

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF BINGEN,

 Petitioner,

BNSF RAILWAY COMPANY,

 Respondent.

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

DOCKET TR-180682

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 August 10, 2018, the City of Bingen (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify active warning devices at a highway-rail grade crossing. 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 \$19,084 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
- 2 The Respondent, the BNSF Railway Company (BNSF), 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 one of the recommended long-term improvements 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. An

average of 30 freight trains per day operate at 45 miles per hour over this three-track crossing, which consists of one mainline track and two sidings. 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 LED flashing lights, a crossbuck and advance warning sign on the north approach to the crossing, and motion-sensor train detection. The City proposes to install constant-warning train detection, crossing gates, new batteries and battery chargers, and a new, relocated bungalow. The City will pursue the remaining recommended upgrade to the crossing surface as a future project requiring additional funding.

6 Commission Staff reviewed the proposed upgrades and recommends approval of the project. The upgrades will improve the overall safety at the crossing.

7 The total approximate cost of this project is \$449,084. The City received \$430,000 in state funding in the 2017-2019 Transportation Budget toward the cost of the upgrades. An expenditure of \$19,084 from the Grade Crossing Protective Fund is available to help fund the improvements.

FINDINGS AND CONCLUSIONS

8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public highway-rail 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.

9 (2) The grade crossing at Walnut Street, identified as USDOT 090168N, is a public highway-rail grade crossing within the state of Washington.

10 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public highway-rail grade crossings within the state of Washington. *See also* WAC 480-62-150.

11 (4) RCW 81.53.271 allows the Commission to disburse funds 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.

- 12 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 13 (6) After reviewing the City's petition filed on August 10, 2018, 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

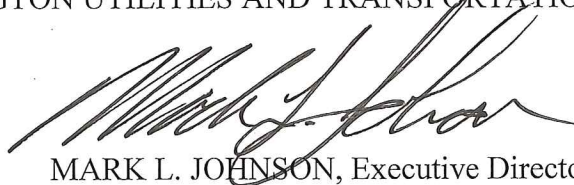
THE COMMISSION ORDERS:

- 14 The City of Bingen's petition to upgrade warning devices at a highway-rail 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 \$19,084.
 - (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) The City must sign and return the attached project agreement.
 - (4) The project must be completed no later than June 30, 2019.
 - (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) The City 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 August 16, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARK L. JOHNSON, 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).