

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

BNSF RAILWAY CO.,)	DOCKET TR-080957
)	
Petitioner.)	ORDER 01
)	
)	ORDER GRANTING PETITION,
)	WITH CONDITIONS, TO CLOSE A
CITY OF SUMAS,)	PUBLIC HIGHWAY-RAIL GRADE
)	CROSSING AT SECOND STREET IN
Respondent.)	SUMAS
)	
)	USDOT: 084935Y
)	UTC: 1G126.90
.....)	

BACKGROUND

- 1 On May 29, 2008, the BNSF Railway Co. (BNSF) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to close a railroad-highway grade crossing on Second Street in Sumas, Washington. The petition included consent to entry of an order by the Commission without further notice or hearing on behalf of the Respondent, City of Sumas.
- 2 In its petition, BNSF states this is a redundant crossing, given that there is a crossing on either side of this crossing within a few hundred feet. In addition, BNSF states that sight distance at this crossing is limited for motorists and there are passive warning signs only.
- 3 Adjacent crossings are located at Garfield Street (590 feet north) and Third Street (305 feet south). There are approximately ten homes on the west side of the tracks that currently use the Second Street crossing on a regular basis. The Garfield and Third Street crossings will become alternate routes for users if the Second Street crossing is closed.
- 4 Pursuant to the procedure specified in RCW 81.53.060, Commission Staff posted notice of the proposed crossing closure at the crossing site. Commission Staff also arranged for publication of a legal notice in the Lynden Tribune, a newspaper of general circulation in the area, on July 2, 2008. The notices directed that any person wishing to comment on the petition respond by e-mail or in writing to the Commission. The Commission did not receive any comments or objections regarding the proposed crossing closure within the prescribed time frame.

5 Commission Staff investigated the petition and recommended that the petition be granted, subject to specific conditions. While Commission Staff agrees that the Second Street crossing fits the definition of a redundant crossing and supports the closure with conditions, it has several concerns that need to be addressed prior to the closure. The quality and placement of signage at the alternate route crossings must be improved. In addition, sight distance in the southwest quadrant of the Third Street crossing must be improved and the practice of parking trains close to the Garfield Street crossing must cease.

6 The proposed closure is in the interest of improving safety at highway-grade crossings by eliminating a redundant crossing.

FINDINGS AND CONCLUSIONS

7 (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*.

8 (2) The proposed closure of a crossing involves a public railroad-highway grade crossing, as defined in *RCW 81.53.010*.

9 (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.

10 (4) Commission Staff investigated the petition and recommends that it be granted with the conditions set forth below:

- At the Third Street crossing retain the STOP signs, replace the crossbucks, add R15-2 (two tracks) signs, and install retroreflective tape to the sign posts. See Attachment A, a model endorsed by the U.S. Department of Transportation for design and placement of YIELD and STOP signs in conjunction with crossbucks.
- In the southwest quadrant at the Third Street crossing cut back the shrubs to the existing line of vegetation. Regularly monitor the growth of the shrubs and keep the vegetation clear so pedestrians and motorists using the crossing have a clear view of the advance warning sign.

- At the Garfield crossing consolidate all signage onto one post and install retroreflective tape to the post. See Attachment A, a model endorsed by the US Department of Transportation for design and placement of YIELD or STOP signs in conjunction with crossbucks.
 - In accordance with RCW 81.53.080, BNSF Railway Co. must not park trains closer than 100 feet to the Garfield or Third Street crossings.
- 11 (5) After examination of the petition filed by the BNSF Railway Co. on May 29, 2008, 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:

- 12 The petition of the BNSF Railway Co. to close a railroad-highway grade crossing at Second Street in Sumas, Washington, is granted, as follows:
- (1) At the Third Street crossing, BNSF Railway Co. must retain the STOP signs, replace the crossbucks, add R15-2 two tracks signs, and install retroreflective tape to the sign posts.
 - (2) In the southwest quadrant at the Third Street crossing, the City of Sumas must cut back the shrubs to the existing line of vegetation. In addition, the city must regularly monitor the growth of the shrubs and keep the vegetation clear.
 - (3) At the Garfield crossing, BNSF Railway Co. must consolidate all signage onto one post and install retroreflective tape to the post.
 - (4) In accordance with RCW 81.53.080, BNSF Railway Co. must not park trains closer than 100 feet to the Garfield or Third Street crossings.
 - (5) Upon closure of the crossing, BNSF Railway Co. must remove the crossing surface and install barriers, if deemed necessary by the City of Sumas.
 - (6) BNSF Railway Co. must notify the Commission of the impending date of closure.

- (7) Upon completion of the closure authorized herein, BNSF Railway Co. must notify the Commission.

The Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904(1)(a).

DATED at Olympia, Washington and effective September 11, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary