

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

In the Matter of the Petition of)	DOCKET TR-110492
)	
)	ORDER 01
CLARK COUNTY,)	
)	ORDER GRANTING PETITION TO
Petitioner.)	CONSTRUCT A PEDESTRIAN/NON-
)	MOTORIZED USE ONLY AT-GRADE
COLUMBIA BASIN RAILROAD,)	RAIL CROSSING AT CHELATCHIE
)	PRAIRIE TRAIL IN BATTLEGROUND
Respondent.)	
)	USDOT: 923008E
.....)	

BACKGROUND

- 1 On March 14, 2011, Clark County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to construct an at-grade crossing that will be used by pedestrians, bicyclists and equestrians at the Chelatchie Prairie Trail. The crossing is identified as USDOT 923008E. The crossing will be located at milepost 16.3 along the County’s rail line in Battleground, Washington.
- 2 The decision to construct an at-grade crossing at this location is part of a project by the County to build a 33 mile recreational trail that traverses through Clark County from Amboy to Vancouver. The trail will be built in phases and the County anticipates that this portion of the trail will be constructed within two to five years. The trail will generally be a 10-foot wide paved surface. The trail will be used by pedestrians, bicyclists and equestrians. The County anticipates that the trail will attract users from all over Western Washington, which will increase tourism in the local communities and provide the public with safe recreational opportunities.
- 3 Clark County owns the tracks and Columbia Basin Railroad (Columbia Basin) leases this segment of the line. Columbia Basin does not currently operate any trains along these tracks and consented to entry of an Order by the Commission without further notice or hearing.
- 4 The County estimates the cost of constructing a grade separated crossing at this location to be well over two million dollars. Construction of a grade separation is not practicable because of the estimated construction cost and the lack of train traffic. Staff recommends

that the County provide annual updates to the Commission on train activity over the crossing so if there is an increase in train frequency in the future, Commission Staff will work with the County and operating railroad to ensure that appropriate warning devices are present at the crossing.

- 5 Freight trains are authorized to travel up to 10 miles per hour on the tracks at this location. The County estimates that during peak summer months up to 200 trail users per day will utilize the crossing once it is constructed and the adjoining trail infrastructure is complete. The use of the trail and crossing will be significantly less during the winter months.
- 6 The crossing will intersect the railroad tracks at-grade. The County does not propose to install active warning devices because of the lack of train traffic. The crossing will be protected by advance warning signs, pathway size cross-bucks, yield signs, and pavement markings. In addition, emergency notification signs will be posted near the crossing. The crossing surface will be made of concrete and flangeway filler will be installed in flanges to reduce the possibility of objects getting caught in the gap between the crossing panels on each side of the rail.
- 7 Clark County, as State Environmental Policy Act (SEPA) lead agency for the proposal, has issued a Determination of Non-significance thereby completing SEPA procedures for the opening of a grade crossing.
- 8 Examination of the petition and consideration of relevant facts support granting Clark County's petition subject to the following conditions:
 - a. In addition to installing a pathway appropriate cross-buck R15-1, on each approach the County must install a yield sign R1-2, on the same post.
 - b. Install an advance railroad warning sign W10-1, on each approach to the crossing, which tells travelers a crossing is approaching.
 - c. Install a stop line on both approaches to instruct users where to stand when a train is approaching.
 - d. Install an emergency notification sign I-13, on each approach to provide emergency notification information.

- e. Install a look sign R15-8, on each approach to provide a reminder to users to look both ways before entering the crossing.
- f. Install flangeway filler the entire length of the crossing.
- g. Traffic control devices must comply with all applicable standards specified in the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- h. The Petitioner must notify the Commission upon completion of the construction of the crossing. The crossing is subject to inspection by Commission Staff, to verify that it is in full compliance with applicable laws, regulations and this order.
- i. Clark County must report to the commission each year on train activity on this line. The first report is due one year from the date of completed construction of the crossing and subsequent annual reports will be due on this date thereafter.

FINDINGS AND CONCLUSIONS

- 9 (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. *RCW 81.53*
- 10 (2) The proposed at-grade pedestrian crossing located at the Chelatchie Prairie Trail, which will be identified as USDOT 923008E, is a public railroad at-grade crossing within the state of Washington.
- 11 (3) RCW 81.53.030 requires that the Commission grant approval prior to the construction of public railroad-highway grade crossings within the state of Washington.
- 12 (4) Commission Staff investigated the petition and recommended that it be granted, subject to Clark County fulfilling the conditions listed in paragraph 14 below.
- 13 (5) After reviewing the petition filed on March 14, 2011, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 14 Clark County's petition to construct a pedestrian/non-motorized use only at-grade crossing, located at the Chelatchie Prairie Trail and over Columbia Basin Railroad tracks is granted, subject to the following conditions:
- a. In addition to installing a pathway appropriate cross-buck R15-1, on each approach to the crossing the County must install a yield sign R1-2, on the same post.
 - b. Install an advance warning sign W10-1, on each approach to the crossing which tells travelers a crossing is approaching.
 - c. Install a stop line on both approaches to instruct users where to stand when a train is approaching.
 - d. Install an emergency notification sign I-13, on each approach to provide emergency notification information.
 - e. Install a look sign R15-8, on each approach to provide a reminder to users to look both ways before entering the crossing.
 - f. Install flangeway filler the entire length of the crossing.
 - g. Traffic control devices must comply with all applicable standards specified in the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
 - h. The Petitioner must notify the Commission upon completion of the construction of the crossing. The crossing is subject to inspection by Commission Staff, to verify that it is in full compliance with applicable laws, regulations and this order.
 - i. Clark County must report to the Commission each year on train activity on this line. The first report is due one year from the date of completed construction of the crossing and subsequent annual reports will be due on this date thereafter.

The Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 81.53.030 and WAC 480-07-904(1)(a).

DATED at Olympia, Washington, and effective April 28, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary