

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Petition of</p> <p>WHATCOM COUNTY,</p> <p style="text-align: center;">Petitioner,</p> <p>BNSF RAILWAY COMPANY,</p> <p style="text-align: center;">Respondent.</p>	<p>DOCKET TR-190918</p> <p>ORDER 02</p> <p>GRANTING PETITION TO INSTALL MEDIAN BARRIERS AT A RAILROAD-HIGHWAY GRADE CROSSING ON COVE ROAD</p> <p>USDOT: 084795Y</p>
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BACKGROUND

- 1 On November 5, 2019, Whatcom County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for Installation of Median Barriers at a Railroad-Highway Grade Crossing (Petition) located at Cove Road in Whatcom County, identified as USDOT 084795Y.
- 2 On November 6, 2019, Commission staff (Staff) sent a letter to BNSF Railway Company (BNSF) requesting a response within 20 days indicating its support or opposition to the Petition. BNSF did not respond.
- 3 On December 13, 2019, the Commission issued a Notice of Prehearing Conference set for January 30, 2020. At the prehearing conference, Staff and the County were the only parties to appear. The County moved to hold BNSF in default pursuant to RCW 34.05.440(2) and WAC 480-07-450, and the presiding officer granted the motion.
- 4 BNSF subsequently notified the presiding officer that it did not oppose the Petition and filed a response to that effect on January 30, 2020.
- 5 On February 4, 2020, the Commission entered Order 01, Prehearing Conference Order; Default Order (Order 01) holding BNSF in default and directing Staff to draft an order granting the Petition.
- 6 Cove Road is a two-lane local access road with a posted vehicle speed limit of 25 miles per hour. An average of 240 vehicles travel over this crossing daily, including an estimated 4.7 percent commercial vehicle traffic. No school buses travel over the

crossing. Warning devices at the crossing consist of advance warning signs, a pedestrian bell and mast-mounted lights and gates.

- 7 BNSF operates 17 freight trains over this single mainline track crossing daily at 45 miles per hour. Two passenger trains travel over this crossing daily at 45 miles per hour.
- 8 The County proposes to install an 18-foot precast curb at the southwest quadrant of the crossing to protect the crossing gate assembly. The County also proposes to install a mountable median that will extend 100 feet to the east of the crossing and 25 feet west of the crossing. The mountable median is constructed of high-strength composite material that is approximately 11 inches wide and 4 inches tall. The 44-inch sections fasten together and would be anchored to the pavement. The County proposes to install reflective traffic channelization devices on the median barriers at 80-inch intervals. The channelization devices are 40 inches tall and approximately 9 inches wide with reflective sheeting on both sides. The County states in its Petition that the break-away reflective channelization devices provide an effective deterrent for typical motorists while allowing emergency vehicles to traverse the median and use the full width of the road.
- 9 Staff has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the modifications must conform to those described in the Petition, (2) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, and (3) Whatcom County must notify the Commission within 60 days upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

DISCUSSION

- 10 RCW 81.53.060 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. We find that the proposed modifications will improve overall safety for roadway users. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 11 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.

- 12 (2) The Cove Road crossing, identified as USDOT 084795Y, is a public railroad-highway grade crossing within the state of Washington.
- 13 (3) RCW 81.53.060 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. See also 480-62-150.
- 14 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 9, above.
- 15 (5) After examination of the Petition filed by the County on November 5, 2019, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 16 Whatcom County's Petition to install median barriers at a railroad-highway grade crossing located at Cove Road is granted. Approval of the Petition is subject to the following conditions:
- (1) The modifications must conform to those described in the Petition.
 - (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
 - (3) Whatcom County must notify the Commission within 60 days upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

- 17 The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-180762. The Secretary finds this Order to be consistent with the public interest.

DATED at Lacey, Washington, and effective February 7, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.