

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

In the Matter of the Petition of	)	DOCKET TR-042083
)	
BENTON COUNTY,	)	ORDER 02
)	
Petitioner,)	
	)	SUPPLEMENTAL ORDER GRANTING
	)	THE REVISED PETITION TO
BNSF RAILWAY CO.,	)	ESTABLISH A PUBLIC RAILROAD-
	)	HIGHWAY GRADE CROSSING AT
	)	WISER PARKWAY fka SAGEBRUSH
	)	ROAD
Respondent.)	
.....	)	USDOT: #932567D

BACKGROUND

- 1 On November 24, 2004, Benton County (Benton County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to construct a railroad-highway grade crossing at the intersection of Sagebrush Road and the tracks of the BNSF Railway Co., (BNSF Railway) in Benton County. The proposed crossing is identified as USDOT #932567D.

- 2 On August 5, 2005, the Commission granted the petition to construct the railroad-highway grade crossing at this location. The construction of the crossing was delayed because the county needed approval from the Federal Highway Administration (FHWA) due to the horizontal alignment opposite the eastbound on/off ramp at Exit 109 on Highway I-82. Benton County’s request was denied by FHWA on November 28, 2007. Because of the denial, Benton County proposes to move the location of the new crossing 150 feet southwesterly of the original location. Moving the new crossing to this location places it outside the jurisdiction of FHWA.

- 3 On November 2, 2009, Benton County notified the Commission that the proposed Sagebrush Road crossing location and configuration had changed from the original proposal filed and subsequently approved by the Commission. Benton County filed revised engineering plans on January 4, 2010, and an explanation of the proposed modifications. Benton County also reports that a new name will be assigned for the roadway and subsequent crossing, Wiser Parkway. BNSF Railway supports the proposed modifications to the crossing.

- 4 Modifications to the original project proposal include:
- Crossing to be located 150 feet southwesterly of the original location. The railroad mile post is 11.32.
 - A two-lane roadway instead of three.
 - Five percent ascending grade on the Badger Road side of the crossing and three percent grade on the Wisner Parkway approach. The original project proposed a three percent grade on both approaches.
 - Roadway speed limit is reduced from 35 to 25 miles per hour due to the increased slope of the grade on the Badger Road side of the crossing.
 - The approach to the crossing from Badger Road will be 30 feet of level grade instead of 50 feet. The shortened approach is due to the relocation of the crossing from the original proposal. The westerly approach will remain at 50 feet of level grade.
 - Proposed average daily vehicle traffic within one year is estimated at 2,000, which will include a mix of commercial motor vehicles, school buses and cars.

FINDINGS AND CONCLUSIONS

- 5 (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. *RCW 81.53*
- 6 (2) The proposed railroad-highway grade crossing at Mile Post 11.32 located on Wisner Parkway, which is identified as USDOT #932567D, is a public railroad-highway crossing within the state of Washington.
- 7 (3) RCW 81.53.030 requires that the Commission grant approval prior to the construction of public railroad-highway crossings within the state of Washington.
- 8 (4) Commission Staff investigated the revised petition and recommended that it be granted, provided that the Petitioner notify the Commission upon completion of the construction. The crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws and regulations.

- 9 (5) After reviewing the revised engineering plans and supporting documents filed on November 2, 2009, and January 4, 2010, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the revised petition.

O R D E R

THE COMMISSION ORDERS:

- 10 Benton County's petition in Docket TR-042083, as amended by revised engineering plans and supporting documents filed November 2, 2009 and January 4, 2010, to construct a railroad-highway crossing, located at Mile Post 11.32 at Wiser Parkway, is granted. Approval of the revised petition is subject to the following conditions:
- (1) The modifications must conform to those described in the original and revised 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) The Petitioner must notify the Commission upon completion of the construction. The crossing is subject to inspection by Commission Staff to verify that it is in full compliance with applicable laws and regulations.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective January 14, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, 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 Internet Web site 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 Web site. 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 Web site.

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