

SERVICE DATE

JUN 11 1997

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

UNION PACIFIC RAILROAD COMPANY,)	
)	DOCKET NO. TR-950177
Petitioner,)	
)	COMMISSION DECISION AND
v.)	ORDER APPROVING AGREEMENT
)	CONCERNING THE CLOSING OF
SPOKANE COUNTY,)	THE SHANNON ROAD CROSSING;
)	AUTHORIZING RELOCATION AND
Respondent.)	RECONSTRUCTION
.....)	

This is a petition by Union Pacific Railroad Company for closure of the crossing at grade of Shannon Road by tracks of the Union Pacific Railroad in Spokane County, Washington.

On July 3, 1996, the Commission entered a final order, ordering the closure of the crossing and staying the order to allow the parties to formulate and present an agreed plan to accomplish needed changes to serve approved and planned development in the vicinity of the crossing. The order concluded that the crossing is dangerous and is incapable of safely handling an increase in traffic flow in its present configuration. The order found that need is indicated on the record for an improved crossing either at Shannon Road or nearby to handle traffic from development that is proposed and that the County has already approved for the area.

On February 25, 1997, the parties filed with the Commission a joint motion for Commission approval of an agreement concerning the closing of the crossing. The parties have reached the following agreement:

- (a) Close Shannon Road crossing Union Pacific Railroad to public use; and
- (b) Install locked gate at the crossing to accommodate fire protection access needs; until
- (c) Reconstruction of the crossing at a new location approximately 1,100 feet further east consisting of shoulder mounted signals and gates inter-tied with highway traffic signal and hard surface roadway.

The Commission has reviewed the record and the agreement of the parties. The agreement is consistent with the findings and conclusions in the Commission's final order. Approval of the agreement is in the public interest. The Commission will approve the agreement, subject to standard minimum conditions relating to the relocation and reconstruction of the crossing.

ORDER

THE COMMISSION ORDERS That:

1. The attached agreement, which is incorporated by this reference, is accepted.

2. The Shannon Road crossing at the existing location is ordered closed immediately, in accordance with the attached agreement.

3. Relocation and reconstruction of the Shannon Road crossing is authorized, in accordance with the attached agreement, subject to the following minimum conditions:

a. The relocated crossing shall be planked or hard-surfaced between the rails for a distance of one foot outside each rail for the full width of the traveled roadway, including the shoulders. The surface of the roadway and the top of the rails shall be same elevation.

b. A 25-foot level grade in the highway shall be provided on each side of the centerline of the railway at the crossing.

c. Cantilever-mounted automatic flashing light signals back-to-back with shoulder-mounted flashing light signals, back-to-back with 12" lenses, operated by train activated devices, shall be installed in the right approach quadrant in each side of the crossing in accordance with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, Part VIII - "Traffic Control Systems for Railroad-Highway Grade Crossings".

d. Installation shall be performed by Petitioner.

e. Reflectorized advance warning signs shall be installed in the right approach quadrant on each side of the crossing in accordance with installation practices prescribed in the Washington State Manual for Signing and the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.

f. Standard reflectorized cross-buck signs shall be installed 15 feet from the outside rail in the right approach quadrant on each side of the crossing.

g. All devices shall be erected in such manner as to provide required clearances for both rail and vehicular traffic.

h. The crossing and signals shall be constructed in accordance with the design as shown in the attached agreement.

i. Upon completing the installation herein authorized, Union Pacific Railroad Company shall report completion to the commission. Acceptance of the installation is subject to a compliance inspection and report by the Commission Staff verifying that the installation and operation of the signals are in full compliance with law and regulation and conditions specified herein.

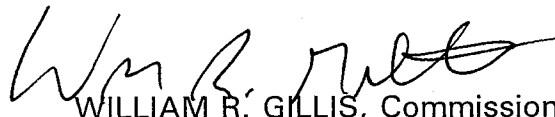
4. In the event federal funds are available and are used to pay all or a portion of the costs of the installation of the proposed signalization, the cost of installation and maintenance thereof shall be subject to the provisions of RCW 81.53.267, .271, .281, and .295, as amended.

DATED at Olympia, Washington, and effective this 11th day of June 1997.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, 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 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).

RECEIVED
FEB 24 1997

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

ATTY GEN DIV
WUTC
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RECEIVED
OFFICE OF THE
ATTY GEN DIV
UTIL AND TRANSP.
COMMISSION

UNION PACIFIC RAILROAD CO.,

Petitioner,

v.

SPOKANE COUNTY

Respondent.

NO. TR-950177

JOINT MOTION FOR COMMISSION
APPROVAL OF AGREEMENT
CONCERNING THE CLOSING OF THE
SHANNON ROAD CROSSING

Spokane County, Union Pacific Railroad Company and the Staff of the Washington Utilities and Transportation Commission Staff ("parties") move the Utilities and Transportation Commission ("Commission") for an order approving the proposal set forth herein regarding the closure of the Shannon Road at grade railroad crossing.

I. FACTS

- 1.1 On January 30, 1995, Union Pacific Railroad Co. petitioned the Commission for closure of the grade crossing at Shannon Road, in Spokane County.
- 1.2 On January 30, 1996, a hearing was held on the petition to close the Shannon Road crossing.
- 1.3 The initial order would deny Union Pacific's petition to close the Shannon Road

crossing. On July 3, 1996, the Commission modified the initial order and ordered that the grade crossing at Shannon Road be closed. The Commission stayed the closure of the crossing on the following condition:

The parties to this proceeding should be afforded a stay of 120 days in which to develop, in consultation with other interested persons, both short-term and longer-term plans for protecting public safety at the Shannon Road crossing by closing, partially closing, relocating, replacing, and/or reconstructing and signaling the existing crossing. . . . If parties reach agreement, the stay shall continue for such further time as may be needed for the Commission to act on the proposal. . . .

Commission Decision and Order Granting Petition; Modifying Initial Order; Closing Shannon Road Crossing; Authorizing Stay, Union Pacific Railroad Co. v. Spokane County, Docket No. TR-950177 (July 3, 1996) at 18.

1.4 Pursuant to the Commission's order, the parties have reached the following agreement to:

- (a) Close Shannon Road crossing Union Pacific Railroad to public use; and
- (b) Install locked gate at the crossing to accommodate fire protection access needs; until
- (c) Reconstruction of the crossing at a new location approximately 1,100 feet further east consisting of shoulder mounted signals and gates inter-tied with highway traffic signal and hard surface roadway.

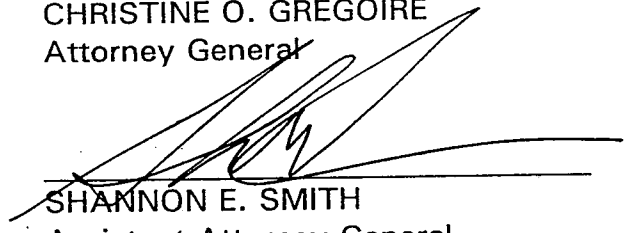
A letter memorializing the agreement, along with a preliminary sketch of the proposed reconstruction and a copy of Spokane County Resolution No. 96-1020, adopted October 29, 1996, which approved of the agreement are attached as Exhibit 1 to this motion.

II. MOTION

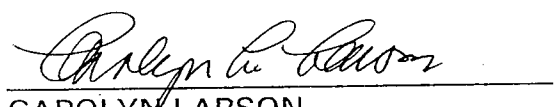
The parties jointly move the Commission for an order approving the agreement set forth herein.

Submitted this 25 day of February, 1997.

CHRISTINE O. GREGOIRE
Attorney General

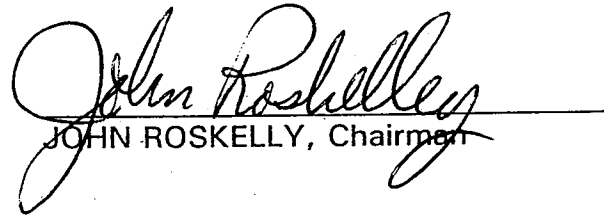


SHANNON E. SMITH
Assistant Attorney General
Counsel for WUTC Staff



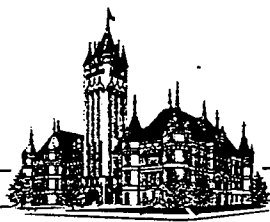
CAROLYN LARSON
Attorney at Law
Counsel for Union Pacific Railroad

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON



JOHN ROSKELLY, Chairman

S P O K A N E C O U N T Y



DIVISION OF ENGINEERING AND ROADS
William A. Johns, P.E., County Engineer

A DIVISION OF THE PUBLIC WORKS DEPARTMENT
Dennis M. Scott, P.E., Director

October 30, 1996

Steve McLellan, Secretary
Wash. Utilities & Trans. Commission
1300 South Evergreen Park Drive SW
PO Box 47250
Olympia WA 98504-7250

RE: Union Pacific Railroad Co. v. Spokane County (Shannon Road)
Docket No. TR-950177

Dear Mr. McLellan:

Spokane County has met with the parties to this above referenced proceeding and other persons having interest in adjacent properties. We have reached verbal agreement to:

- a) Close Shannon Road crossing Union Pacific Railroad to public use, and
- b) Install locked gate at the crossing to accommodate fire protection access needs, until
- c) Reconstruction of the crossing at a new location approximately 1,100 feet further east consisting of shoulder mounted signals and gates inter-tied with highway traffic signal and hard surface roadway.

I have enclosed a copy of the resolution passed by the Board of County Commissioners of Spokane County authorizing execution of agreements for this action and a preliminary sketch of the proposed reconstruction.

I request by copy of this correspondence that Union Pacific Railroad Company certify to the Commission their agreement with the above.

When the Commission is satisfied that the conditions of the Order to this proceeding have been met, please notify the parties to implement steps (a) and (b) outlined above.

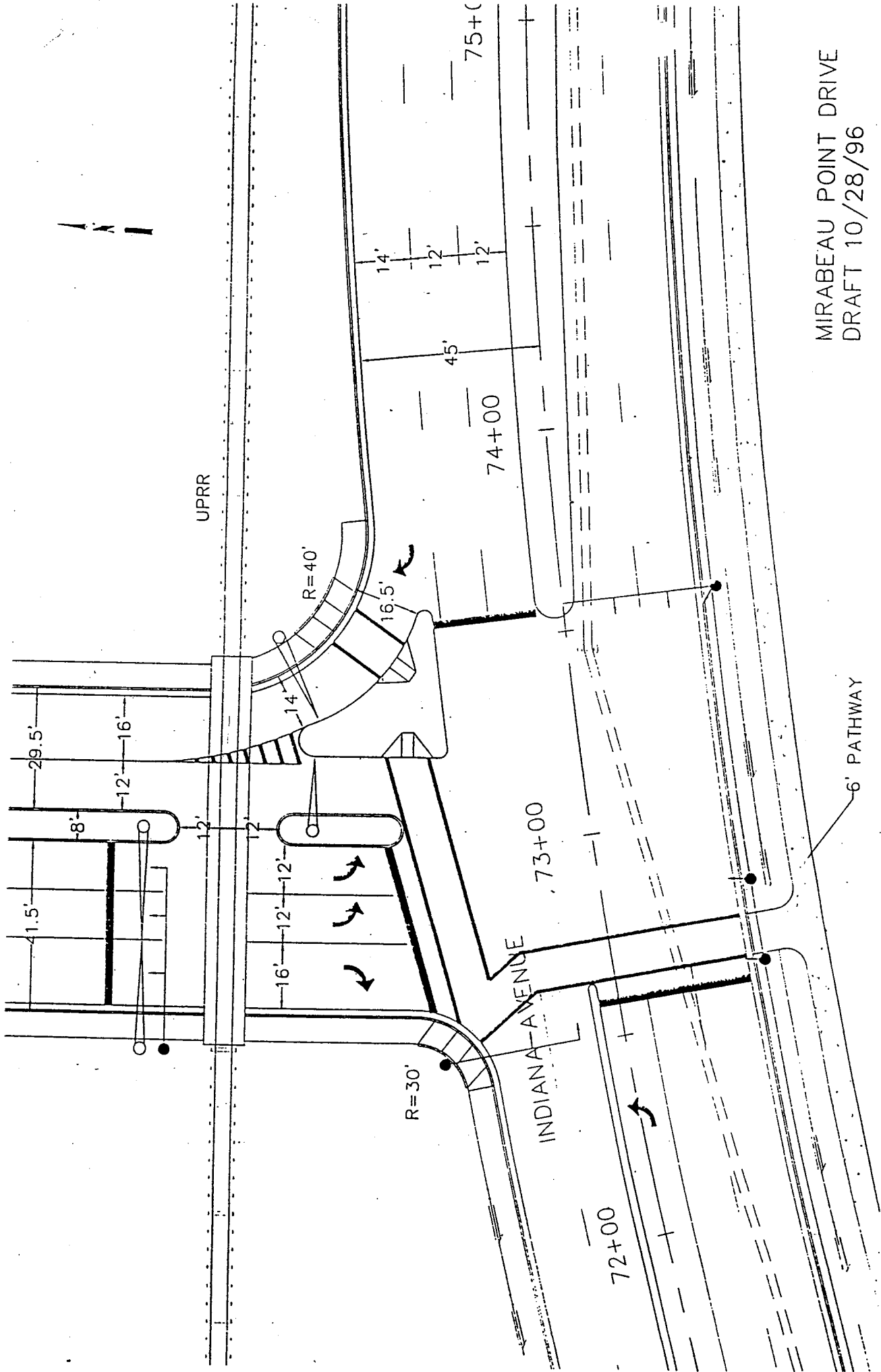
Very truly yours,

William A. Johns, P.E.
Spokane County Engineer

Robert F. Brueggeman, P.E.
Traffic Engineer

cc: John Trumbull, UPRR
Mgr. Industry and Public Projects

EXHIBIT 1



MIRABEAU POINT DRIVE
 DRAFT 10/28/96

RESOLUTION NO. **96 1020**

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF AUTHORIZING)
AGREEMENT TO RELOCATE AND) **RESOLUTION**
RECONSTRUCT SHANNON ROAD)
RAILROAD CROSSING)
COUNTY ENGINEER'S ROAD FILE NO. 280)

WHEREAS, the Washington Utilities and Transportation Commission granted the petition of Union Pacific Railroad Company for closure of the Shannon Road crossing in the Road Maintenance District No. 4; and

WHEREAS, Spokane County deems a crossing in this area is necessary for traffic circulation; and

WHEREAS, the parties to this proceeding in consultation with other interested persons agreed that the needs of the public would be best served by:

- a. Closing Shannon Road Crossing to the public.
- b. Installing a locked gate at the crossing to allow for access for fire protection.
- c. Reconstruction and relocation of Shannon Road Crossing to a location Eastward approximately 1,100 feet with a hard surface roadway, flashing signals and gates prior to development; and

WHEREAS, it is necessary that agreements be executed by Spokane County for approval by the Washington Utilities and Transportation Commission and the Union Pacific Railroad Company.

THEREFORE, BE IT RESOLVED that the project agreements for relocation and reconstruction of:

SHANNON ROAD/UNION PACIFIC RAILROAD CROSSING

are hereby approved and that the Chairman of the Board is authorized to sign the agreements.

PASSED AND ADOPTED by the Board of County Commissioners of Spokane County, Washington, this 29th day of October, 1996.



BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

[Signature]
PHILIP D. HARRIS, CHAIRMAN

[Signature]
JOHN ROSKELLEY

[Signature]
STEVEN HASSON

ATTEST: WILLIAM E. DONAHUE
CLERK OF THE BOARD

By: *[Signature]*
ROSANNE MONTAGUE, DEPUTY