

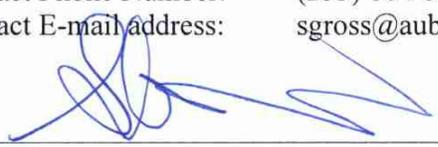
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| | | |
|--|---|------------------------------|
| |) | DOCKET NO. TR- |
| |) | |
| City of Auburn |) | PETITION TO CHANGE A PRIVATE |
| |) | CROSSING TO A PUBLIC |
| Petitioner, |) | CROSSING |
| |) | |
| vs. |) | |
| |) | |
| Gates, Gates, Gates LLC; Mohawk Northern |) | USDOT Crossing No.: 945561A |
| Plastics, LLC DBA Ampac; BNSF Railway |) | |
| |) | |
| Respondents. |) | |

The Petitioner asks the Washington Utilities and Transportation Commission to approve the change in designation of a private crossing to a public crossing.

Section 1 – Petitioner’s Information

| | |
|---------------------------|--|
| Petitioner: | City of Auburn |
| Street Address: | 25 West Main Street |
| City, State and Zip Code: | Auburn, Washington 98001 |
| Mailing Address: | Same as above |
| Contact Person Name: | Steven L. Gross, Assistant City Attorney |
| Contact Phone Number: | (253) 804-5027 |
| Contact E-mail address: | sgross@auburnwa.gov |



Signature

Section 2 – Respondents' Information

| | |
|---------------------------|--|
| Respondent #1: | Gates, Gates, Gates LLC (Owner) |
| Street Address: | 24708 142 nd Ave SE |
| City, State and Zip Code: | Kent, WA 98042 |
| Mailing Address: | Same |
| Contact Person: | William A. Gates |
| Contact Phone: | (253) 631-7771 |
| Contact Email: | Williamgates4@me.com |
| | |
| Respondent #2: | Mohawk Northern Plastics, LLC DBA Ampac (Lessee) |
| Street Address: | 701 A Street NE |
| City, State and Zip Code: | Auburn, WA 98002 |
| Mailing Address: | Same as above |
| Contact Person: | Rich Shaw |
| Contact Phone: | (253) 939 8206 |
| Contact Email: | rshaw@ampaconline.com |
| | |
| Respondent #3: | BNSF Railway (Operator) |
| Street Address: | 2454 Occidental Ave S; #2-D |
| City, State and Zip Code: | Seattle, WA 98134 |
| Mailing Address: | Same as above |
| Contact Person: | Megan McIntyre |
| Contact Phone: | (206) 625- 6413 |
| Contact Email: | Megan.McIntyre@bnsf.com |

Section 3 – Crossing Location

- Existing highway/roadway: A Street Northwest (See Exhibit A)
- Existing railroad: BNSF operated over spur privately owned by Gates, Gates, Gates LLC, and leased by AMPAC
- USDOT Crossing No. 945561A
- Located in the: NE 1/4 of the NE 1/4 of Sec. 13, Twp. 21, Range 04 W.M.
- GPS location, if known: n/a
- Railroad mile post (nearest tenth): 21.14
- City: Auburn County: King

Section 4 – Crossing Traffic

1. Type of public road at the crossing State County City
 Port State Park Other _____
2. Average daily vehicle traffic over the tracks: 100 Vehicle speed limit: 30 mph
3. Trucks (commercial vehicles) are what percent of average daily traffic: 10%
4. Number of school buses over the crossing each day: 0
5. Name of railroad(s) operating at crossing: BNSF Railways
6. Type of railroad at crossing Common Carrier Logging Industrial
 Passenger Excursion
7. Type of tracks at crossing Main Line Siding or Spur
8. Number of tracks at crossing One
9. Average daily train traffic, freight 0.57 (On average 3-4 train crossings per week)
Authorized freight train speed N/A Operated freight train speed: 4 mph or less
10. Average daily train traffic, passenger: 0
Authorized passenger train speed N/A Operated passenger train speed _____

Section 5 – Current Warning Devices

1. Provide a complete description of the warning devices currently located at the crossing, including signs, gates, lights, train detection circuitry and any other warning devices.

Cross buck assemblies, advance warning signs, and advance pavement markings are already in place at the crossing.

Section 6 – Justification of Proposed Changes

1. Describe in detail why the commission should approve changing the designation from a private to a public crossing.

The spur over which the road crosses is a private industrial spur track owned by Gates Gates LLC, and leased to Mohawk Northwest Plastics LLC, a Delaware limited liability company, doing business as AMPAC. It was constructed in 1981 and has been in use ever since. At that time, there was no road crossing. In 1982, the property owner applied for a short plat, and designated the location of the future public roadway as Tract X. In 1986, the property owner conveyed Tract X to the City as public right of way. At that time, the property owner constructed a two-lane roadway from 7th Street NW (south of the property) up to the south side of the spur, but the roadway did **not** cross the spur until 2004, when the current public roadway was constructed. From 2004 until the present, the roadway was primarily used to access AMPAC and other businesses in its complex.

The City only recently became aware that WUTC had not received any formal request from the track owner or the City to designate this crossing as public.

BNSF Railway services the AMPAC facility, on average, twice a week with a total of three to four train movements crossing the roadway per week. Over the last 8 years that the road

crossing has existed these train movements have been in the early morning hours, around 2 am, and are not during heavy peak vehicle traffic times. AMPAC has indicated that it prefers to continue this service schedule.

The existing roadway at the crossing consists of one through lane in either direction and a center left turn lane. The roadway has been constructed to City standards for a minor arterial. It is relatively straight, the grade is flat, and it is well-lit, with street lights located within 80 feet in either direction from the crossing. See Exhibit B. This road is currently connected only to 3rd Street NW, which is located approximately four blocks to the south of the existing crossing. A Street NW currently acts as a local access road for two business complexes (AMPAC and the Gates Buildings) handling approximately 100 to 300 vehicles per day. In summer of 2012 this roadway will become a connected minor arterial public roadway extending to the north to 14th Street NW.

Per City of Auburn accident data, there have been no reported collisions at the crossing.

Sight distance is not currently hindered in either direction. Per the Railroad Highway Grade Crossing Handbook, the required sight distance for a 4 mph train speed and a vehicle speed of 30 mph is 40 feet. Sight distance obstructions are a minimum of 50 feet from the edge of the vehicle travel way in all directions and in most cases is greater than 50 feet. The spur line dead ends approximately 300 feet east of the road crossing.

It is the City's position that the existing cross buck assemblies, advance warning signs, and advance pavement markings, combined with the railroad's standard operating practices when trains operate over the crossing, provide adequate protection for this crossing.

The protective measures at this crossing are consistent with those used by BNSF Railway currently at the only other industrial spur crossing on an arterial roadway within Auburn which is located on C Street SW. See Exhibit C. C Street SW is a roadway with higher traffic volumes.

higher train volumes and higher road speeds. At that crossing, C Street SW is a four-lane roadway, with current volumes of approximately 11,800 vehicles per day, 2 train crossings per day, and a posted speed limit of 45 mph. See Exhibit D. In addition, BNSF and the track owner recently completed improvements to the C Street SW crossing that did not include adding active protection. Per City of Auburn accident data, there is no history of collisions between vehicles and trains at C Street SW.

Other similar crossings are located in adjacent cities including two industrial spur crossings on 76th Ave S in Kent. 76th Ave S is an existing three-lane industrial collector arterial similar in design to A Street NW handling approximately 5,200 vehicles per day. The maximum speed limit at the crossing is 35 mph. The two railroad spur crossings on 76th Ave. S are protected by passive protection cross bucks only. See Exhibit E.

After being opened to the north to 14th Street NW later this year, traffic on A Street NW is expected to gradually increase to handle a maximum traffic volume of approximately 13,500 vehicles per day at the crossing in 2020. The posted speed limit of the road will be 30 mph. The City estimates that traffic during the typical operating hours of the trains using this crossing will gradually increase over ten years up to an estimated maximum of 50 cars per hour between the hours of midnight and 4 am.

The City will regularly monitor the crossing and will coordinate with the WUTC and the respondents to conduct any future diagnostics as needed to evaluate the crossing for further improvement.

Section 7 – Additional Information

Supporting documentation is attached to this Petition.

Section 8 – Waiver of Hearing by Respondent

Waiver of Hearing

The undersigned represents **Respondent Gates Gates Gates, LLC** in the petition to change a private crossing to a public crossing at the following crossing:

USDOT Crossing No. 945561A

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree to the change in designation from a private to a public crossing and consent to a decision by the commission without a hearing.

Dated at _____, Washington on the _____ day of _____, 2012.

Printed name of Respondent

Signature of Respondent's Representative

Title

Name of Company

Phone number and e-mail address

Mailing address

Waiver of Hearing

The undersigned represents **Respondent APMAC** in the petition to change a private crossing to a public crossing at the following crossing:

USDOT Crossing No. 945561A

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree to the change in designation from a private to a public crossing and consent to a decision by the commission without a hearing.

Dated at _____, Washington on the _____ day of _____, 2012.

Printed name of Respondent

Signature of Respondent's Representative

Title

Name of Company

Phone number and e-mail address

Mailing address

Waiver of Hearing

The undersigned represents **Respondent BNSF Railways** in the petition to change a private crossing to a public crossing at the following crossing:

USDOT Crossing No. 945561A

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree to the change in designation from a private to a public crossing and consent to a decision by the commission without a hearing.

Dated at _____, Washington on the _____ day of _____, 2012.

Printed name of Respondent

Signature of Respondent's Representative

Title

Name of Company

Phone number and e-mail address

Mailing address



WUTC Petition
A Street NW Vicinity Map

EXHIBIT A

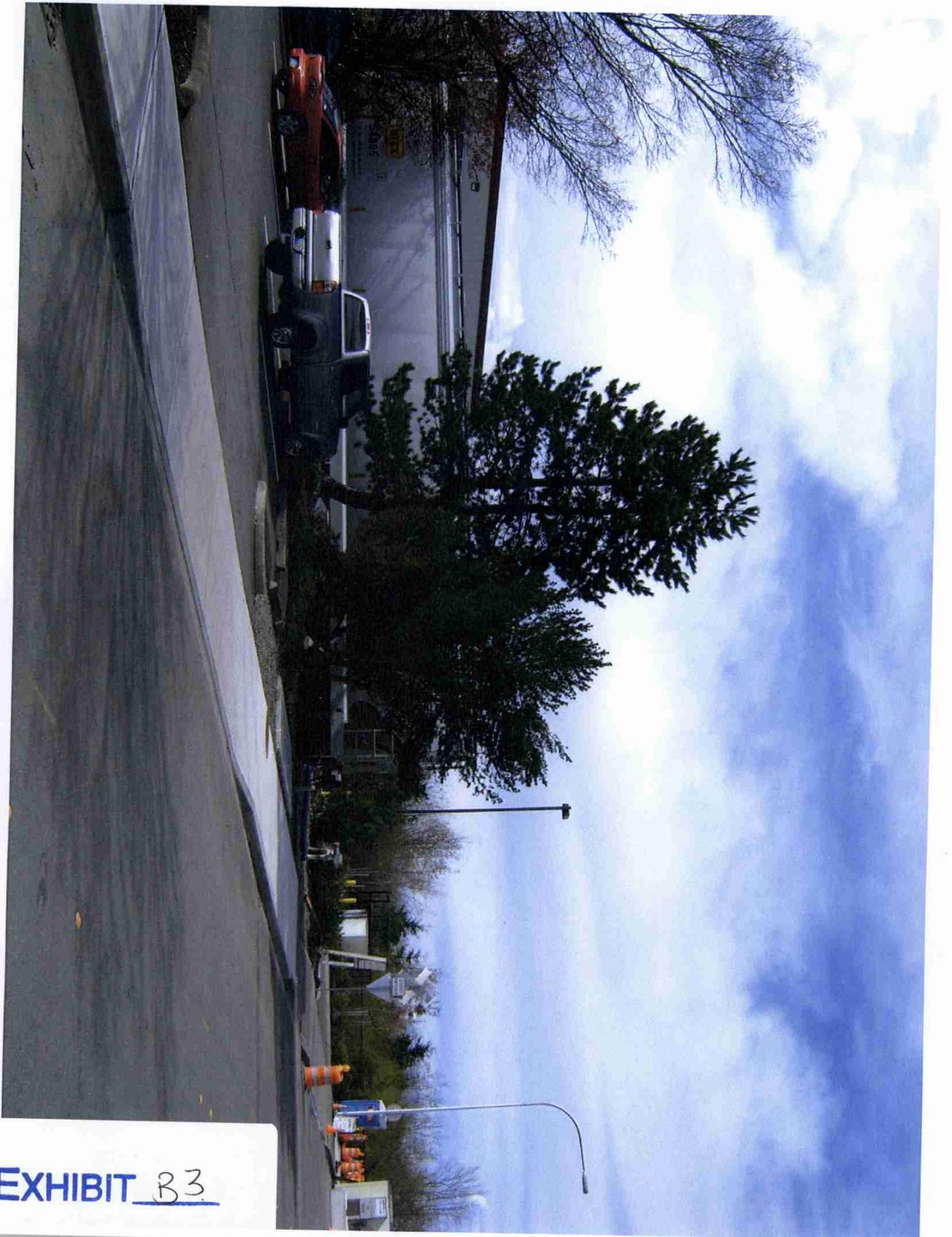


EXHIBIT B-1



EXHIBIT B-2

EXHIBIT B3



Spur Locations with Passive Protection in Auburn



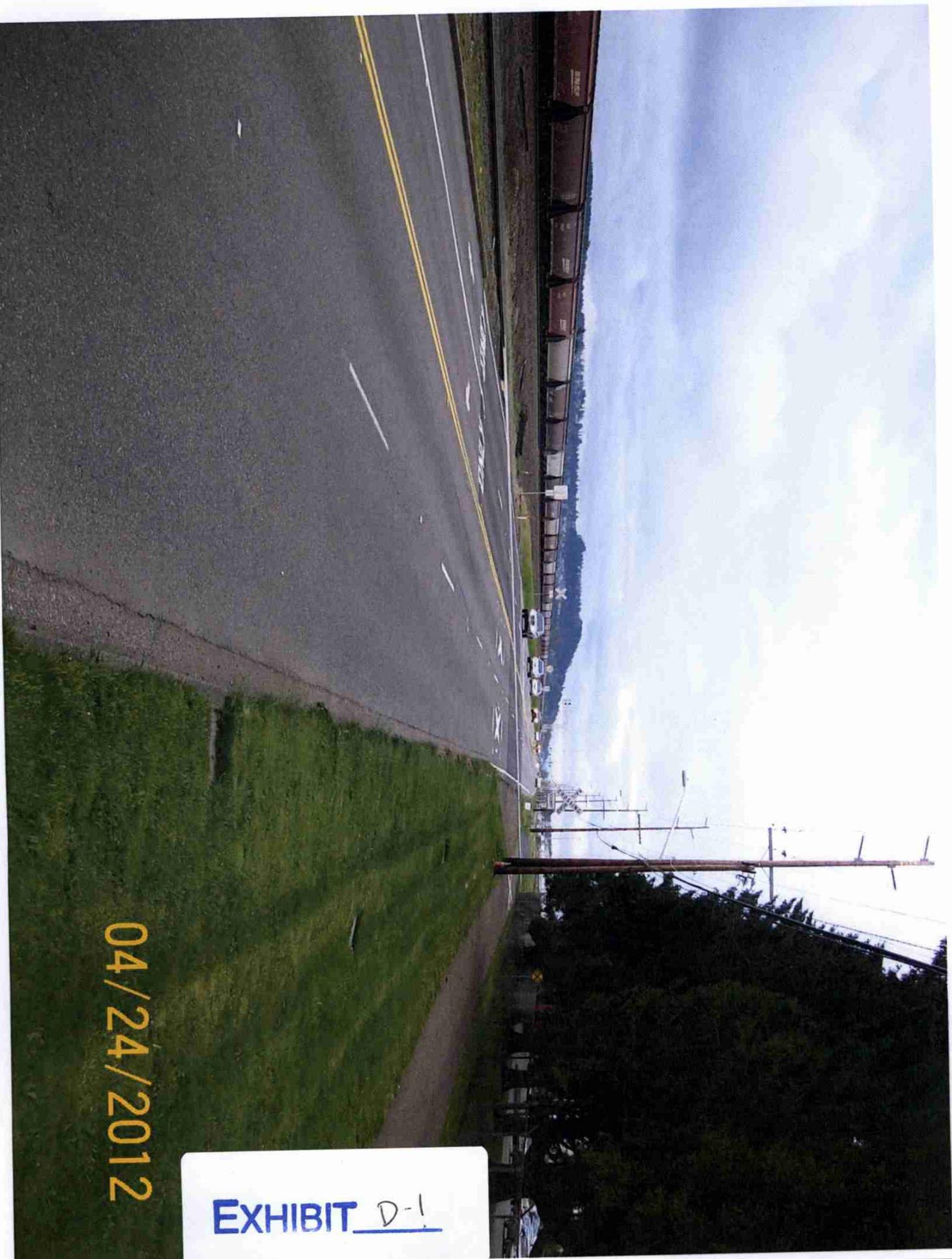
EXHIBIT C.

Printed Date: 4/11/2012

Map Created by City of Auburn eGIS

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.





04/24/2012

EXHIBIT D-1



04/24/2012

EXHIBIT D.2



EXHIBIT E-1

E-1
X

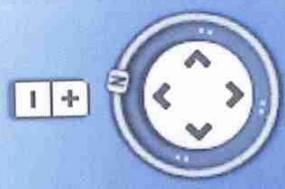
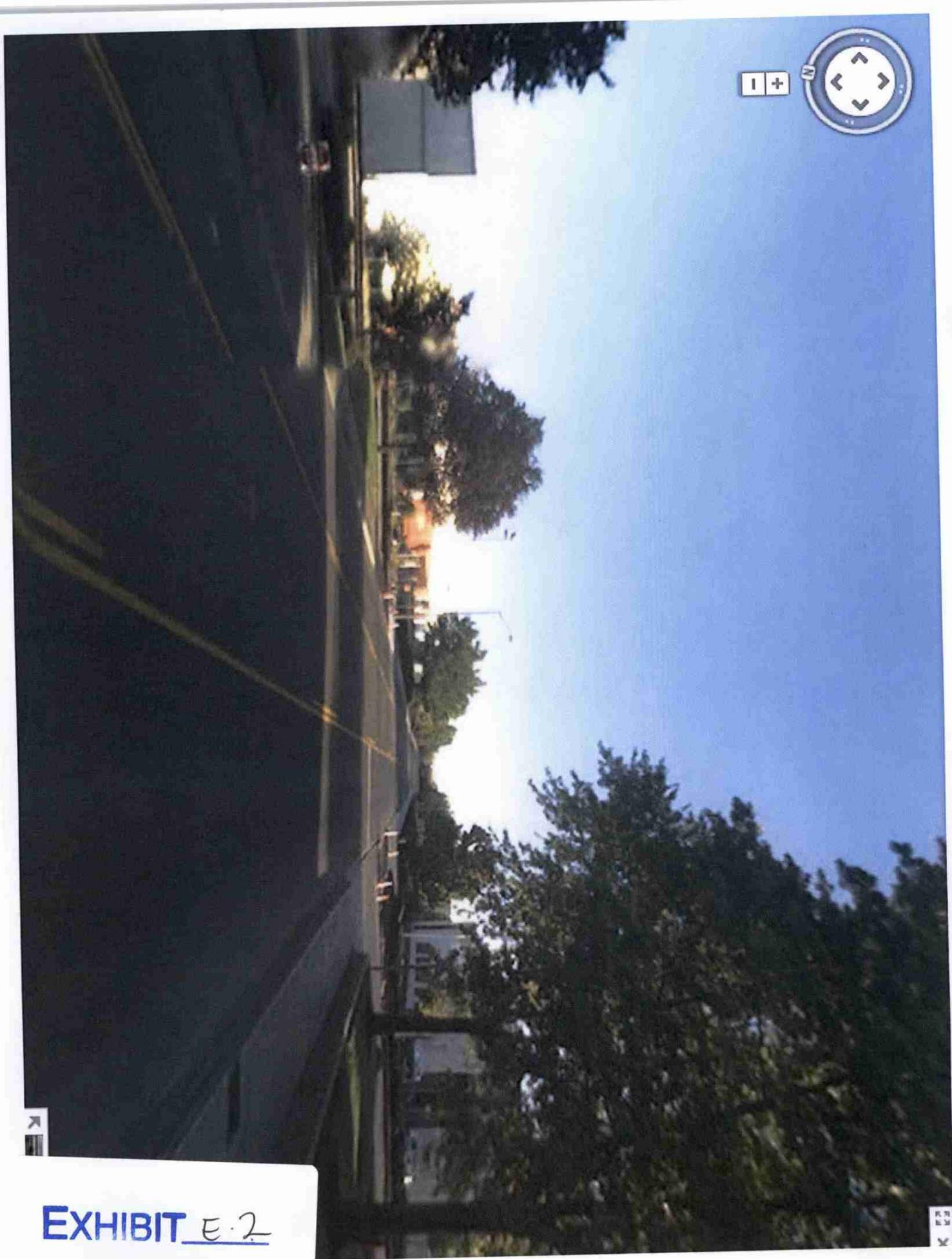


EXHIBIT E-2

