

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF WAITSBURG,

Petitioner,

PORT OF COLUMBIA; CWW LLC,

Respondents.

DOCKET TR-210160

ORDER 01

GRANTING PETITION TO MODIFY
A HIGHWAY-RAIL GRADE
CROSSING AT MILL RACE ROAD
IN WALLA WALLA COUNTY

USDOT: 808612H

BACKGROUND

- 1 On March 8, 2021, the City of Waitsburg, (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify a highway-rail grade crossing located at Mill Race Road in Waitsburg, Walla Walla County, identified as USDOT 808612H. The City amended its Petition on April 16, 2021.
- 2 Respondents Port of Columbia (Port) and CWW LLC (Railroad) consented to entry of a Commission order without further notice or hearing.
- 3 Mill Race Road is a two-lane roadway with a posted vehicle speed limit of 20 miles per hour. Average annual daily traffic through the crossing is estimated at 260 vehicles. Mill Race Road is part of an established truck route with approximately 10 percent commercial traffic, and is also part of an established school bus route with four school buses using the crossing on school days.
- 4 Warning devices at the Mill Race Road crossing consist of advance warning signs, roadway markings, reflectorized crossbucks and posts, and Emergency Notification System signs. CWW LLC operates approximately 40 freight trains per year over this single mainline track crossing at up to 10 miles per hour. No passenger trains operate over the crossing.
- 5 Proposed improvements to the crossing include:
 - Broadening the curve on Mill Race Road approaching the crossing from the south to improve sight distance.

- Widening Mill Race Road to accommodate the increased curve radius and sight distance.
- Flattening the roadway's vertical alignment at the crossing to improve approach grades.
- Replacing existing passive warning devices.
- Adding yield signs.
- Refreshing pavement markings.

6 These improvements are intended to improve overall safety at the crossing for roadway users.

7 According to the Petition, the City, Port, and Railroad 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 and amended 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 City 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 81.53.060 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 modification of a grade crossing, it will apportion construction 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 modification of a grade crossing or for the apportionment of the cost of construction 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 81.53.130.

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 Mill Race Road grade crossing, identified as USDOT 808612H, is a public railroad-highway grade crossing within the state of Washington.
- 12 (3) RCW 81.53.060 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 8, above.
- 14 (5) After examining the Petition and amended Petition filed by the City on March 8, 2021, and April 16, 2021, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 15 The City of Waitsburg's Petition to modify a highway-rail grade crossing located at Mill Race Road is granted and the parties are directed to proceed with the modifications described in the Petition and amended Petition, subject to the following conditions:
- (1) The modifications must conform to those described in and attached to the Petition and amended 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) The City of Waitsburg 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 28, 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.