorized herein, the County must notify the Commission within 60 days. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

#### 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. *Chapter 81.53 RCW.*
- 9 (2) The N. Legg Road grade crossing, identified as USDOT 084791W, is a public railroad-highway grade crossing within the state of Washington.
- 10 (3) WAC 480-62-150 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington.
- 11 (4) Commission Staff investigated the petition and recommended that it be granted with conditions.

- 12 (5) After examination of the petition filed by the County on September 21, 2017, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

**ORDER**

THE COMMISSION ORDERS:

- 13 The petition of Skagit County to modify a railroad-highway grade crossing and install median barriers at N. Legg Road in Skagit County is granted. Approval of the petition is subject to the following conditions:

- (1) The modifications must conform to those described in and attached to the petition.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- (3) Upon completion of the modifications authorized herein, the County must notify the Commission within 60 days. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

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 October 25, 2017.

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 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 website. 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).