



- 5 Average daily train traffic is up to two trains per day. The maximum train speed is 10 miles per hour. No passenger trains will operate on these tracks.
- 6 RCW 81.53.020 requires that all new highway- railroad grade crossings be grade separated where practicable. Highway-railroad crossings may be authorized at-grade by the Commission but only upon finding that grade separation is impracticable.
- 7 Commission Staff (Staff) investigated Benton County’s petition to construct the Piert Road crossing at-grade crossing. Staff recommends that the Commission find grade separation impracticable at this location based on the nearby location of the Agrium facility and the proposed crossing location. The low train traffic and flat topography with good sight distance in all four quadrants does not support the cost of construction of a grade separation. In addition, Benton County proposes to close a crossing located on Cochran Road, approximately 2700 feet from the location of the proposed crossing as part of the Piert Road project.
- 8 Benton County, as State Environmental Policy Act (SEPA) lead agency for the proposal, has issued a Determination of Non-significance thereby satisfying SEPA procedural requirements for the opening of the grade crossing. See WAC 197-11-865.
- 9 Staff recommends that the petition be granted subject to the condition that Benton County install additional passive traffic control devices, including standard “yield” signs mounted directly below the cross-buck signs, retro-reflective tape on both posts and emergency notification signage I-13 as required by U.S. Department of Transportation, 2009 Manual on Uniform Traffic Control Devices (MUTCD).
- 10 On January 13, 2012, Union Pacific Railroad, the operator consented to entry of an Order by the Commission without further notice of hearing. Union Pacific Railroad will operate on the tracks over the crossing but will have no responsibility for maintaining the crossing. Benton County in conjunction with Agrium will maintain the crossing and ensure compliance with Commission rules and the MUTCD.

### **FINDINGS AND CONCLUSIONS**

- 11 (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.*

- 12 (2) The proposed at-grade railroad grade crossing located at Piert Road, which will be identified as USDOT 923010F, is a public railroad-highway grade crossing within the state of Washington, as defined in *RCW 81.53.010*.
- 13 (3) *RCW 81.53.020* requires all new highway-railroad crossings to be grade separated where practicable. The Commission finds that it is not practicable to build the tracks over or under Piert Road.
- 14 (4) *RCW 81.53.030* and *WAC 480-62-150(1)(a)* require the Commission grant approval prior to constructing a public railroad-highway grade crossing within the state of Washington.
- 15 (5) Commission Staff investigated the petition and recommended that it be granted with the following conditions:
- (a) In addition to the cross-bucks and on the same sign posts, Benton County must install standard “yield” signs.
  - (b) Benton County must install retro-reflective tape on the sign posts as required by the MUTCD.
  - (c) Benton County must install emergency notification signs I-13, as recommended by the MUTCD.
  - (d) Benton County must notify the Commission within 30 days upon completion of the construction. The crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws and regulations.
- 16 (6) After examination of the petition filed by Benton County on December 13, 2011, and giving consideration to all relevant matters, the Commission has determined that construction of a public railroad-highway grade crossing at Piert Road is reasonable and the petition of Benton County should be granted.

**O R D E R**

**THE COMMISSION ORDERS:**

- 17 (1) The petition of Benton County to construct a public railroad-highway grade crossing at Piert Road and Agrium's industrial spur track, is granted, subject to the following conditions:
- (1) All construction and installation must be substantially conform to what the County included in its petition and engineering design plans filed in this Docket.
  - (2) In addition to the cross-bucks and on the same sign posts, Benton County must install standard "yield" signs.
  - (3) Benton County must install retro-reflective tape on the reverse side of the cross-bucks and on the sign posts as required by the MUTCD.
  - (4) Benton County must install emergency notification signs I-13, as recommended by the MUTCD.
  - (5) Benton County must notify the Commission within 30 days upon completion of the construction. The crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws and regulations.

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 February 10, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary