

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF NEWPORT

Petitioner,

Seeking Approval to Modify Public
Highway-Rail Grade Crossing and
Requesting Disbursement from the
Grade Crossing Protective Fund

DOCKET TR-200157

ORDER 01

GRANTING PETITION TO MODIFY A
PUBLIC HIGHWAY-RAIL GRADE
CROSSING AT PINE STREET AND
AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT: 399589J

BACKGROUND

- 1 On February 28, 2020, the City of Newport (Newport or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to modify a highway-rail grade crossing, identified as USDOT 399589J (Petition). The crossing is located at the intersection of Pine Street in Newport and the railroad tracks of the Pend Oreille Valley Railroad. The Petitioner further requests the Commission authorize an expenditure of \$19,900 from the Grade Crossing Protective Fund (GCPF) to pay for the modifications.
- 2 Pine Street is a two-lane roadway with a speed limit of 25 miles per hour. Estimated average annual daily vehicle traffic through the crossing is 1,600 vehicles. Pine Street is part of an established truck route with approximately 10 percent commercial vehicle traffic. Pine Street is not part of an established school bus route. Two freight trains operate over this crossing daily at up to 20 miles per hour. No passenger trains operate over the crossing.
- 3 Railroad warning devices at the Pine Street crossing consist of advance warning signs on both approaches and crossbucks.
- 4 The Petitioner is installing sidewalks on Pine Street and proposes to install an ADA-compliant pedestrian surface at the crossing. This upgrade will improve safety at the crossing. The Petitioner is requesting \$19,900 in GCPF funds to pay for the pedestrian crossing surface. The larger sidewalk project is funded separately. GCPF funds are

available for this project. The Petitioner will cover costs in excess of \$19,900 and will provide the labor needed for installation.

- 5 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) expenditure from the GCPF must not exceed \$19,900, (2) payment will be made upon presentation of claim for reimbursement for materials and verification by Staff that the work has been satisfactorily completed, (3) the Petitioner must sign and return the attached project agreement, (4) the project must be completed by December 31, 2020, (5) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*, and (6) the Petitioner must notify the Commission within 60 days upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

DISCUSSION

- 6 RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. RCW 81.53.271 authorizes the Commission to disburse funds from the GCPF to pay for improvements to highway-rail grade crossings. We find that the proposed modifications will improve overall safety for roadway users. Accordingly, the Commission grants the Petition subject to the conditions recommended by Staff in Paragraph 5, above.

FINDINGS AND CONCLUSIONS

- 7 (1) The 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 GCPF.
- 8 (2) The grade crossing at Pine Street, identified as USDOT 399589J, is a public highway-rail grade crossing within the state of Washington.
- 9 (3) RCW 81.53.261 requires the Commission to grant approval prior to any changes to public highway-rail grade crossings within the state of Washington.¹
- 10 (4) RCW 81.53.281 allows the Commission to disburse funds from the Grade Crossing Protective Fund to pay for rail safety projects authorized or ordered by the Commission.

¹ See also WAC 480-62-150.

- 11 (5) Commission Staff investigated the Petition and recommends that it be granted subject to the conditions set out in paragraph 5, above.
- 12 (6) After reviewing the Petition filed by Newport on February 28, 2020, and giving due consideration to all relevant matters and for good cause shown, the Commission should grant the Petition and request for disbursement of funds, subject to conditions.

ORDER

THE COMMISSION ORDERS:

- 13 The City of Newport's Petition to modify a highway-rail grade crossing, located at Pine Street, is granted subject to conditions. The cost of the materials for 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 \$19,900;
 - (2) Payment will be made upon presentation of claim for reimbursement for materials and verification by Commission Staff that the work has been satisfactorily completed;
 - (3) The Petitioner must sign and return the attached project agreement;
 - (4) The project must be completed no later than December 31, 2020;
 - (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*; and,
 - (6) The Petitioner must notify the Commission within 60 days of the 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-180762. The Secretary finds this Order to be consistent with the public interest.

DATED at Lacey, Washington, and effective March 20, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON,
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904, you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.