

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-230623
CITY OF SUNNYSIDE,	ORDER 01
Petitioner,	GRANTING PETITION TO MODIFY WARNING DEVICES AT A PUBLIC HIGHWAY-RAIL GRADE CROSSING AT NORTH 6 TH STREET, SUNNYSIDE, YAKIMA COUNTY
CENTRAL WASHINGTON RAILROAD COMPANY, BNSF RAILWAY CO.,	
Respondents.	USDOT: 098585A

BACKGROUND

- 1 On July 31, 2023, the City of Sunnyside (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify warning devices at a railroad-highway grade crossing located at North 6th Street in Sunnyside, Yakima County, identified as USDOT 098585A.
- 2 Respondents Central Washington Railroad Company (Central Washington), the operating railroad, and BNSF Railway Co. (BNSF), the rail owner, (Respondents) consented to entry of a Commission order without hearing.
- 3 North 6th Street is a two-lane city street with a posted vehicle speed limit of 30 miles per hour that crosses a single mainline track. Average annual daily traffic at this location is estimated at 9,000 vehicles. North 6th Street is not part of an established truck route or school bus route. Central Washington operates up to four freight trains over this crossing daily at up to 10 miles per hour. No passenger trains operate over this crossing.
- 4 Warning devices at the North 6th Street crossing consist of advance warning signs, pavement markings, reflectorized crossbucks, Emergency Notification System signs, a warning bell, vehicle gates, and mast and cantilever-mounted LED warning lights.
- 5 The City proposes to realign the roadway centerline approximately four and a half feet to the west to accommodate additional parking outside of the railroad right-of-way, and to allow for new pedestrian islands to shorten crosswalk distances. This will require modifying the crossing warning devices by extending each cantilever to accommodate one additional LED assembly, adding a gate conversion bracket to extend the east vehicle

gate, shortening the west vehicle gate, and moving two reflectorized crossbucks to the mast arms.

- 6 In describing the public safety need for these modifications in its Petition, the City states these modifications are part of a larger roadway and sidewalk project that will improve safety for drivers and pedestrians. Two project safety improvements include shortening crosswalks at intersections and upgrading all curb ramps to comply with the Americans with Disabilities Act.
- 7 According to the Petition, the City and the Respondents have reached an agreement related to the apportionment of costs for the proposed upgrades.
- 8 Commission staff (Staff) has investigated the Petition and recommends that it be granted 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) the City must complete the proposed modifications within three years, and (4) the City 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 the conditions specified herein.

DISCUSSION

- 9 RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. We find that the proposed modifications will improve overall safety for drivers and pedestrians. When the Commission directs the installation of the active warning devices, it will apportion installation and maintenance costs in accordance with the applicable statutes.¹ RCW 81.53.261 provides that the parties may enter into an agreement providing for the installation of signals or other warning devices or for the apportionment of the cost of installation and maintenance. The parties to this Petition confirmed that they have reached an agreement related to cost apportionment. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 10 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.

¹ See RCW 81.53.261–.295.

- 11 (2) The North 6th Street grade crossing, identified as USDOT 098585A, is a public railroad-highway grade crossing within the state of Washington.
- 12 (3) RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. See also WAC 480-62-150.
- 13 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 8, above.
- 14 (5) After examining the Petition filed by the City on July 31, 2023, and considering all relevant matters and for good cause shown, the Commission grants the Petition.

O R D E R

THE COMMISSION ORDERS:

- 15 The City of Sunnyside's Petition to modify warning devices at a railroad-highway grade crossing located at North 6th Street is granted and the parties are directed to proceed with the modifications described in the Petition, 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) The City of Sunnyside must complete the modifications within three years of the effective date of this Order.
 - (4) The City of Sunnyside 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 the conditions specified herein.
- 16 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 August 3, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL,
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(3), 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.