Agenda Date: January 13, 2022
Item Number: B1

Docket: **TR-210802**
Company: City of Ridgefield

Staff: Betty Young, Rail Operations Manager

Recommendation

Issue an order approving the City of Ridgefield's (City or Petitioner) petition to close the Mill Street at-grade highway-rail grade crossing in Ridgefield.

Background

On October 21, 2021, the City filed a petition seeking approval to close an at-grade crossing located at the intersection of Mill Street and BNSF Railway Company's (BNSF or Respondent) tracks in Ridgefield. BNSF consented to entry of an Order by the Commission without further notice or hearing.

Discussion

Closing the Mill Street crossing is part of the multi-faceted "Port of Ridgefield Pioneer Street Railroad Overpass" project (Overpass Project). According to the Petition, the purpose of the Overpass Project is to provide safer, unobstructed, direct motorized and non-motorized access from the City to the Port of Ridgefield (Port), the adjacent Lake River waterfront community, and the public boat launch.

The project also involves two other facets: the Port's construction of a new grade-separated crossing over the BNSF tracks in Ridgefield at Pioneer Street (USDOT 974393A), approved by the Commission in Docket TR-200266, and the City's conversion of the nearby Division Street at-grade crossing (USDOT 092428L) to a private crossing. Division Street will remain gated to all but emergency and BNSF maintenance vehicles. Conversion of a public crossing to a private crossing does not require Commission approval. Specifics related to the Division Street private crossing are being negotiated between the City and BNSF.

Once closure of the Mill Street at-grade crossing is approved by the Commission, public access to the crossing will end, and the existing crossing surface and signal equipment will be removed.

Stakeholder Comments

Commission staff (Staff) posted notice of the proposed crossing closure at the crossing. Staff also arranged for publication of a legal notice in the Columbian, the newspaper of general circulation in the Clark County area. Publication occurred on November 30, 2020. Both notices directed any person wishing to comment on the petition to respond by email or in writing to the Commission. The Commission received one objection from city resident Tim Frederickson regarding the proposed crossing closure within the comment period.

Mr. Frederickson's stated reason for the objection to the Mill Street crossing closure petition is that conditions related to the construction of the Pioneer Street overpass, approved by the Commission in Docket TR-200266, have not yet been met. The objection cites language in the Commission's Order in that docket and refers to the status of the conversion of the Division Street crossing to a private crossing.

> **Staff Response:** While the Pioneer Street, Mill Street, and Division Street crossing projects are all part of the Port and City's overarching Overpass Project, they involve separate railroad crossings. The Commission considers petitions related to crossing projects individually. In Docket TR-200266, the Commission did not condition its approval of the Pioneer Street overpass petition on the Port or the City taking action at either the Division Street or Mill Street crossings. The closure of the Mill Street crossing required a separate petition, filed by the City in Docket TR-210802 and under discussion today. The conversion of the Division Street crossing to a private crossing will not require a petition or Commission approval. BNSF will advise Staff once conversion of the crossing to private is complete. Staff met with Mr. Frederickson on January 5 to explain the Commission's process for crossing petitions and jurisdiction related to private crossings. Mr. Frederickson informed Staff that he does not object to the closure of the Mill Street crossing, which is before the Commission today.

Conclusion

Staff investigated the petition and recommend that it be granted subject to the conditions outlined in the Order.