

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

CHELAN COUNTY,	)	DOCKET NO. TR-041066
	)	
Petitioner,	)	ORDER NO. 03
v.	)	
	)	
CASCADE AND COLUMBIA RIVER	)	FINAL ORDER GRANTING
RAILROAD,	)	PETITION
	)	
Respondent.	)	
	)	
.....	)	

- 1     **NATURE OF PROCEEDING.** Docket No. TR-041066 is an application by Chelan County, Washington (“Chelan County” or “the county”) for upgrade of the Chestnut Street railroad crossing of the Cascade and Columbia River Railroad (“Cascade and Columbia” or “the railroad”) in Chelan Falls, Washington.
  
- 2     **APPEARANCES.** Louis Chernak, attorney, Wenatchee, Washington, represents Chelan County. Buck D. Workman, Vice-President, Omak, Washington, represents Cascade and Columbia. Jonathan C. Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”).
  
- 3     **BACKGROUND.** Chelan County filed this petition on June 10, 2004. The petition requests that the sawbucks currently in place at the existing Cascade and Columbia railroad crossing at Chestnut Street in Chelan Falls, Chelan County, Washington be replaced by a shoulder-mounted gate and motion sensor equipment for each line of traffic. The railroad filed an objection to the petition in light of the County’s objection to the railroad’s June 14, 2004 application to

close the crossing at "A" street in Chelan Falls. The railroad's application was docketed as Docket No. TR-041076.

4 The Commission convened a prehearing conference in the two dockets on January 10, 2005. As a result of the conference, the two dockets were consolidated for hearing and a schedule was established, calling for an evidentiary hearing on April 6, 2005.

5 **EVIDENTIARY HEARING.** Immediately prior to the evidentiary hearing on April 6, 2005, the parties engaged in intensive discussion to attempt to resolve the issues outstanding in both dockets. As a result of their discussions, they requested bifurcation of the two dockets. With regard to this docket, the parties further stipulated on the record that the railroad would withdraw its objection to the county's petition to upgrade the Chestnut Street crossing device. The parties also agreed to waive an initial order in this case.

6 **DISCUSSION.** RCW 81.53.060 provides that the Commission may review the public safety concerns raised by a petition for alteration of a railroad crossing. The Commission shares the concern of other government officials and railroad companies that increased protection be made available to the traveling public wherever possible at railroad crossings. In light of the fact that Chelan County is requesting an improvement of the safety devices installed at the Chestnut Street crossing in Chelan Falls and the railroad no longer opposes the application, it is reasonable to grant the County's petition. It is noted that 1% of the total cost of the project will be covered by the grade crossing protective fund pursuant to RCW 81.53.295.

**FINDINGS OF FACT**

- 7 (1) The County of Chelan, Washington is a unit of government that may petition the Washington Utilities and Transportation Commission for a change or upgrade to railroad crossings at grade within the County's jurisdiction.
- 8 (2) Chelan Falls is a municipality within the County of Chelan, Washington.
- 9 (3) The Cascade and Columbia Railroad is a railroad company that operates in the State of Washington and maintains various railroad crossings at grade over public highways in the State, including Chelan County.
- 10 (4) The County of Chelan filed a petition to upgrade the safety devices at a grade railroad crossing over Chestnut Street in Chelan Falls, Washington by replacing the sawbucks currently at the crossing with shoulder mounted gate and motion sensor equipment for each line of traffic.
- 11 (5) The Cascade and Columbia Railroad withdrew its objection to the proposed upgrade during the April 6, 2005, evidentiary hearing.
- 12 (6) The parties agree to waive an initial order in this docket.

**CONCLUSIONS OF LAW**

- 13 (1) The Washington Utilities and Transportation Commission has jurisdiction over the parties and the subject matter of this petition.
- 14 (2) The upgrade to the grade crossing of the Cascade and Columbia railroad at Chestnut Street in Chelan Falls, as identified in the petition, would promote the public interest and improve public safety.

- 15 (3) Granting the petition based on the parties' stipulation on the record would serve the public interest and is within the authority of the Washington Utilities and Transportation Commission.

**ORDER**

- 16 THE COMMISSION ORDERS That the petition of Chelan County to upgrade warning devices at the existing railroad crossing at Chestnut Street in Chelan Falls, Washington, as identified in the petition, is granted.

DATED at Olympia, Washington, and effective this 7th day of April, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

**NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 and WAC 480-07-870.**