

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

THE BURLINGTON NORTHERN)	DOCKET NO. TR-021527
SANTA FE RAILWAY)	
COMPANY,)	
)	
Petitioner,)	ORDER GRANTING PETITION TO
)	UPGRADE WARNING DEVICES AT
v.)	THE SR-9 RAILROAD-HIGHWAY
)	GRADE CROSSING IN SUMAS,
THE WASHINGTON STATE)	WASHINGTON
DEPARTMENT OF)	
TRANSPORTATION,)	USDOT: 084933K
)	
Respondent.)	WUTC: 1G 126.50
.....)	

BACKGROUND

- 1 On November 19, 2002, the Burlington Northern Santa Fe Railway Company filed a petition with the Commission, seeking authority to upgrade warning devices at a railroad-highway grade crossing. The crossing is located at the intersection of SR-9 and the petitioner's tracks, in the SE ¼ of the SE ¼ of Section 34, Township 41 N., Range 4 E., W.M., in Sumas, Washington. Funding for the upgrades is pursuant to the Intermodal Surface Transportation Efficiency Act in cooperation with the Washington State Department of Transportation.
- 2 Respondent has consented to an entry of an Order by the Commission without further notice or hearing.
- 3 In the vicinity of the crossing, SR-9 is classified as a principal arterial roadway, consisting of two lanes and a vehicle speed limit of 25 mph. Average daily traffic through the crossing is estimated at 6,100 vehicles, including 490 trucks and 8 school bus trips. Average daily traffic is expected to increase to 11,041 vehicles by 2020.

4 Petitioner maintains a single branch-line track through the crossing. Average
daily train traffic includes four freight trains operating at a maximum speed of
10 mph.

5 The petition describes the current warning devices at the crossing as “antiquated
flashing lights.” Petitioner proposes to upgrade the warning devices by
installing new shoulder-mounted flashing light signals with gates. The upgrades
are being proposed in the interest of improving safety for highway users.

FINDINGS AND CONCLUSIONS

6 (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.*

7 (2) The SR-9 grade crossing, designated as USDOT 084933K, is a public
railroad-highway grade crossing within the state of Washington.

8 (3) RCW 81.53.261 and WAC 480-62-150 require that the Commission grant
approval prior to modifying or upgrading warning signals and devices at
a railroad-highway grade crossing.

9 (4) Commission Staff investigated the petition and recommended that it be
granted, subject to specified conditions.

10 (5) This matter was brought before the Commission at its regularly scheduled
meeting on December 31, 2002.

11 (6) After examination of the petition filed by the Burlington Northern Santa
Fe Railway Company on November 19, 2002, and giving consideration to
all relevant matters and for good cause shown, the Commission grants the
petition.

ORDER

THE COMMISSION ORDERS:

- 12 The petition of the Burlington Northern Santa Fe Railway Company for upgrading warning devices at a railroad-highway grade crossing, located at the intersection of SR-9 and the Petitioner's tracks in Sumas, Washington, is granted, subject to the following conditions:
- (1) All changes and upgrades must conform to the plans filed in this proceeding.
 - (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) Traffic control devices and instrument housing must be installed in such a manner as to provide required clearances for both rail and vehicular traffic.
 - (4) Upon completion of the upgrades authorized herein, petitioner must notify the Commission. Acceptance of the changes is subject to a compliance inspection by Commission Staff, verifying that the crossing is in full compliance with law, regulation, and the conditions specified herein.
- 13 The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.261, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 31st day of December, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary