

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

In the Matter of the Petition of	)	DOCKET TR-110228
	)	
CITY OF MOXEE,	)	ORDER 01
	)	ORDER GRANTING PETITION TO
Petitioner,	)	INSTALL AND INTER-TIE ACTIVE
	)	WARNING DEVICES AT A
	)	HIGHWAY-RAIL GRADE CROSSING
	)	AND AUTHORIZING EXPENDITURE
	)	FROM THE GRADE CROSSING
Seeking Approval to Upgrade Signals	)	PROTECTIVE FUND
at a Railroad-Highway Grade Crossing	)	
.....	)	USDOT: 098481T

**BACKGROUND**

- 1     On January 31, 2011, the City of Moxee (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to install active warning devices at a railroad-highway grade crossing. In addition, the City proposes to inter-tie the active warning devices with a nearby traffic signal. The crossing is identified as USDOT 098481T and is located at the intersection of Beaudry Road and the Respondent’s tracks in the City of Moxee. The Petitioner further requested the Commission authorize an expenditure of \$20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
  
- 2     Railroad warning devices at the Beaudry Road consist of cross-bucks and pavement markings. The Petitioner proposes to install cantilever mounted lights and gates on both approaches to the crossing and an LED “No Right Turn” blank-out sign on State Route 24(SR-24) for westbound vehicle traffic turning right onto Beaudry Road. The City also proposes to inter-tie the new railroad warning signals with the nearby traffic signal on SR-24, with an advance preemption of 42 seconds. The train detection to be installed is constant warning. These upgrades will improve the overall safety at the crossing because motorists and pedestrians can rely on these active warning devices to determine if a train is approaching the crossing. The inter-tie of the railroad and traffic signal will facilitate the clearing of vehicles from the crossing during times the train is approaching the crossing.
  
- 3     Central Washington Railroad, the operator and BNSF Railway, the owner of the rail line both consented to entry of an order by the Commission without further notice or hearing.

- 4 Beaudry Road is a two-lane roadway with a speed limit of 35 miles per hour. The City estimates daily traffic through the crossing consists of 3,900 vehicles including 390 commercial motor vehicles and 98 school buses. Average daily train traffic includes two trains, traveling at 20 miles per hour. Additional growth on Beaudry Road is anticipated by the City, specifically a new residential development and expansion of the industrial zoned area on nearby Postma Road. The installation of active warning devices and inter-tie with the traffic signal will help meet the increasing demands at the crossing.
- 5 The Petitioner is requesting a disbursement of \$20,000 to pay for a portion of the upgrades. The total approximate cost of the project is \$66,730. Commission Staff is facilitating the use of surplus equipment at this crossing. In addition the Washington State Department of Transportation (WSDOT) is contributing the cost to purchase and install an eight wire gate down circuit and AC isolator at the traffic signal cabinet to accommodate the inter-tie. WSDOT is also contributing the LED “No Right Turn” blank out sign to be installed on SR-24. The City of Moxee will be responsible for all costs over \$66,730. An expenditure of \$20,000 from the Grade Crossing Protective Fund is available to help fund the improvements.

### FINDINGS AND CONCLUSIONS

- 6 (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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. [RCW 81.53](#); [RCW 81.53.271](#); [RCW 81.53.281](#).
- 7 (2) The grade crossing at the Beaudry Road, identified as USDOT 098481T, is a public railroad-highway grade crossing within the state of Washington.
- 8 (3) [RCW 81.53.261](#) requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also* [WAC 480-62-150](#).
- 9 (4) [RCW 81.53.271](#) allows the Commission to disburse up to \$20,000 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.

- 10 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 11 (6) After reviewing City's petition filed on January 31, 2011, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

## ORDER

### THE COMMISSION ORDERS:

- 12 City of Moxee's petition to upgrade and inter-tie warning devices at a railroad-highway grade crossing, located at the Beaudry Road, is granted. The cost of 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 \$20,000.
  - (2) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
  - (3) City of Moxee must sign and return the attached project agreement.
  - (4) The project must be completed no later than June 30, 2011.
  - (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
  - (6) City of Moxee must notify the Commission on 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.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective March 2, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, 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).