



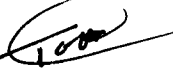
# MEMORANDUM

112 Anderson Road, Cheney, WA 99004-1870  
Phone: (509) 498-9293 – Fax: (509) 498-9331  
E-mail: [tableman@cityofcheney.org](mailto:tableman@cityofcheney.org)

RECEIVED

JUN -2 2005

WASH. UT. & TP. COMM

TO: Ahmer Nizam  
FROM: Todd Ableman, Project Manager   
SUBJECT: BNSF Railway Company – Petition  
DATE: May 31, 2005

Please note the attached original signed petition along with two copies to install R15-3 signs at the Cheney Spangle Road spur line crossing, MP16.3.

Thank you for your time and attention to this matter and if you should have any questions, or need additional information, please do not hesitate to contact me.

RECEIVED  
05 JUN -2 PM 3:37  
CITY OF CHENEY

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THE CITY OF CHENEY	)	DOCKET NO.
	)	
Petitioner,	)	
	)	
v.	)	Petition for installation of R15-3 Exempt Signs
	)	at a highway-rail grade crossing
THE BURLINGTON NORTHERN SANTA	)	
FE RAILWAY COMPANY	)	USDOT No. 065970L
	)	WUTC No. 1B16.3
Respondent.	)	
.....	)	

Petition is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the installation of an R15-3 ("Exempt") sign at a highway-rail grade crossing identified above and described in this petition:

**1. Identifying information for the grade crossings:**

**Railroad Company:** The Burlington Northern Santa Fe Railway Company

Number of trains per day:

Number of tracks: 2 spur lines and 1 mainline.

Maximum Timetable Speed:

**Highway Information**

Road Authority: City of Cheney

Street Name: Cheney Spangle Road

AADT: > 1500

Number of lanes: 2

Roadway Speed: 25 MPH

**2. Project description and justification:**

**(a) Proposed changes:**

To install R15-3 (EXEMPT) sign at the Cheney Spangle Road spur line grade crossing, BNSF MP16.3.

**(b) Justification for changes:**

Two spur lines are primarily used by the Palouse River-Coulee City Railroad to access grain storage facilities. In addition to the two spur lines, there is a BNSF mainline track that is equipped with gates and signals. Buses traveling east toward the BNSF mainline track have to cross the two spur lines and if the gates on the BNSF mainline track are activated then the buses have to rush to get over the BNSF mainline track because if a bus stops short of the gate once it is activated then it would be sitting on the uncontrolled spur line tracks. School buses are not allowed to wait on uncontrolled crossings. On more than one occasion school buses have been clipped by the descending BNSF gates while crossing the BNSF mainline track. If the spur line tracks were made exempt and therefore controlled then the school buses could stop on the spur line tracks once the BNSF gates are activated.

**(c) Effects of proposed changes on the method and manner of the crossings:**

An exempt crossing at the spur line tracks would allow buses or other vehicles to safely wait on the spur line for train traffic to clear on the BNSF mainline track by requiring the railroad to control train travel at the spur line crossing.


I certify under penalty of perjury that the foregoing is true and correct.

Dated at Cheney, Washington this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Petitioner:

The City of Cheney, Washington

By:



Amy Jo Sooy, Mayor

609 Second Street, Cheney, WA 99004

(Address)

**WAIVER OF HEARING BY RESPONDENT**

The respondent has investigated the conditions existing at and in the vicinity of the grade crossing described herein and is satisfied that such conditions are substantially as described in the petition. Respondent consents to the modification of the crossing surface. Hearing in this proceeding is hereby waived.

Dated at \_\_\_\_\_, Washington, on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Respondent:

The Burlington Northern Santa Fe  
Railway Company

By: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Address)

## INSTRUCTIONS

Petitioner can be the railroad, the road authority or the Washington Utilities and Transportation Commission. If the railroad is the petitioner, the road authority will be the respondent. If the road authority is the petitioner, the railroad will be the respondent.

The original and two copies of the petition must be filed with the Washington Utilities and Transportation Commission.

If the waiver of hearing is executed, the petition will be investigated and a decision made within approximately two weeks from receipt of the documents.

If the waiver of hearing is not executed on the petition filed, a copy of the petition will be served upon the respondent by the Commission for answer within 20 days. Upon receipt of respondent's answer or after the 20 day period has elapsed, the application will be processed. Time for making a decision will depend on whether an answer is filed and the content of the answer.

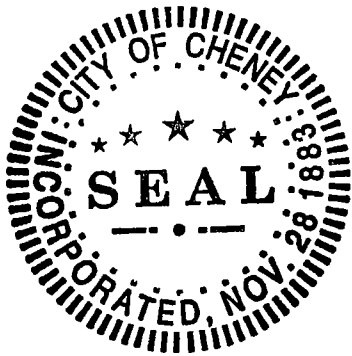
City of Cheney  
609 2<sup>nd</sup> Street  
Cheney, WA 99004-1606

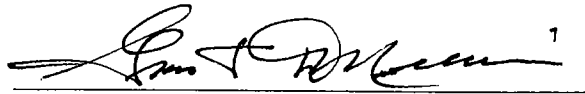
CERTIFICATION OF RESOLUTION

STATE OF WASHINGTON	}	
COUNTY OF SPOKANE	}	
CITY OF CHENEY	}	Resolution D-004
OFFICE OF THE CITY CLERK	}	

I, Grant D. Murie, Clerk of the City of Cheney, County of Spokane, Washington, do hereby certify that the annexed paper is a full, true, and correct copy of Resolution No. D-004 as adopted by the City Council at the regular session of May 24th, 2005 and approved by the Mayor Amy Jo Sooy on the 24th day of May, 2005, the original of which is on file in the office of the City Clerk of the City of Cheney, Spokane County, Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and the affixed the official seal of the City of Cheney, Spokane County, Washington this 24th day May 2005.



  
\_\_\_\_\_  
Grant D. Murie, City Clerk

City of Cheney  
609 Second Street  
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON  
RESOLUTION D-004**

**A RESOLUTION AUTHORIZING THE MAYOR TO PETITION THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION FOR AN OFFICIAL TRAFFIC CONTROL DEVICE TO PROVIDE FOR SAFE PASSAGE ACROSS THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY CROSSING ON CHENEY-SPANGLE ROAD AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.**

THE CITY COUNCIL OF THE CITY OF CHENEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

**WHEREAS**, RCW 46.61.350 requires school buses to stop prior to crossing over an uncontrolled railroad grade crossing unless a crossing is protected by a crossing gate or some other protective measure including an official traffic control device designated by the Washington Utilities and Transportation Commission; and

**WHEREAS**, school buses from the Cheney School District traveling east on Cheney-Spangle Road must stop prior to crossing over the uncontrolled spur line tracks at the Burlington Northern Santa Fe (BNSF) crossing; and

**WHEREAS**, the additional time required to stop at the uncontrolled spur line tracks has made it extremely difficult for school buses from the Cheney School District to make it across both the spur line tracks and the mainline track in a timely fashion especially when a train is approaching the Cheney-Spangle Road crossing on the BNSF mainline track; and


**WHEREAS**, RCW 81.53.060 authorizes cities in the interest of public safety to petition the Washington Utilities and Transportation Commission for an official traffic control device at crossings where the same does not currently exist; and

**WHEREAS**, the City of Cheney wishes to petition the Washington Utilities and Transportation Commission for the installation of an R15-3 ("Exempt") sign at the two BNSF spur line tracks which would require a railroad flagger be on site to control train

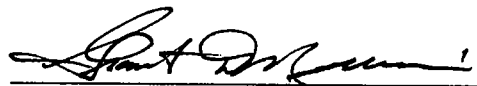
and vehicle traffic at the two spur line tracks and this would exempt school buses from the stopping requirements under RCW 46.61.350.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cheney to authorize the Mayor to petition the Washington Utilities and Transportation Commission under RCW 81.53.060 for an order authorizing the installation of a R15-3 ("Exempt") sign which constitutes an official traffic control device for the purpose of granting an exemption to the stopping requirements under RCW 46.61.350.

**ADOPTED** by the City Council of the City of Cheney at a regular meeting this 24<sup>th</sup> day of May, 2005.

  
\_\_\_\_\_  
Amy Jo Sooy, Mayor

ATTEST:

  
\_\_\_\_\_  
Grant Murie, City Clerk