

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-121467
)	
CITY OF PASCO,)	ORDER 02
)	
Petitioner,)	ORDER GRANTING EXTENSION OF
)	TIME TO CONSTRUCT A PUBLIC
Requesting Extension of Time to)	RAILROAD-HIGHWAY GRADE
Construct a Public Railroad-Highway)	CROSSING AT ROAD 40 EAST
Grade Crossing)	
.....)	USDOT: 923015P

BACKGROUND

- 1 On September 10, 2012, the City of Pasco (City or the Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to construct an at-grade public railroad-highway grade crossing at Road 40 East in Pasco. The City filed a revised petition on November 28, 2012. The City proposed to construct the rail line and BNSF Railway Co. (BNSF) will operate on the tracks and over the crossing. The City will be responsible for all maintenance of the track and warning devices.
- 2 On January 31, 2013, the Commission issued an Order granting the petition to construct the crossing in two phases. Phase one involves the City constructing the spur line across Road 40 East, and installing “Out of Service” signage on both approaches to the crossing, as well as advance warning signage. The new track through the roadway would not be placed into service after construction, an earthen bumper would be installed west of the of the crossing to prevent any trains from accessing the crossing. The City would maintain this crossing configuration because the crossing is not in use.
- 3 Phase two of the project involves the City installing shoulder-mounted lights and gates and 90 feet of median barriers on both approaches to the crossing. Installation of the active warning devices and median barriers was scheduled to be completed within two years of the effective date of the Order or by January 31, 2015.
- 4 On August 14, 2015, the City submitted a request for an extension of time until January 30, 2017, to complete both phases of the project. The original food processing industry that was to be served by the new spur did not construct a facility at the Heritage Industrial Park as anticipated. Staff recommends that the Commission extend the project completion date until January 30, 2017, to provide the City additional time to secure a new tenant at this location.

FINDINGS AND CONCLUSIONS

- 5 (1) After reviewing the City of Pasco’s request, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the extension of time to January 30, 2017.

ORDER

THE COMMISSION ORDERS:

- 6 The request of the City of Pasco for an extension of time to construct a signalized at-grade crossing at Road 40 East is granted, subject to the following conditions:
- (1) All construction and engineering must substantially conform to the petition and engineering plans filed in this Docket.
 - (2) Traffic control devices must comply with all applicable standards specified in the 2009 U.S. Department of Transportation Manual of Uniform Traffic Control Devices (MUTCD).
 - (3) The Petitioner must notify the Commission within 30 days after completion of the construction of the railroad-highway grade crossing. Acceptance of the construction of the grade crossing is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and conditions set forth in this order.

The Secretary of the Commission has delegated authority of this matter pursuant to Order 04 in Docket A-090485. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective September 16, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).