

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CWW LLC,

Petitioner,

Seeking Approval to Modify Active
Warning Devices at a Highway-Rail
Grade Crossing and Requesting
Disbursement from the Grade Crossing
Protective Fund

DOCKET TR-220777

ORDER 01

GRANTING PETITION TO MODIFY
ACTIVE WARNING DEVICES AT A
PUBLIC HIGHWAY-RAIL GRADE
CROSSING AT LAST CHANCE ROAD
AND AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT: 810106G

BACKGROUND

- 1 On October 26, 2022, CWW LLC, (CWW or Petitioner), filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify active warning devices at a highway-rail grade crossing located at Last Chance Road in Walla Walla County, identified as USDOT 810106G. The Petitioner further requested the Commission to authorize an expenditure of \$14,800 from the Grade Crossing Protective Fund (GCPF) to pay for the modifications, which included upgrading train detection at the crossing with the installation of a PMD-4 crossing controller and interface panel. The Petition was incomplete because CWW filed it without the signature of the rail line owner, Union Pacific Railroad Company (Union Pacific).
- 2 CWW filed an amended Petition on October 3, 2023. The amended Petition requested a revised grant amount of \$17,400 due to increases in material costs. In addition, the Petition stated that under its lease agreement, CWW has authority from Union Pacific to make improvements to the railroad if the cost does not exceed \$50,000. Based on this information, Union Pacific is not required to sign the petition.
- 3 Respondent, Walla Walla County, consented to entry of an Order by the Commission without further notice or hearing.
- 4 Last Chance Road is a two-lane county roadway with a posted speed limit of 50 miles per hour. Estimated average annual daily vehicle traffic through the crossing is 704 vehicles. Last Chance Road is not part of an established truck route or school bus route. Up to two

freight trains operate over this crossing daily at up to 10 miles per hour. No passenger trains operate over the crossing.

- 5 Railroad warning devices at the Last Chance Road crossing consist of advance warning signs, pavement markings, crossbucks, ENS signs, a warning bell, mast-mounted LED flashing warning lights, and gates. The Petitioner proposes to upgrade the train detection technology from PMD2 to PMD4 by installing a new crossing controller and interface panel. These upgrades will improve reliability and serviceability of the crossing system, thereby increasing safety for roadway users of the crossing. The total cost of the materials is \$17,400. GCPF funds are available for this project.
- 6 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) expenditure from the GCPF must not exceed \$17,400, (2) payment will be made upon presentation of claim for reimbursement for materials and verification by Staff that the work has been satisfactorily completed, (3) the Petitioner must sign and return the attached project agreement, (4) the project must be completed by June 1, 2025, (5) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*, and, (6) the Petitioner must notify the Commission immediately upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, who will verify 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. RCW 81.53.271 authorizes the Commission to disburse funds from the GCPF to pay for improvements to highway-rail grade crossings. We find that the proposed modifications will improve overall safety for roadway users.

FINDINGS AND CONCLUSIONS

- 8 (1) The Commission is an agency of the state of Washington having jurisdiction over public highway-rail grade crossings within the state of Washington, and authority to approve and administer disbursements from the GCPF.
- 9 (2) The grade crossing at Last Chance Road, identified as USDOT 810106G, is a public highway-rail grade crossing within the state of Washington.

- 10 (3) RCW 81.53.261 requires the Commission to grant approval prior to any changes to public highway-rail grade crossings within the state of Washington.¹
- 11 (4) RCW 81.53.271 allows the Commission to disburse funds from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device without requiring the Petitioner to share the cost.
- 12 (5) Commission Staff investigated the Petition and recommends that it be granted subject to the conditions set out in paragraph 6, above.
- 13 (6) After reviewing the Petition filed by CWW on October 26, 2022, and the amended Petition filed on October 3, 2023, and giving due consideration to all relevant matters and for good cause shown, the Commission should grant the amended Petition and request for disbursement of funds, subject to the conditions set out in paragraph 6 of this Order.

ORDER

THE COMMISSION ORDERS:

- 14 CWW LLC's Petition to upgrade warning devices at the highway-rail grade crossing located at Last Chance Road in Walla Walla County is granted subject to the conditions specified below. The cost of the materials for this upgrade shall be paid from the Grade Crossing Protective Fund. Approval of the Petition is subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$17,400.
 - (2) Payment will be made upon presentation of claim for reimbursement for materials and verification by Commission Staff that the work has been satisfactorily completed.
 - (3) CWW LLC must sign and return the attached project agreement.
 - (4) The project must be completed no later than June 1, 2025.
 - (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices; and,

¹ See also WAC 480-62-150.

- (6) CWW LLC must notify the Commission immediately of the completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

15 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 Lacey, Washington, and effective November 28, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

s/ Kathy Hunter

Acting Executive Director

By: /s/ Matthew Perkinson

Director of Transportation Safety Acting Executive

Director's Designee

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904, 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.