

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION,

Petitioner,

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-171142

ORDER 01

ORDER GRANTING PETITION TO
MODIFY HIGHWAY-RAIL GRADE
CROSSING ACTIVE WARNING
DEVICES AT STATE ROUTE 223
NEAR TOPPENISH

USDOT: 104520Y

BACKGROUND

- 1 On November 20, 2017, the Washington State Department of Transportation (WSDOT or
Petitioner) filed a petition with the Washington Utilities and Transportation Commission
(Commission) seeking approval to modify highway-rail grade crossing active warning
devices at the State Route 223 (SR-223) crossing near Toppenish, identified as USDOT
104520Y. WSDOT filed a revised petition on April 9, 2018.
- 2 Respondent BNSF Railway Company (BNSF) consented to entry of an Order by the
Commission without further notice or hearing.
- 3 SR-223 is a two-lane roadway with a posted speed limit of 55 miles per hour. Average
annual daily traffic through the crossing is estimated at 4,900 vehicles. SR-223 is part of a
designated school bus route with up to 20 school buses traveling over the crossing daily. It is
also part of an established truck route with ten percent commercial motor vehicle traffic.
- 4 BNSF operates eight freight trains per day over this single mainline track crossing. The
authorized speed limit for freight trains is 49 miles per hour. No passenger trains operate
over the crossing. Railroad warning devices at the SR-223 crossing consist of cantilever-
mounted flashing lights, gates, crossbucks, and advance warning signs.
- 5 WSDOT proposes to install a four-quadrant gate system with LED light signals, upgraded
circuitry, active advance warning signs intertwined with the railroad warning system, and guard
rails. These improvements are funded by the United States Department of Transportation,
Federal Highway Administration, Railroad Highways Crossings Section 130 program.
- 6 The proposed upgrades are in the interest of improving the overall safety for roadway users.

FINDINGS AND CONCLUSIONS

- 7 (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.*
- 8 (2) The proposed modification involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.
- 9 (3) RCW 81.53.261 and WAC 480-62-150 require that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington.
- 10 (4) Commission staff investigated the petition and recommends that it be granted. All traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices.*
- 11 (5) After examination of the petition filed by WSDOT on November 20, 2017, and the revised petition filed on April 9, 2018, 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 WSDOT to modify a railroad-highway grade crossing at SR-223 near Toppenish is granted, as follows:
- (1) The modifications must conform to those described in the petition.
 - (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices.*
 - (3) Petitioner must notify Commission Staff within 30 days of completion of this project.

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 April 19, 2018.

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 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).