



STATE OF WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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September 22, 2015

Steven V. King, Executive Director and Secretary
Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

**RE: Commission Staff's Response to Request for Temporary Waiver from Terms in
Commission Order in Docket TR-140816**

Dear Mr. King:

On May 6, 2014, the Washington Department of Transportation (WSDOT) filed a petition with the Washington Utilities and Transportation Commission (commission) seeking approval to modify a railroad-highway grade crossing at State Route 20 (SR-20) and South Burlington Boulevard in Burlington in Docket TR-140816. WSDOT proposed to install raised median curbs on both approaches to the crossing. In addition, respondent BNSF Railway Co. (BNSF) proposed to add gates to the signal masts and extend the width of the crossing surface to match up with the existing sidewalks, to provide a pedestrians with a smooth and continuous pathway over the crossing.

On October 2, 2014, the commission issued an order granting the petition. The commission's order stated that the modifications approved at the crossing must comply with those described in WSDOT's petition.

On September 18, 2015, BNSF filed a request for a temporary waiver from the terms of the commission's order requiring extension of the concrete crossing surface to match up with the existing sidewalks. BNSF states that it is currently unable to extend the concrete crossing surface as required due to two joint bars which are in close proximity to the sidewalk on the east side of the crossing. The joint bars must remain exposed in order for BNSF to perform monthly inspections as required by the Federal Railroad Administration (FRA).

As indicated in the company's letter, BNSF recently made temporary asphalt repairs to the sidewalk to extend the pedestrian walkway at the crossing; however, the joint bars must continue to be exposed for inspection purposes. In order to eliminate the issue with the joint bars, the crossing surface must be replaced and the rail upgraded. Once the crossing surface and rail is upgraded, BNSF will be able to extend the concrete crossing panels for the pedestrian walkway in compliance with the commission's order. BNSF anticipates being able to complete the crossing upgrades on or after November 23, 2015.

Commission staff reviewed BNSF's request and supports the company's temporary repairs at the crossing, given the FRA-required inspections of the joint bars. Staff also supports BNSF's plan to upgrade the crossing surface and rail and believes the estimated completion date of the project is reasonable.

The commission's order did not specify a deadline for the completion of the approved modifications; however, WSDOT, as the petitioner, is required to notify commission staff within 30 days of the completion of the project. WSDOT staff has already notified staff informally that its portion of the modifications to the crossing is complete. Staff considers BNSF's September 18, 2015, letter to be a status report on the company's portion of the approved crossing modifications and does not believe a temporary waiver by the commission is required. Once the crossing surface and rail is upgraded and the crossing surface is extended to match the existing sidewalks as required, BNSF should notify WSDOT staff who will advise commission staff of the project's completion.

If you have any questions regarding this matter, please contact Betty Young, Transportation Planning Specialist, at (360) 664-1202 or by email at byoung@utc.wa.gov.

Sincerely,



David Pratt
Assistant Director, Transportation Safety

cc: Ahmer Nizam, WSDOT Manager/Railroad Liaison
Kathy Hunter, UTC Rail Safety Manager