



- 6 RCW 81.53.020 requires that all new highway-railroad crossings be grade separated where practicable. Highway-railroad crossings may be authorized at grade by the Commission but only upon a finding that grade separation is impracticable.
- 7 Commission Staff (Staff) investigated the Port's petition to construct the Howard Way crossing at grade. Staff reports that Howard Way is a very short street, approximately 815 feet, that runs between Heritage Street on the north and a dead-end on the south. The area is industrial with further industrial development planned for the future. The topography is flat and sight distances are relatively unobstructed.
- 8 Staff recommends that the Commission find grade separation impracticable at this location based on low train traffic and speed; low highway vehicle traffic and speed; flat topography with good sight distance in all four quadrants; short length of the street; and excessively high cost relative to benefit.
- 9 Staff recommends that the petition be granted subject to the condition that the Port provide additional passive traffic control devices, including standard "yield" signs mounted directly below the cross buck signs on the same posts on both approaches and retroreflective tape on both the cross buck signs and the posts as required by U.S. Department of Transportation, Manual on Uniform Traffic Control Devices (MUTCD) standard in Section 8B.03. See Attachment 1.
- 10 Further, Staff recommends the Port remove vegetation in the southeast quadrant along the tracks to increase sight distance; remove vegetation and relocate private signage near the cross buck location on the southbound approach to provide clear visibility of the cross buck and yield sign, and trim trees near the location of the advance warning sign on the northbound approach to enhance visibility of the sign.
- 11 On August 3, 2009, the city of Woodland consented to an entry of an Order by the Commission without further notice or hearing. BNSF Railway Company will operate on the tracks over this crossing but will have no responsibility for maintaining the crossing. The Port will be solely responsible for constructing and maintaining the crossing in compliance with Commission rules and the MUTCD.

### FINDINGS AND CONCLUSIONS

- 12 (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.*
- 13 (2) The proposed at-grade highway-railroad crossing located at Howard Way, which will be identified as USDOT 923001G, is a public railroad-highway grade crossing within the state of Washington.
- 14 (3) RCW 81.53.020 requires all new highway-railroad crossings to be grade separated where practicable. The Commission finds that it is not practicable to build the tracks over or under Howard Way.
- 15 (4) RCW 81.53.030 requires the Commission to grant approval prior to construction of a public railroad-highway grade crossing within the state of Washington.
- 16 (5) Commission staff investigated the petition and recommended that it be granted with the following conditions:
- (a) In addition to the cross bucks and on the same sign posts, the Port must install standard “yield” signs.
  - (b) The Port must install retroreflective tape on the reverse side of the cross bucks and on the sign posts as required by MUTCD standard in Section 8B.03. See Attachment 1.
  - (c) The Port must cut back or remove vegetation in the southeast quadrant along the tracks to improve sight distance.
  - (d) The Port must cut back or remove vegetation near the cross buck location on the southbound approach to improve visibility of the sign.
  - (e) The Port must remove or relocate a private “for sale” sign near the cross buck location on the southbound approach to improve visibility of the sign.

- (f) The Port must trim or prune a tree near the location of the advance warning sign on the northbound approach to improve visibility of the sign.
  - (g) The Port must install an emergency notification sign such as an I-13 or I-13a sign, MUTCD Section 8B-12.
  - (h) The Port must notify the Commission upon completion of the construction. The crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws and regulations.
- 17 (6) After reviewing the petition filed on July 24, 2009, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

## O R D E R

### THE COMMISSION ORDERS:

- 18 The petition to construct a highway-railroad at-grade crossing, located at the intersection of Howard Way and Port industrial spur tracks, is granted subject to the following conditions:
- (1) In addition to the cross bucks and on the same sign posts, the Port must install standard “yield” signs.
  - (2) The Port must install retroreflective tape on the reverse side of the cross bucks and on the sign posts as required by MUTCD standard in Section 8B.03. See Attachment 1.
  - (3) The Port must cut back or remove vegetation in the southeast quadrant along the tracks to improve sight distance.
  - (4) The Port must cut back or remove vegetation near the cross buck location on the southbound approach to improve visibility of the sign.
  - (5) The Port must remove or relocate a private “for sale” sign near the cross buck location on the southbound approach to improve visibility of the sign.
  - (6) The Port must trim or prune a tree near the location of the advance warning sign on the northbound approach to improve visibility of the sign.

(7) The Port must install an emergency notification sign such as an I-13 or I-13a sign, MUTCD Section 8B-12.

(8) The Port must notify the Commission upon completion of the construction. The crossing is subject to inspection by Commission Staff, verifying that it is full compliance with applicable laws and regulations.

The Commissioners have delegated authority to the Executive Director and Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904(1)(a).

DATED at Olympia, Washington, and effective September 10, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary