TR-031781 (P)

City of White Salmon
Public Works Department

October 29, 2003

Ahmer Nizam
WUTC
P.O. Box 47250
Olympia, WA 98504-7250

RE: BNSF RAILWAY COMPANY, PETITIONER vs. WHITE SALMON, WASHINGTON, RESPONDENT - WUTC CROSSING NO. 3A74.20

Dear Mr. Nizam:

Enclosed please find one ORIGINAL and one copy of the above referenced petition and application directing the reconstruction of a grade crossing, directing the upgrade of warning devices at an existing crossing, and authorizing the construction of the project, funding to be pursuant to the Intermodal Surface Transportation Efficiency Act (ISTEA) in cooperation with the Washington State Department of Transportation Local Programs Division.

Thank you. If you have questions or if I can be of further assistance in this matter please contact this office at (509) 493-1133.

Sincerely,

Roger Holen, Mayor
CITY OF WHITE SALMON

Cc: __ Wil Keyser, Director - Public Works & Planning
__ Wayne Stanley, Transportation Specialist Consultant
__ J.M. Cowles, Mgr Public Projects, BNSF Railway Co.

Box 2139 - 100 N. Main St.
White Salmon, WA 98672
Email: cityhall@gorge.net

Office: (509) 493-1133
Fax: (509) 493-1231

ORIGINAL

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

		Docket No. __
The Burlington Northern and Santa Fe Railway Company	)	**PETITION**
Petitioner,	)	**Road Name South Dock Grade Rd**
Vs	)	
White Salmon, Washington	)	
	)	**WUTC Crossing No. 3A74.20**
Respondent	)	
	)	**DOT Crossing No. 090164L**

Application is hereby made to the Washington Utilities and Transportation Commission for an order (check one or more of the following)

[☒] directing the reconstruction of a grade crossing;
(construction - reconstruction-relocation)

[☐] directing installation of automatic grade crossing signal or other warning device (other than crossbucks) at a new crossing.

[☒] directing upgrade of warning devices at an existing crossing;
(replacement-change-upgrade)

[ ] allocating funds from the "grade crossing protective fund" for _____ of active warning devices;
(installation and/or maintenance)

[☒] authorizing the construction of the project, funding to be pursuant to the Intermodal Surface Transportation Efficiency Act (ISTEA) in cooperation with the Washington State Department of Transportation Local Programs Division;

at the railroad grade crossing identified above and described in this petition. This application seeks the relief specified above by (check one of the following)

[☐] hearing and order [☒] order without hearing

[☒] [ ] YES NO Has application for funding, pursuant to Intermodal Surface Transportation Efficiency Act been made to the Local Programs Division for this project.

[ ] [☒] YES NO If the answer is yes to the question above, has the funding requested under the Intermodal Surface Efficiency Act been denied?

I certify under penalty of perjury that the information provided in and with this petition is true and correct.

_____
Petitioner

John M. Cowles, Manager Public Projects
Print Name Title

2454 Occidental Avenue South, Ste. 1-A
Street Address

Seattle, WA 98134
City - State - Zip Code

INTERROGATORIES
Use additional paper as needed

[1]

State name of highway and railway at crossing intersection:

Existing or proposed highway N/A HWY mile post N/A

Existing or proposed railway The Burlington Northern and Santa Fe Railway Co. RR mile post 74.20

Located in the SW1/4 of the SE1/4 of Sec. 24 Twp. 3N Range 10E W.M.

WUTC crossing number 3A74.20 DOT crossing number 090164L

Street South Dock Grade Rd City White Salmon County Klickitat

[2]

Character of crossing (indicate with X or numbers where applicable):

(a) Common Carrier (☒) Logging or Industrial (☐)

(b) Main Line (☒) Branch Line (☐) Siding or Spur (☐)

(c) Total number of tracks at crossing 1
(Note: A track separated 100 feet or more from another track constitutes a separate crossing).

(d) Operating maximum train speed: Legal maximum train speed:

Passenger	60	MPH	Passenger	60	MPH
Freight	55	MPH	Freight	55	MPH

(e) Actual or estimated train traffic in 24 hours:

Passenger Trains 2 Freight Trains 23
(Note: Round trip counted as two trains. Include switch movements).

[3]

Character of Roadway:

(a) State Highway-Classification

(b) County Highway-Classification

(c) City Street-Classification Local street (w/o curbs, gutters and sidewalks)

(d) Number of traffic lanes existing in each direction: 1 Number of additional traffic lanes proposed:

(e) Posted vehicle speed limit: Automobile 25 MPH Trucks 25 MPH

(f) Estimated vehicle traffic in 24 hours: Current total 377 including 42 trucks and — school bus trips.
Projected traffic in 5 years: total 377 including 42 trucks and — school bus trips.

[4]

(a) If temporary, state for what purpose crossing is to be used and for how long.

N/A

(b) If temporary grade crossing, will you remove the crossing at completion of the activity requiring the temporary crossing?

N/A

[5]

(a) State whether or not a safer location for a grade crossing exists within a reasonable distance in either direction from the proposed point of crossing, and if so, what reason, if any, why this safer location should not be adopted, even though in doing so, it may be necessary to relocate a portion of the highway or railway.

No

(b) Are there any hillsides, earth, or other embankments, buildings, trees, orchards, side tracks (on which cars might be spotted), loading platforms, etc., in the vicinity not feasible to move, which may obstruct the view and which can be avoided by relocating the proposed crossing. Would it be practical to do so: Please describe.

No

[6]

(a) Is it feasible to construct and use an over or under crossing at the intersection of said railway land highway? If not, state why?

No. It is not economically feasible, and traffic volumes do not warrant a grade separation.

(b) Does the railway line at any point in the vicinity of the proposed crossing pass over a fill or trestle or through a cut where it is feasible to construct an under or overpass, even though it may be necessary to relocate a portion of the highway to reach that point?

No

(c) If a suitable place for an under - or over - crossing exists in the vicinity of the proposed crossing, state the distance from the proposed crossing; the approximate cost of construction; and what, if any, reason exists why it should not be constructed.

No

[7]

(a) State approximate distance to nearest public or private crossing in each direction of railroad involved herein.
0.21 mi E to DOT no. 090166A (public overpass)
3.19 mi W to DOT no. 090163E (SR 14 overpass)

(b) If there is an existing crossing near the vicinity or if more than one crossing is proposed is it feasible to divert highways served and to be served by existing and proposed crossings, thus eliminating the need for more than one crossing?
No.

(c) If so, state approximate cost of highway relocation to effect such changes.
N/A

(d) Will the proposed crossing eliminate the need for one or more existing crossings in the vicinity? If so, state direction and approximate distance to the crossing or crossings.
No

(e) If this crossing is authorized, do you propose to close any existing crossing or crossings?
No

[8]

State the lengths of views which are now available along the line of railway to travelers on the highway when approaching the crossing from either side of the railway and when at points on the highway as follows:

Approaching crossing from North **(direction) an unobstructed view to the**

right when on highway 300 feet from crossing of	N/A	feet	(South Dock Gracie Road begins @ ℄ of Tee intersection 180 feet north of crossing.) *
right when on highway 200 feet from crossing of	N/A	feet	
right when on highway 100 feet from crossing of	N/A	feet	
right when on highway 50 feet from crossing of	100	feet	
right when on highway 25 feet from crossing of	1,300+	feet	
left when on highway 300 feet from crossing of	N/A	feet	
left when on highway 200 feet from crossing of	N/A	feet	
left when on highway 50 feet from crossing of	215	feet	
left when on highway 25 feet from crossing of	1,300+	feet	

Approaching crossing from South **(opposite direction) an unobstructed view to**

right when on highway 300 feet from crossing of	N/A	feet	(South Dock Gracie Road ends @ northerly limits of Native American in-lieu site ± 100 feet south of crossing.) *
right when on highway 200 feet from crossing of	N/A	feet	
right when on highway 100 feet from crossing of	85	feet	
right when on highway 50 feet from crossing of	125	feet	
right when on highway 25 feet from crossing of	400	feet	
left when on highway 300 feet from crossing of	N/A	feet	
left when on highway 200 feet from crossing of	N/A	feet	
left when on highway 100 feet from crossing of	100	feet	
left when on highway 50 feet from crossing of	150	feet	
left when on highway 25 feet from crossing of	375	feet	

* Relative to project site.

[9]

Attach one or more prints showing a vicinity map and a layout of railway and highway, as well as profiles of each, also showing percent of grade, 500 feet of highway and railway when approaching crossing from all four directions. On the prints, spot and identify obstructions of view located in all four quadrants. Provide a traffic control layout showing the location of the existing and proposed signing of the intersections.

See exhibit "C" attached

[10]

(a) Is it feasible to provide a 25 foot level grade crossing on both sides from centerline of railway at point of crossing?
Yes

(b) If not, state in feet the length of level grade it is feasible to obtain.

(c) Is it feasible to obtain an approach grade, prior to the level grade of five percent or less? If not, state why, and state the percent approach grade possible.
Yes

[11]

Do you know of any reason not appearing in any of the answers to these interrogatories why the proposed crossing should not be made at grade or at the point proposed by you? If so, please state same fully.
No

Interrogatories 12 and 13 are to be completed only if this petition involves installation, replacement, or changing of automatic grade crossing signal or other warning device, other than crossbucks.

---

[12]

(a) State in detail, the number and type of automatic signals or other warning devices (other than crossbucks) proposed to be installed. (This portion should be filled in only after conference between the railroad and the petitioning local government agency.)

Install two automatic flashing light traffic control devices, shoulder-mount type with gates and train activation devices.

(b) State an estimate of the cost for installing the signals or other devices proposed, as obtained from the respondent railroad company ..... $ 158,875.00

(c) State a cost estimate for maintaining the signals or devices for 12 months, as obtained from the respondent railroad company ..... $ ____

(d) If this is an existing crossing, what will the proposed warning devices replace in the way of existing devices.
Crossbucks.

(e) As the petitioner, are you prepared to pay or will you promise to pay to the respondent railroad company, your share of the cost of installing the warning devices proposed as provided by law?

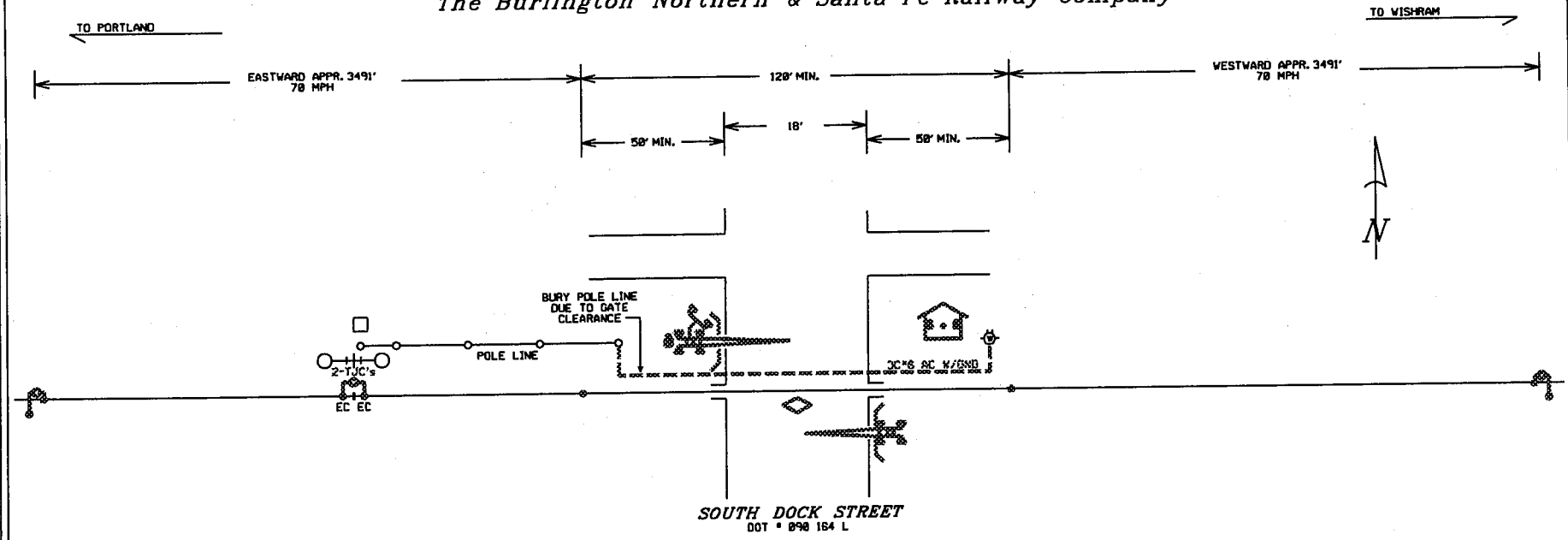
( ) Yes ( ) No (N/A) Railroad is Petitioner

[13]

Furnish a brief statement of why the public safety requires the installation of the automatic signals or devices as proposed?

Installation of active warning devices will improve the safety of the motoring public.

The Burlington Northern & Santa Fe Railway Company



INSTALL: GATES & FLASHERS

CONTROL DEVICES: CONSTANT WARNING

BOLD - IN

~~SLASH~~ - OUT

SALVAGE: NONE

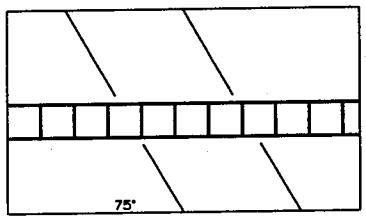


EXHIBIT "C"

- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROLL CONNECTIONS
- BIDIRECTIONAL CROSSING CONTROL
- UNIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placement:

Clearance to C.L. Track = Min. 12', Max. 20'
Edge of Road to C.L. Foundation:
Min. 4'1" with curb,
Min. 8'1" without curb,
Max. 12'
House Clearance: 25' Min. to C.L. of Track
30' Min. to Edge of Road
Front Lights: 30-15 Degree Lenses
Back and Side Lights: 70 Degree Lenses
Cantilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.
WHITE SALMON, WA

LS: 0047
M.P. 74.20
DOT * 090 164 L

KANSAS CITY
NO SCALE
DATE: 9/29/03
FILE: 0047074_20.dgn
MJ/TLP

RESPONDENT'S WAIVER OF HEARING

Docket No. _____

Petition of _____

For _____

I have investigated the conditions existing at and in the vicinity of the proposed crossing changes. As a result, [check one or more of the following, as appropriate:]

☒ I am satisfied that conditions are as represented in the petition and the interrogatories and that the petition should be granted.

☒ The cost of installation (estimated at $ 158,875.00) is acceptable.

☒ subject to approval and apportionment pursuant to the Intermodal Surface Transportation Act by the Washington State Department of Transportation Local Programs Division.

☐ as apportioned between the parties

☐ to be paid by petitioner.

Other conditions to waiver of hearing:

As per the agreement between the parties, hereto

The undersigned hereby waives hearing and further notice. The Washington Utilities and Transportation Commission may enter a final order without further notice of hearing.

Dated at WS, Washington, on this 29th day of Oct., 2003.

Respondent Roger Holen

By Mayor, City of White Salmon

Print Name: ROGER HOLEN

Title: MAYOR

INSTRUCTIONS

General

Petition forms with the interrogatories fully and correctly answered should be filed with the Washington Utilities and Transportation Commission, Chandler Plaza, 1300 S. Evergreen Park Drive SW, Olympia, Washington, 98504. Blank forms may be obtained from the same address. All pleadings herein shall conform with WAC 480-09-420 and 425 of the Commission's Rules and Procedure.

Number of Copies

File the original and one copy if the "Waiver of Hearing by Respondent" is filled out. If petitioner intends that the Commission serve the respondent, the original and two copies should be filed. If the petitioner serves the respondent, a certificate of service in conformity with the requirements of WAC 480-09-120 of the Commission's Rules of Practice and Procedure must be filed.

Parties Who May Petition or Respond

In general, the following persons may file or respond to a petition: highway authorities, (city, county, or state), railroad companies, and state agencies with lawful authority to construct and maintain public highways (RCW 81.53.030 and 060). In situations where there may be more than one party of interest as either a petitioner or a respondent, all parties should be joined.

Waiver of Hearing by Respondent

The proceeding can usual be expedited by submitting the applications to the respondent and securing the execution of the "Waiver of Hearing by Respondent". As an alternative, respondent may file a separate "Answer." If the pleadings show that the respondent has no objection, an order may be entered without hearing at the discretion of the Commission, unless the public interest appears to require hearing and unless hearing is required under the terms of RCW 81.53.030 or 060. In all other cases, the petition shall be set for hearing.

Crossing Construction

Application for crossing state highways should be submitted in duplicate to the District Highway Engineer in the locality for his recommendation to be attached and forwarded to the State Department of Transportation Secretary, Olympia.

A party, after having been granted authority by the Commission to construct a crossing, must acquire right of way or easement because the order of the Commission merely relates to public safety and grants only toe right to cross, subject to acquiring a right of way or easement.

Time for Replying to a Petition

A petition not answered within 20 days of the date of service, shall be deemed denied and may be set for hearing. If a qualified or conditional answer is filed by the respondent, the petitioner may file a "Replay" within 10 days of the date the "Answer" is served.

(PLEASE REMOVE THIS SHEET BEFORE FILING PETITION)