

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION,

Petitioner,

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-190505

ORDER 01

GRANTING PETITION TO MODIFY
WARNING DEVICES AT A PUBLIC
HIGHWAY-RAIL GRADE CROSSING
AT STATE ROUTE 9 AT STATE
ROUTE 20 IN SEDRO WOOLLEY

USDOT: 085007H

BACKGROUND

- 1 On June 17, 2019, the Washington State Department of Transportation (WSDOT or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to modify warning devices at a railroad-highway grade crossing located at State Route 9 (SR-9) at State Route 20 (SR-20), identified as USDOT 085007H.
- 2 Respondent BNSF Railway Company (BNSF) consented to entry of an Order by the Commission without further notice or hearing.
- 3 SR-9 is a three-lane road with a posted vehicle speed limit of 35 miles per hour. Average annual daily traffic through the crossing is estimated at 5,200 vehicles. SR-9 is part of an established school bus route with 10 school buses traveling over the crossing daily. SR-9 is also part of an established truck route with approximately 10 percent commercial vehicle traffic.
- 4 Warning devices at the SR-9 crossing consist of advance warning signs, crossbucks, and cantilever-mounted flashing lights. BNSF operates four freight trains per week over this main line track crossing at 10 miles per hour. No passenger trains travel over the crossing.
- 5 As part of this project, all existing crossing warning lights will be upgraded to LEDs. WSDOT will install "Do Not Stop on Tracks" signs on the northbound approach. WSDOT will also install blank-out signs or additional arrow signals on east and west-

bound traffic signals at SR-20 to prevent vehicles from accidentally turning onto the tracks. These improvements are funded by the United States Department of Transportation, Federal Highway Administration, Railway-Highway Crossings (Section 130) program.

- 6 Commission staff (Staff) 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 (MUTCD), and (3) upon completion of the modifications authorized herein, WSDOT must notify the Commission within 60 days. Acceptance of the changes is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

DISCUSSION

- 7 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 roadway users. Accordingly, the Commission grants the petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 8 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 9 (2) The SR-9 grade crossing, identified as USDOT 085007H, is a public railroad-highway grade crossing within the state of Washington.
- 10 (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 480-62-150.
- 11 (4) Staff investigated the petition and recommends that it be granted with the conditions set out in paragraph 6, above.
- 12 (5) After examination of the petition filed by WSDOT on June 17, 2019, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

O R D E R

THE COMMISSION ORDERS:

13 WSDOT's petition to modify a railroad-highway grade crossing located at SR-9 at SR-20 is granted. Approval of the petition is 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 MUTCD.
- (3) Upon completion of the modifications authorized herein, WSDOT must notify the Commission within 60 days. Acceptance of the changes is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

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 Olympia, Washington, and effective July 1, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARK L. JOHNSON, 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.

