

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WHATCOM COUNTY,

Petitioner,

v.

BNSF RAILWAY CO.,

Respondent.

DOCKET TR-170122

ORDER 02

ORDER GRANTING AMENDED  
PETITION FOR INSTALLATION OF  
MEDIAN BARRIERS AT THE YACHT  
CLUB ROAD HIGHWAY-RAIL  
GRADE CROSSING

USDOT: 084796F

**BACKGROUND**

- 1 On February 27, 2017, Whatcom County filed with the Washington Utilities and Transportation Commission (Commission) a Petition for installation of median barriers at a highway-rail grade crossing located at Yacht Club Road, identified as USDOT 084796F.
- 2 On February 28, 2017, the Commission sent a letter to BNSF Railway Co. (BNSF) requesting a response to the Petition within 20 days indicating its support or opposition.
- 3 On March 10, 2017, BNSF filed with the Commission a notice of opposition and requested that the matter be scheduled for hearing.
- 4 On April 24, 2017, the Commission convened a prehearing conference. During the prehearing conference, the parties agreed to file an amended petition to resolve the underlying dispute in the proceeding.
- 5 On May 3, 2017, Whatcom County filed an amended Petition. BNSF consented to entry of an order by the Commission without further notice or hearing.
- 6 Whatcom County seeks to install concrete center medians on both approaches to the crossing. The concrete medians will be no shorter than six inches in height, extending no less than 100 feet from the east approach and no less than 35 feet from the west approach. The median end closest to the tracks will be less than 12 inches from the face of the curb to the edge of the gate arm in the down position. There will be two one-foot breaks in the medians to allow for proper drainage of the roadway. Reflective traffic channelization

devices will be installed on the medians. Whatcom County is responsible for long-term maintenance of the median barriers.

7 Yacht Club Road is a two-lane roadway with a posted speed limit of 35 miles per hour. Average annual daily vehicle traffic through the crossing is estimated at 222 vehicles. Yacht Club Road is part of an established truck route, with trucks making up one percent of the total daily traffic, but it is not part of an established school bus route. Twenty freight trains operate over this single mainline track crossing each day at 50 miles per hour. Two passenger trains operate over the crossing each day at 79 miles per hour.

8 Railroad warning devices at the Yacht Club Road crossing consist of shoulder-mounted flashing lights, gates, a pedestrian bell, crossbucks, and advance warning signs.

9 Commission Staff recommends granting Whatcom County's petition subject to the following conditions:

- The modifications must conform to those described in and attached to the petition.
- Traffic control devices must comply with all applicable standards specified in the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- Upon completion of the modifications authorized herein, the County must notify the Commission within 60 days. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

### FINDINGS AND CONCLUSIONS

10 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *Chapter 81.53 RCW.*

11 (2) The Yacht Club Road grade crossing, identified as USDOT 084796F, is a public railroad-highway grade crossing within the state of Washington.

- 12 (3) WAC 480-62-150 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington.
- 13 (4) Commission Staff investigated the petition and recommended that it be granted with conditions.
- 14 (5) After examination of the petition filed by the County on February 27, 2017, and the amended petition filed on May 3, 2017, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

### ORDER

#### THE COMMISSION ORDERS:

- 15 The petition of Whatcom County to modify a railroad-highway grade crossing and install median barriers at Yacht Club Road in Whatcom County is granted. Approval of the petition is subject to the following conditions:
- (1) The modifications must conform to those described in and attached to 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) Upon completion of the modifications authorized herein, the County must notify the Commission within 60 days. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective May 10, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVEN V. KING, Executive Director and Secretary

**NOTICE:** This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its website for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's website. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).