BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY, Petitioner, v. SNOHOMISH COUNTY, Respondent.	DOCKET TR-090121 DECLARATION OF KATHY HUNTER REGARDING COMPLIANCE

1 I, KATHY HUNTER, declare as follows:

2 I am the Deputy Assistant Director for Transportation Safety with the Washington Utilities and Transportation Commission ("Commission"). I have held that position since November 2008. I supervise the Commission's rail safety staff, and I am responsible for all rail safety dockets. I have worked for the Commission for 21 years, and I have worked on rail safety matters since June 2006. I testified at the evidentiary hearing in this matter on March 30, 2009, and my training and experience are described in that testimony.

3 I have visited the 271st Street NW at-grade crossing in Stanwood several times over the past two years. As I described in my testimony of March 30, 2009, I was a member of a diagnostic team that examined the 271st Street NW crossing several months before the March 2009 hearing in this matter. As I described in my testimony at the hearing, it was my understanding at that time that BNSF Railway Company would install all new active warning devices at the 271st Street NW crossing, consider adding additional signage, and

consider safety upgrades for pedestrian users because of the anticipated increase in pedestrian traffic at the Amtrak station in Stanwood. In my opinion, those improvements were needed to make the crossing safer.

4 After the Commission issued its Final Order in this matter, I participated in a second diagnostic team meeting at the 271st Street NW crossing on February 8, 2010. Other members of that diagnostic team included Kevin Jeffers of the Washington State Department of Transportation, Bob Boston of Commission staff, and four representatives of the BNSF Railway Company—Jim Moore, Randy Rausch, Enrique Mondragon, and Richard Wagner. The diagnostic team made the recommendations that are described in Paragraph 5 of the Supplemental Notice of Compliance that Richard Wagner submitted in this docket on September 20, 2010.

5 On September 22, 2010, I inspected the 271st Street NW crossing with Paul Curl, another Commission employee. We found that the recommendations of the diagnostic team had been substantially complied with, as follows:

(a) The sidewalk on the west side of the crossing has been realigned and regraded to meet the standards of the Americans with Disabilities Act. The surface of the sidewalk has been changed to asphalt and asphalt transition.

(b) A pedestrian crossing gate with appropriate signal upgrades has been installed, along with a tactile strip. Mr. Curl and I measured the distance from the tactile strip to the mainline track center line and found it to be approximately 16 feet. In my opinion, that is a safe distance.

(c) The pedestrian crossing continues in a straight-line alignment to match the existing alignment on the east side of the crossing.

(d) Additional crossing panels have been installed to allow for adequate crossing width with the pavement edge-to-edge between the panels.

(e) The pedestrian crossing is delineated with edge-line striping.

(f) The vehicle crossing gate on the east sidewalk also functions as a pedestrian crossing gate. There is a tactile strip on the sidewalk four feet from the gate. The diagnostic team recommendations say "2 feet from gate, 8D.04 MUTCD." "MUTCD" is a reference to the Manual on Uniform Traffic Control Devices, which is published by the U.S. Department of Transportation, Federal Highway Administration. Section 8D.04, a copy of which is attached, provides that a pedestrian "pathway stop line should be placed at least 2 feet further from the nearest rail than the gate." The placement of the tactile strip four feet from the gate complies with Section 8D.04 of the Manual on Uniform Traffic Control Devices because it is at least two feet further from the nearest rail than the gate.

(g) The east side crossing gate has been relocated to the north with adequate clearance for dual vehicle and pedestrian use.

(h) A westbound traffic sign indicating "Do Not Block Tracks" has been installed.

(i) "RR Crossing Ahead" signs have been posted on all approaches.

6 As I stated in my testimony of March 30, 2009, I also believed that the installation of all new active warning devices at the 271st Street NW crossing would improve the safety of the crossing. During our site visit on September 22, 2010, Mr. Curl and I observed that all of the existing active warning devices at the 271st Street NW crossing have been replaced with new active warning devices.

7 I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed on this 23rd day of September, 2010, at Olympia, Washington.

Kathy Hunter

KATHY HUNTER

ATTACHMENT TO
DECLARATION OF KATHY HUNTER REGARDING COMPLIANCE
DOCKET TR-090121

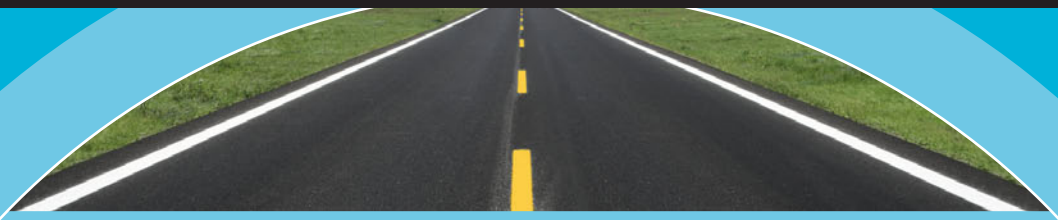
MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (2009 ed.)

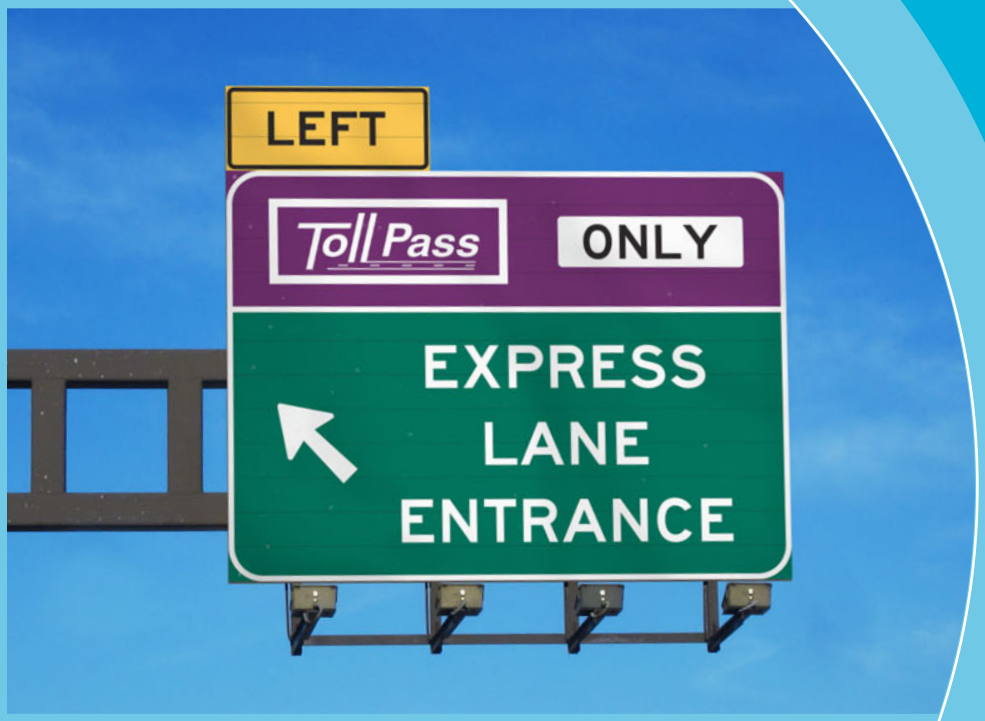
(U.S. Department of Transportation, Federal Highway Administration)
SECTION 8D.04
http://mutcd.fhwa.dot.gov/

Manual on Uniform Traffic Control Devices

for Streets and Highways

2009 Edition





U.S.Department of Transportation
Federal Highway Administration

CHAPTER 8D. PATHWAY GRADE CROSSINGS

Section 8D.01 Purpose

Support:

01 Traffic control for pathway grade crossings includes all signs, signals, markings, other warning devices, and their supports at pathway grade crossings and along pathway approaches to grade crossings. The function of this traffic control is to promote safety and provide effective operation of both rail and pathway traffic at pathway grade crossings.

02 Except as specifically provided in this Chapter, sidewalks are considered to be part of a highway-rail or highway-LRT grade crossing rather than a pathway grade crossing, and are covered by the provisions of Chapters 8B and 8C rather than by the provisions of this Chapter. However, many of the treatments outlined in this Chapter are applicable to sidewalks adjacent to highway-rail or highway-LRT grade crossings, including detectable warnings, swing gates, and automatic gates.

03 Crosswalks at intersections where pedestrians cross LRT tracks in mixed-use alignments are covered by the provisions of Section 3B.18 rather than by the provisions of this Chapter.

Section 8D.02 Use of Standard Devices, Systems, and Practices

Guidance:

01 *The public agency with jurisdiction over the pathway and the regulatory agency with statutory authority, if applicable, should jointly determine the need and selection of devices at a pathway grade crossing, including the appropriate traffic control system to be used.*

Section 8D.03 Pathway Grade Crossing Signs and Markings

Standard:

01 **Pathway grade crossing signs shall be standard in shape, legend, and color.**

02 **Traffic control devices mounted adjacent to pathways at a height of less than 8 feet measured vertically from the bottom edge of the device to the elevation of the near edge of the pathway surface shall have a minimum lateral offset of 2 feet from the near edge of the device to the near edge of the pathway (see Figure 9B-1).**

03 **The minimum mounting height for post-mounted signs on pathways shall be 4 feet, measured vertically from the bottom edge of the sign to the elevation of the near edge of the pathway surface (see Figure 9B-1).**

04 **Pathway grade crossing traffic control devices shall be located a minimum of 12 feet from the center of the nearest track.**

05 **The minimum sizes of pathway grade crossing signs shall be as shown in the shared-use path column in Table 9B-1.**

06 **When overhead traffic control devices are used on pathways, the clearance from the bottom edge of the device to the pathway surface directly under the sign or device shall be at least 8 feet.**

Guidance:

07 *If pathway users include those who travel faster than pedestrians, such as bicyclists or skaters, the use of warning signs and pavement markings in advance of the pathway grade crossing (see Figure 8D-1) should be considered.*

Section 8D.04 Stop Lines, Edge Lines, and Detectable Warnings

Guidance:

01 *If used at pathway grade crossings, the pathway stop line should be a transverse line at the point where a pathway user is to stop. The pathway stop line should be placed at least 2 feet further from the nearest rail than the gate, counterweight, or flashing-light signals (if any of these are present) is placed, and at least 12 feet from the nearest rail.*

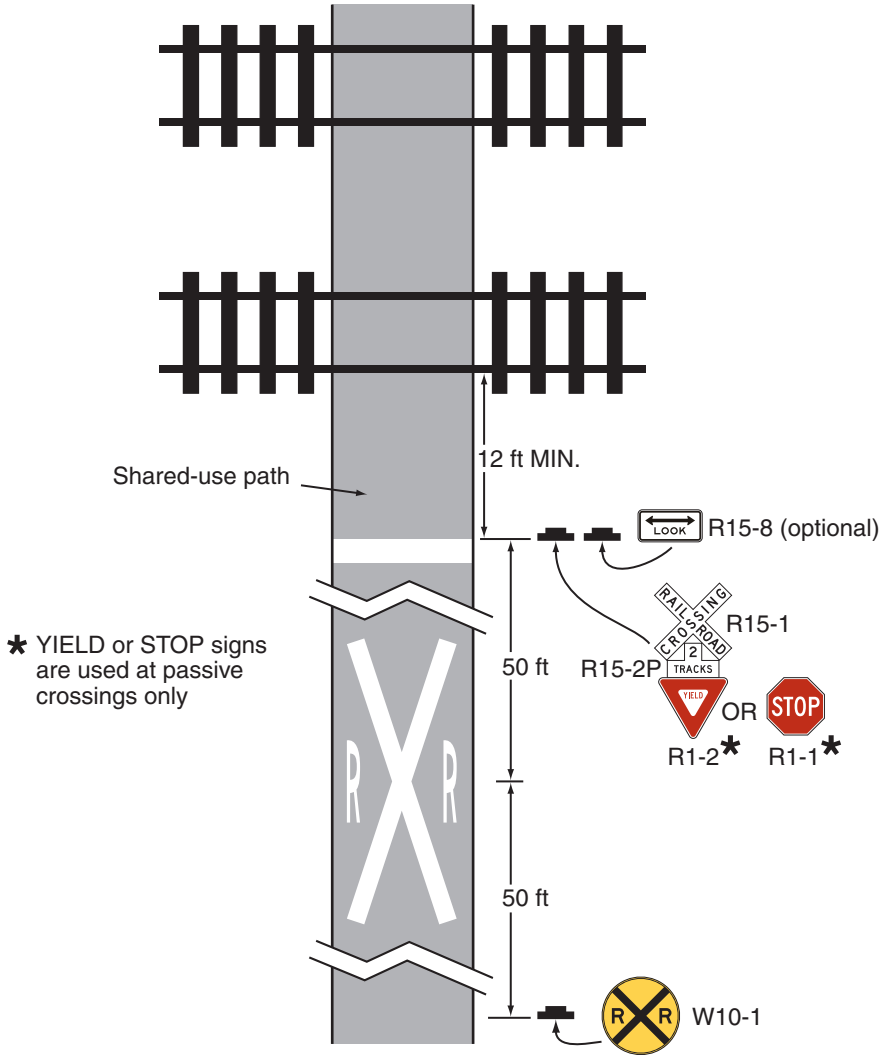
Option:

02 Edge lines (see Section 3B.06) may be used on approach to and across the tracks at a pathway grade crossing, a sidewalk at a highway-rail or highway-LRT grade crossing, or a station crossing to delineate the designated pathway user route.

Support:

03 Edge line delineation can be beneficial where the distance across the tracks is long, commonly because of a skewed grade crossing or because of multiple tracks, or where the pathway surface is immediately adjacent to a traveled way.

Figure 8D-1. Example of Signing and Markings for a Pathway Grade Crossing



04 Detectable warning surfaces (see Section 3B.18) that contrast visually with adjacent walking surfaces, either light-on-dark or dark-on-light, can be used to warn pedestrians about the locations of the tracks at a grade crossing. The "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG)" (see Section 1A.11) contains specifications for design and placement of detectable warning surfaces.

Section 8D.05 Passive Devices for Pathway Grade Crossings

Standard:

01 **Except as provided in Paragraph 2, where active traffic control devices are not used, a Crossbuck Assembly shall be installed on each approach to a pathway grade crossing.**

Option:

02 The Crossbuck Assembly may be omitted at station crossings and on the approaches to a pathway grade crossing that is located within 25 feet of the traveled way at a highway-rail or highway-LRT grade crossing.

Guidance:

03 *The pathway user's ability to detect the presence of approaching rail traffic should be considered in determining the type and placement of traffic control devices or design features (such as fencing or swing gates).*

04 *Nighttime visibility should be considered if design features (such as fencing or swing gates) are used to channelize pathway users.*

05 *If automatic gates and swing gates are used, the pathway should be channelized to direct users to the entrance to and exit from the pathway grade crossing.*