

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

BENTON COUNTY,)	DOCKET TR-050525
)	
Petitioner,)	ORDER 01
)	
v.)	ORDER GRANTING PETITION TO
)	CLOSE A RAILROAD HIGHWAY
BNSF RAILWAY)	GRADE CROSSING
)	
Respondent.)	USDOT: 090041A
)	WUTC: 3A233.68
.....)	

BACKGROUND

- 1 On April 4, 2005, Benton County, through its Department of Public Works, filed a petition with the Commission, seeking approval to close a railroad-highway at-grade crossing. The crossing is located at the intersection of Piert Road and BNSF Railway tracks in Section 26, Township 08, Range 30 W.M., in Benton County, Washington.
- 2 On May 26, 2006, Respondent consented to an entry of an Order by the Commission without further notice or hearing.
- 3 The proposal to close the Piert Road grade crossing is related to a plan by Benton County to construct an elevated over-crossing at the location of the existing at-grade crossing. The proposed closure of the at-grade crossing improves public safety, since no vehicles will directly cross the railroad tracks. Instead, vehicles will use the new over-crossing, physically separating vehicle traffic from intersecting with train traffic.

FINDINGS AND CONCLUSIONS

- 4 (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. *Chapter 81.53 RCW.*
- 5 (2) The Piert Road grade crossing, identified as USDOT 090041A, is a public railroad-highway at-grade crossing within the state of Washington.
- 6 (3) RCW 81.53.060 and WAC 480-62-150(1)(b) require that the Commission grant approval prior to the closure of a public railroad-highway at-grade crossing within the State of Washington.

- 7 (4) Commission Staff investigated the petition and recommended that it be granted.
- 8 (5) This matter was brought before the Commission at its regularly scheduled meeting on June 14, 2006.
- 9 (6) After examination of the petition filed by the BNSF Railway on April 4, 2005, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 10 (1) The petition of Benton County to close a railroad-highway at-grade crossing at the intersection of Piert Road and the BNSF Railway in Benton County, Washington, is granted.
- 11 (2) Upon closure of the crossing, the BNSF Railway must remove the crossing surface and any warning devices at the crossing.
- 12 (3) Benton County must notify the Commission, in writing, when the crossing is closed to all roadway traffic.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.060, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective June 14, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary