

extending the road to the west and necessitates crossing both sets BNSF tracks. The petition to construct a new at-grade crossing at the separate spur track is docketed under TR-040584. The crossings would constitute the only legal access to the future development area.

- 4 In the vicinity of the proposed crossing, Scootney Street will be classified as an industrial access road with one lane for each direction of traffic, and a vehicle speed limit of 25 mph. The roadway would intersect the BNSF tracks at a slightly obtuse angle. Scootney Street's westbound approach to the crossing would include a -4% roadway grade, until it levels off approximately 25 feet east of the tracks.
- 5 Average daily traffic through the crossing after the construction of the Scootney Street extension is estimated at 200 vehicles, including 100 trucks.
- 6 Respondent maintains one main track at the proposed crossing location. Maximum timetable speed for trains in the vicinity is 10 mph, however, there is currently no train traffic on the rail line.
- 7 There are no structures, trees, or other vegetation in the vicinity of the proposed crossing that would obstruct sight distance of approaching trains. Warning devices proposed at the crossing include standard Crossbuck signs and advance warning signs.

FINDINGS AND CONCLUSIONS

- 8 (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.*
- 9 (2) The proposed Scootney Street at-grade crossing would constitute a public railroad-highway grade crossing, as defined under RCW 81.53.010.

- 10 (3) RCW 81.53.030 requires that the Commission grant approval prior to the construction of public railroad-highway grade crossings within the state of Washington.
- 11 (4) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 12 (5) This matter was brought before the Commission at its regularly scheduled meeting on June 23, 2004.
- 13 (6) After examination of the petition filed by the city of Othello on October 21, 2003, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 14 The petition of the city of Othello to construct a railroad-highway grade crossing, located at the intersection of Scootney Street and the tracks of the Burlington Northern Santa Fe Railway Company, in Othello, Washington, is granted, subject to the following conditions:
- (1) The construction must conform to the plans filed in this proceeding.
 - (2) The crossing must be hard-surfaced between the rails, and for a distance of one foot outside each rail for the full width of the traveled roadway, including the shoulders.
 - (3) The roadway grade must be level with the plane created by the rails for a distance of 25 feet on either side of the railroad centerline.
 - (4) Traffic control devices, including passive signs and markings, must comply with all applicable standards specified in the U.S.

Department of Transportation *Manual on Uniform Traffic Control Devices*.

- (5) Upon completion of the construction authorized herein, petitioner must notify the Commission. The crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws, regulations, and the conditions specified herein.
- (6) According to the condition specified in the Respondent Waiver of Hearing, and agreed to between the city of Othello and BNSF, the private crossing identified as the Moon Street grade crossing must be closed prior to opening the Scootney Street grade crossing to the public.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 23rd day of June 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary