

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

BNSF RAILWAY COMPANY,

Petitioner,

CITY OF MESA,

Respondent.

DOCKET TR-210750

ORDER 01

GRANTING PETITION TO MODIFY
ACTIVE WARNING DEVICES AT A
PUBLIC HIGHWAY-RAIL GRADE
CROSSING AT MESA STREET IN
MESA, FRANKLIN COUNTY

USDOT: 089649E

BACKGROUND

- 1 On September 28, 2021, BNSF Railway Company (BNSF or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify active warning devices at a railroad-highway grade crossing located at Mesa Street in Mesa, Franklin County, identified as USDOT 089649E. BNSF filed an amended Petition on November 17, 2021.
- 2 Respondent City of Mesa (City) consented to entry of a Commission order without further notice or hearing.
- 3 Mesa Street is a two-lane roadway with a posted vehicle speed limit of 25 miles per hour. Average annual daily traffic through the crossing is estimated at 33 vehicles. Mesa Street is part of an established truck route with approximately 30 percent commercial vehicle traffic. Mesa Street is not part of an established school bus route.
- 4 Warning devices at the Mesa Street crossing consist of pavement markings, advance warning signs, reflectorized crossbucks, Emergency Notification System signs, flashing warning lights, gates, and bells. BNSF operates 40 freight trains per day over this two track crossing at up to 60 miles per hour. Two passenger trains per day operate over the crossing at up to 75 miles per hour.
- 5 BNSF proposes to replace the existing train detection circuitry with constant warning time train detection.
- 6 This upgrade is intended to improve the reliability of the warning signals, thus improving safety at the crossing.

- 7 According to the amended Petition, BNSF and the City confirmed that the parties have reached an agreement related to apportionment of costs for the proposed upgrades.
- 8 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the modifications must conform to those described in and attached to the Petition, (2) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, (3) BNSF must complete the proposed modifications within three years, and (4) BNSF must notify the Commission within 60 days 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 the conditions specified herein.

DISCUSSION

- 9 RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. We find that the proposed modifications will improve overall safety for roadway users. When the Commission directs the installation of the active warning devices, it will apportion installation and maintenance costs in accordance with the applicable statutes.¹ RCW 81.53.261 provides that the parties may enter into an agreement providing for the installation of signals or other warning devices or for the apportionment of the cost of installation and maintenance. The parties to this Petition confirmed that they have reached an agreement related to cost apportionment. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 10 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 11 (2) The Mesa Street grade crossing, identified as USDOT 089649E, is a public railroad-highway grade crossing within the state of Washington.
- 12 (3) RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. See also WAC 480-62-150.

¹ See RCW 81.53.261-.295.

- 13 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 8, above.
- 14 (5) After examining the Petition filed by BNSF on September 28, 2021, and the amended petition filed November 17, 2021, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

O R D E R

THE COMMISSION ORDERS:

- 15 BNSF Railway Company's Petition to modify active warning devices at a railroad-highway grade crossing located at Mesa Street is granted and the parties are directed to proceed with the modifications described in the Petition, subject to the following conditions:
- (1) The modifications must conform to those described in and attached to the Petition.
 - (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
 - (3) BNSF must complete the modifications within three years of the effective date of this order.
 - (4) BNSF must notify the Commission within 60 days 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 the conditions specified herein.

- 16 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 December 2, 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(3), 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.