

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-121883
)	
CITY OF AUBURN,)	ORDER 01
)	
Petitioner,)	ORDER GRANTING PETITION TO
)	CONSTRUCT A PUBLIC
)	RAILROAD-HIGHWAY GRADE
)	CROSSING AT A STREET
)	NORTHWEST
To Construct a Public Railroad-Highway)	
Grade Crossing)	USDOT: 945561A
.....)	

BACKGROUND

- 1 On November 29, 2012, the City of Auburn (City or Petitioner) filed a petition with the Washington Utilities and Transportation Commission (Commission) seeking approval to construct a public railroad-highway grade crossing at A Street Northwest in Auburn, Washington. The railroad tracks at this location are classified as a spur line and the location of the crossing is at railroad milepost 20.98.

- 2 The spur line was constructed in 1981, by Gates, Gates, Gates, LLC (Gates) prior to existence of the A Street Northwest roadway. Gates owns the spur line and currently leases it to Mohawk Northwest Plastics, LLC d/b/a AMPAC (AMPAC). In 1986, Gates conveyed property near the spur line as public right-of-way to the city of Auburn. At that time Gates constructed a two-lane roadway from 7th Street Northwest to the south side of the spur. This roadway did not cross the spur line. In 2004, the City of Auburn constructed the public roadway known as A Street Northwest. The new roadway intersected the spur line creating a new public at-grade crossing. The City did not seek approval, as required by RCW 81.53.020, to establish a public grade crossing. From 2004 to today, the roadway has had limited use by AMPAC employees and other nearby businesses.

- 3 Commission Staff learned of the existence of the A Street Northwest crossing in early 2012. Because the crossing has been in existence since 2004, and the area directly around the crossing has established facilities, it is not practicable to construct an over or under crossing at this location at this time.

- 4 The City recently completed reconstructing A Street Northwest, creating a through roadway between 3rd Street Northwest and 14th Street Northwest. Following this reconstruction on August 22, 2012, the City voluntarily barricaded the roadway and crossing to any through vehicle traffic pending approval from the Commission to establish an at-grade highway rail grade crossing.
- 5 Current railroad warning devices at the A Street Northwest crossing consist of crossbucks, yield signs and pavement markings. The City proposes to maintain these devices and add shoulder mounted lights and gates to the crossing within one year of the effective date of the order approving the construction of the crossing. In addition, the City proposes to immediately add to the existing advance warning signs, as an interim safety measure, Manual on Uniform Traffic Control Devices (MUTC) compliant constantly flashing amber lights.
- 6 BNSF Railway Co., the operator on the line, and Gates and AMPAC have consented to entry of an Order by the Commission without further notice or hearing.
- 7 A Street Northwest is currently classified as a minor arterial road with a speed limit of 30 miles per hour. The Petitioner estimated average annual daily traffic at 100 cars per day prior to closure of the roadway in August. Once the roadway is reopened, the road classification will change to a connected minor arterial. The City projects traffic to increase to 2,000 vehicles per day within two years and 9,547 vehicles by 2030, including ten percent commercial motor vehicles. No school buses will use this crossing.
- 8 On average, one train per week makes three to four passes over the crossing due to switching of rail cars near the crossing. The maximum train speed is 10 miles per hour. No passenger trains travel over the crossing.
- 9 The City, as State Environmental Policy Act (SEPA) lead agency for the proposal, has issued a Determination of Non-significance, thereby completing the SEPA procedures for the opening of a grade crossing.
- 10 Examination of the petition and consideration of relevant facts support granting the petition subject to the following conditions:
1. The Petitioner must, within one year from the effective date of the commission's order, install shoulder mounted lights and gates at the A Street Northwest

crossing. Sixty days prior to installation, the Petitioner must provide final engineering plans of the crossing to Commission Staff, including the active warning devices, for final review and approval.

2. The Petitioner must install MUTCD compliant constantly flashing amber lights on both advance warning signs prior to the Petitioner reopening the roadway.
3. The Petitioner must remove vegetation in all quadrants of the crossing to maximize sight distance for motorists prior to the Petitioner reopening the roadway.
4. The Petitioner must remove the private crossing signs currently located on both crossbucks prior to the Petitioner reopening the roadway.
5. Traffic control devices must comply with all applicable standards specified in the 2009 MUTCD.
6. The Petitioner must notify the Commission upon completion of the installation of the constantly flashing amber lights, removal of vegetation and the private crossing signs at the A Street Northwest crossing. The crossing is subject to inspection by Commission Staff, to verify that is in full compliance with applicable laws, regulations and the requirements in the Commission's Order prior to the Petitioner reopening A Street Northwest.
7. The Petitioner must notify the Commission upon installation of the active warning devices at the crossing. The crossing is subject to inspection by Commission Staff, to verify that it is in full compliance with applicable laws, regulations and this order.

FINDINGS AND CONCLUSIONS

- 11 (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.
- 12 (2) The proposed construction of a crossing involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.

- 13 (3) RCW 81.53.030 and WAC 480-62-150(1)(a) require the Commission grant approval prior to constructing a public railroad-highway grade crossing within the state of Washington.
- 14 (4) It is not practicable to construct the crossing above or below grade because there are established facilities located near the crossing.
- 15 (5) Commission Staff conducted an investigation and recommended that the petition be granted. Granting the petition is subject to the following conditions:
- a. The Petitioner must, within one year from the effective date of this order, install shoulder mounted lights and gates at the A Street Northwest crossing. Sixty days prior to installation, the Petitioner must provide final engineering plans of the crossing to Commission Staff including the active warning devices for final review and approval.
 - b. The Petitioner must install MUTCD compliant constantly flashing amber lights on both advance warning signs prior to the Petitioner reopening the roadway.
 - c. The Petitioner must remove vegetation in all quadrants of the crossing to maximize sight distance for motorists prior to the Petitioner reopening the roadway.
 - d. The Petitioner must remove the private crossing signs currently located on both crossbucks prior to the Petitioner reopening the roadway.
 - e. Traffic control devices must comply with all applicable standards specified in the 2009 MUTCD.
 - f. The Petitioner must notify the Commission upon completion of the installation of the constantly flashing amber lights, removal of vegetation and the private crossing signs at the A Street Northwest crossing. The crossing is subject to inspection by Commission Staff, to verify that is in full compliance with applicable laws, regulations and the requirements in the Commission's Order prior to the Petitioner reopening A Street Northwest.

- g. The Petitioner must notify the Commission upon installation of the active warning devices at the crossing. The crossing is subject to inspection by Commission Staff, to verify that it is in full compliance with applicable laws, regulations and this order.

- 16 (6) After examination of the petition filed by City on November 29, 2012, and giving consideration to all relevant matters, the Commission has determined that construction of a public railroad-highway grade crossing at A Street Northwest is reasonable and the petition of City should be granted.

O R D E R

THE COMMISSION ORDERS:

- 17 (1) The petition of City of Auburn to construct a public railroad-highway grade crossing at A Street Northwest in Auburn, Washington, is granted, subject to the following conditions:
- a. The Petitioner must, within one year from the effective date of this order, install shoulder mounted lights and gates at the A Street Northwest crossing. Sixty days prior to installation, the Petitioner must provide final engineering plans of the crossing to Commission Staff including the active warning devices for final review and approval.
 - b. The Petitioner must install MUTCD compliant constantly flashing amber lights on both advance warning signs prior to the petitioner reopening the roadway.
 - c. The Petitioner must remove vegetation in all quadrants of the crossing to maximize sight distance for motorists prior to the petitioner reopening the roadway.
 - d. The Petitioner must remove the private crossing signs currently located on both crossbucks prior to the petitioner reopening the roadway.
 - e. Traffic control devices must comply with all applicable standards specified in the 2009 MUTCD.

- f. The Petitioner must notify the Commission upon completion of the installation of the constantly flashing amber lights, removal of vegetation and the private crossing signs at the A Street Northwest crossing. The crossing is subject to inspection by Commission Staff, to verify that is in full compliance with applicable laws, regulations and the requirements in the Commission's Order prior to the Petitioner reopening A Street Northwest.
- g. The Petitioner must notify the Commission upon installation of the active warning devices at the crossing. The crossing is subject to inspection by Commission Staff, to verify that it is in full compliance with applicable laws, regulations and this order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

Dated at Olympia, Washington, and effective December 13, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary