

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

)	DOCKET TR-130221
)	
WHATCOM COUNTY,)	ORDER 01
)	
Petitioner,)	ORDER GRANTING PETITION TO
)	MODIFY WARNING DEVICES AND
BNSF RAILWAY CO.,)	INSTALL AN INTER-TIE BETWEEN
)	RAILROAD WARNING SIGNALS AND
)	TRAFFIC SIGNALS AT BIRCH BAY-
Respondent.)	LYNDEN ROAD
)	
)	USDOT: 084845A
.....)	

BACKGROUND

- 1 On February 11, 2013, Whatcom County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify a railroad-highway grade crossing and interconnect a proposed traffic signal. The crossing is identified as USDOT 084845A and is located at the intersection of Birch Bay-Lynden Road and BNSF Railway Co.’s (BNSF Railway) tracks in Whatcom County. The County is removing an all-way stop control at the nearby Portal Way intersection and replacing it with fully actuated traffic signals.
- 2 Respondent BNSF Railway consented to entry of an Order by the Commission without further notice or hearing.
- 3 Current railroad warning devices at the crossing consist of cantilever-mounted LED lights and gates and “Do Not Stop on Tracks” signage.
- 4 Birch Bay-Lynden Road is a two-lane roadway with a posted vehicle speed limit of 35 miles per hour. Average annual daily traffic through the crossing is estimated at 14,200 vehicles, which includes four percent commercial motor vehicles and two school buses.
- 5 BNSF Railway operates nine freight trains per day at up to 60 miles per hour over the single track mainline crossing. Four passenger trains operate over the crossing per day at up to 79 miles per hour.

- 6 The interconnection of the proposed traffic signals and railroad warning devices is part of the County's roadway improvement project which will also install illumination, channelization, and crosswalks at the intersection of Birch Bay-Lynden Road and Portal Way. The County also proposes to add a left turn lane over the crossing. A new cantilever structure with LED lights and gates will protect the additional turn lane on Birch Bay-Lynden Road. Three shoulder-mounted signal masts with lights and gates will be installed to protect westbound traffic off Portal Way onto Birch Bay-Lynden Road. A raised traffic island will be installed in the northwest quadrant of the intersection to facilitate movement of southbound vehicles turning right onto Birch Bay-Lynden Road. The County will also replace the crossing surface with new concrete panels and the intersection will be fully illuminated. The train detection will also be upgraded to constant warning.
- 7 As part of the County's plan to install a new traffic signal at the intersection of Birch Bay-Lynden Road and Portal Way, the County requests interconnection of this new traffic signal with the existing railroad signals. The County is requesting advanced preemption of 30 seconds based on the proposed configuration of the crossing.

FINDINGS AND CONCLUSIONS

- 8 (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.*
- 9 (2) The Birch Bay-Lynden Road grade crossing, identified as USDOT #084845A, is a public railroad-highway grade crossing within the state of Washington.
- 10 (3) RCW 81.53.261 and WAC 480-62-150 require that the Commission grant approval prior to modifying a public railroad-highway grade crossing or upgrading active crossing warning signals or devices within the state of Washington.
- 11 (4) Commission Staff investigated the petition and recommended that it be granted with conditions.
- 12 (5) After examination of the petition filed by Whatcom County on February 11, 2013, 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 Whatcom County to modify a railroad-highway grade crossing at the intersection of Birch Bay-Lynden Road and the Respondent's tracks in Whatcom County is granted. Approval of the petition is subject to the following conditions:
- (1) The modifications must conform to those described and attached to the revised 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) Upon completion of the authorized construction, Petitioner must notify the Commission within 30 days. 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 set forth in this order.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 03 in Docket A-090485. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective March 12, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Acting Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).