

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

THE BNSF Railway Company,)	DOCKET NO. TR-050231
)	
Petitioner,)	ORDER NO. 01
)	
v.)	ORDER GRANTING PETITION TO
)	UPGRADE RAILROAD WARNING
YAKIMA, WASHINGTON)	DEVICES AT WASHINGTON
)	AVENUE
Respondent.)	
)	USDOT: 099169B
)	WUTC: 1C 87.60
.....)	

BACKGROUND

- 1 On February 14, 2005, the BNSF Railway Company filed a petition with the Commission, seeking approval to upgrade warning devices at a railroad-highway grade crossing. The crossing is located at the intersection of Washington Avenue and the petitioner’s tracks, in the NE ¼ of the SE ¼ of Section 31, Township 13 N., Range 19 E., W.M., in Yakima, Washington. Funding for the upgrades is pursuant to the Inter-modal Surface Transportation Efficiency Act, in cooperation with the Washington State Department of Transportation.
- 2 The city of Yakima has consented to an entry of an order by the Commission without further notice or hearing.
- 3 In the vicinity of the crossing, Washington Avenue is classified as a principal arterial roadway, with two lanes for each direction of traffic and a vehicle speed limit of 35 mph. Average daily traffic (ADT) through the crossing is estimated at 17,200 vehicles, including 350 trucks and 12 school bus trips. ADT is expected to reach 22,000 by 2015.

4 Petitioner maintains one mainline track and one spur track through the crossing. Average daily train traffic includes six freight trains traveling at a maximum speed of 49 mph.

5 Warning devices at the crossing consist of older model cantilever-mounted signals with gates. In addition to the signal hardware being outdated, the current cantilevers only extend partway into the outside lanes of travel. On November 13, 2002, representatives of the Washington State Department of Transportation, the city of Yakima, the Federal Highway Administration, and Commission staff performed a safety review of the crossing related to the city's application for a federal grade crossing safety improvement grant. The review resulted in a recommendation to replace the existing equipment with up-to-date signals that extend over the inner lanes of travel, thus allowing for improved visibility of the signals from each roadway lane. The petitioner seeks to install new cantilever-mounted flashing light signals with gates. As proposed, the new signals would extend 28 feet from the center of the signal masts towards the roadway centerline and would conform to the recommendation of the review team. The upgrades are proposed in the interest of improving safety for roadway users.

FINDINGS AND CONCLUSIONS

6 (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.*

7 (2) The Washington Avenue grade crossing, identified as USDOT 099169B, is a public railroad-highway grade crossing within Yakima Washington, a first class city.

8 (3) RCW 81.53.261 requires that the Commission grant approval prior to making changes in the method and manner of traffic control at public

railroad-highway grade crossings within the state of Washington; however, crossings located within first class cities are generally exempt from this requirement.

- 9 (4) RCW 81.53.291 allows first class cities to opt for the requirements of RCW 81.53.261 to be applied to particular public grade crossing upgrades proposed within their boundaries. This option was exercised by the city of Yakima through their written support of the petition filed by the BNSF Railway Company in Docket No. TR-050231.
- 10 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 11 (6) This matter was brought before the Commission at its regularly scheduled meeting on March 16, 2005.
- 12 (7) After examination of the petition filed by the BNSF Railway Company on February 14, 2005, 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 the BNSF Railway Company to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of Washington Avenue and the petitioner's tracks, in Yakima, Washington, is granted, subject to the following conditions:

- (1) The upgrades must conform to the plans filed in this proceeding.

- (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) Traffic control devices and instrument housing must be installed in such a manner as to provide required clearances from both the roadway and railroad tracks.
- (4) Upon completion of the upgrades authorized herein, petitioner must notify the Commission. 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 Commissioners, having determined that this filing complies with the requirements of RCW 81.53.261, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 16th day of March, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary