

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CWW LLC,

Petitioner,

Seeking Approval to Upgrade Signals  
at a Highway-Rail Grade Crossing and  
Requesting Disbursement from the  
Grade Crossing Protective Fund

DOCKET TR-210226

ORDER 01

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

USDOT: 808939F

**BACKGROUND**

- 1 On April 6, 2021, 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, identified as USDOT 808939F. CWW filed an amended petition on May 14, 2021. The crossing is located at the intersection of Prospect Avenue and the Petitioner's tracks south of Walla Walla in Walla Walla County. The tracks are owned by the Union Pacific Railroad Company (Union Pacific) and are leased to the Petitioner for operation. The Petitioner further requests the Commission authorize an expenditure of \$5,802.46 from the Grade Crossing Protective Fund (GCPF) to pay for the modifications.
- 2 Respondents Walla Walla County and Union Pacific consented to entry of an Order by the Commission without further notice or hearing.
- 3 Prospect Avenue is a two-lane county roadway with a speed limit of 35 miles per hour. Estimated average annual daily vehicle traffic through the crossing is 3,170 vehicles. Prospect Avenue is not part of an established truck route, but is part of an established school bus route with four school buses traveling over the crossing each school day. Up to two freight trains operate over this crossing per week at up to 10 miles per hour. No passenger trains operate over the crossing.
- 4 Railroad warning devices at the Prospect Avenue crossing consist of advance warning signs, pavement markings, crossbucks, ENS signs, gates, and mast mounted flashing LED warning lights. The Petitioner proposes to replace the 1970-vintage signal batteries

and battery chargers with modern equipment. These upgrades will improve reliability of the signals, thereby increasing safety for roadway users of the crossing. The total cost of the materials is \$5,802.46. GCPF funds are available for this project. The Petitioner will provide the labor to install the new batteries and chargers and will cover any costs in excess of \$5,802.46.

- 5 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 \$5,802.46, (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 signs and returns the attached project agreement, (4) the project must be completed by June 15, 2022, (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

- 6 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. Accordingly, the Commission grants the Petition subject to the conditions Staff recommends.

### FINDINGS AND CONCLUSIONS

- 7 (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.
- 8 (2) The grade crossing at Prospect Avenue, identified as USDOT 808939F, is a public highway-rail grade crossing within the state of Washington.
- 9 (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.<sup>1</sup>

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<sup>1</sup> See also WAC 480-62-150.

- 10 (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.
- 11 (5) Commission Staff investigated the Petition and recommends that it be granted subject to the conditions set out in paragraph 5, above.
- 12 (6) After reviewing the Petition filed by CWW on April 28, 2021, and the amended petition filed on May 14, 2021, and giving due consideration to all relevant matters and for good cause shown, the Commission should grant the Petition and request for disbursement of funds, subject to conditions.

**ORDER**

**THE COMMISSION ORDERS:**

13 CWW LLC's Petition to upgrade warning devices at the highway-rail grade crossing located at Prospect Avenue south of Walla Walla 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 \$5,802.46.
- (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) The Petitioner must sign and return the attached project agreement.
- (4) The project must be completed no later than June 15, 2022.
- (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 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.

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 September 23, 2021.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**AMANDA MAXWELL,**  
Executive Director and Secretary

**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.**