

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET TR-112128
	)	
BENTON COUNTY,	)	ORDER 01
	)	
Petitioner,	)	
	)	ORDER GRANTING PETITION, WITH
v.	)	CONDITIONS, TO CLOSE A PUBLIC
	)	HIGHWAY-RAIL GRADE CROSSING
UNION PACIFIC RAILROAD,	)	COCHRAN ROAD
	)	
Respondent.	)	USDOT: 440597K
.....	)	

**BACKGROUND**

- 1     On December 13, 2011, Benton County (Benton County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to close a railroad-highway grade crossing. The crossing is identified as USDOT 440597K and is located at the intersection of Cochran Road and the Respondent’s tracks in Benton County.
  
- 2     The petition included consent to entry of an order by the Commission without further notice or hearing on behalf of the Respondent.
  
- 3     In its petition, Benton County states that the average daily vehicle count is less than 50 and the crossing is infrequently used. The County further states that a nearby roadway is being constructed and the Cochran Road access is no longer needed.
  
- 4     Finley Road is the closest alternate route and is less than one mile away from the Cochran Road crossing. Driving the full alternate route takes approximately four minutes.
  
- 5     Pursuant to the procedure specified in RCW 81.53.060, Commission Staff posted notice of the proposed crossing closure at the crossing site. The notice was posted under Docket TR-100576, a petition previously filed on April 9, 2010, by Benton County to close the same crossing. Benton County subsequently withdrew the petition on October 14, 2010, Staff considers the notice requirement met under TR-100576.
  
- 6     Commission Staff also arranged for publication of a legal notice in the Tri-City Herald, a newspaper of general circulation in the area and directed that any person wishing to

comment on the petition respond by email or in writing to the Commission. The Commission did not receive comments or objections regarding the proposed crossing closure within the prescribed time frame. The legal notice was also previously published under Docket TR-100576.

- 7 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 closing of a grade crossing. See WAC 197-11-865.
- 8 Commission Staff investigated the petition and recommends that the petition be granted.
- 9 The proposed closure is in the interest of improving safety at highway-grade crossings by eliminating a crossing.

### **FINDINGS AND CONCLUSIONS**

- 10 (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*.
- 11 (2) The proposed closure of a crossing involves a public railroad-highway grade crossing, as defined in *RCW 81.53.010*.
- 12 (3) *RCW 81.53.060* requires that the Commission grant approval prior to closing a public railroad-highway grade crossing within the state of Washington.
- 13 (4) Commission Staff investigated the petition and recommends that it be granted with the conditions set forth below:
- a. The Cochran Road crossing must be closed no later than December 31, 2012.
  - b. Upon closure of the crossing, Union Pacific Railroad must remove the crossing surface and warning devices.
  - c. Upon completion of the closure authorized herein, Benton County must notify the Commission within 30 days.

- (5) After examination of the petition filed by Benton County on December 13, 2011, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

**ORDER**

THE COMMISSION ORDERS:

*14* The petition of Benton County to close a railroad-highway grade crossing at Cochran Road in Benton County is granted as follows:

- (1) The Cochran Road crossing must be closed no later than December 31, 2012.
- (2) Upon closure of the crossing, Union Pacific Railroad must remove the crossing surface and warning devices.
- (3) Upon completion of the closure authorized herein, Benton County must notify the Commission within 30 days.

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