

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

DOUGLAS COUNTY,

Petitioner,

BNSF RAILWAY CO.,

Respondent.

DOCKET TR-210164

ORDER 01

GRANTING PETITION TO INSTALL
ACTIVE WARNING DEVICES AT A
PUBLIC HIGHWAY-RAIL GRADE
CROSSING AT SPANISH CASTLE
ROAD IN DOUGLAS COUNTY

USDOT: 065809D

BACKGROUND

- 1 On March 16, 2021, Douglas County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to install active warning devices at a railroad-highway grade crossing located at Spanish Castle Road in Douglas County, identified as USDOT 065809D.
- 2 Respondent BNSF Railway Co. (BNSF) consented to entry of a Commission order without further notice or hearing.
- 3 Spanish Castle Road is a two-lane roadway with a posted vehicle speed limit of 25 miles per hour (mph). Average annual daily traffic through the crossing is estimated at 49 vehicles. Spanish Castle Road is not part of an established school bus or truck route.
- 4 Warning devices at the Spanish Castle Road crossing consist of an advance warning sign, reflectorized crossbucks, Emergency Notification System signs, and yield signs. BNSF operates 27 freight trains per day over this single mainline track crossing at up to 55 mph. Two passenger trains per day operate over the crossing at up to 65 mph.
- 5 Proposed improvements to the crossing include:
 - Mast-mounted LED flashing lights, gates, and bells for vehicles and pedestrians.
 - Active advance warning signs.
 - Constant warning time train detection.

- Widening of the crossing surface to 65 feet and installation of concrete crossing surface panels.
- Concrete roadway center medians, measuring 8.5 feet wide and six inches high, extending 125.5 feet to the west and 111.4 feet to the east along both approaches to the crossing.

6 These improvements are intended to improve safety at the crossing in preparation for development of the Spanish Castle Master Planned Resort, consisting of up to 1,200 homes, a 100-room hotel, and additional mixed use commercial and recreational amenities. Upon completion of the development, vehicle traffic over the crossing is expected to increase to 693 vehicles daily.

7 According to the Petition, Douglas County and BNSF confirmed that the parties have reached an agreement related to apportionment of cost 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, and (3) the County 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 applicable laws, regulations, and 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.

¹ See RCW 81.53.261-.295.

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 Spanish Castle Road grade crossing, identified as USDOT 065809D, 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.
- 13 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 5, above.
- 14 (5) After examining the Petition filed by the County on March 16, 2021, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 15 Douglas County's Petition to install active warning devices at a railroad-highway grade crossing located at Spanish Castle Road 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) Douglas County 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 applicable laws, regulations, and 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 April 16, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON,
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.