

5 The City of Auburn, as SEPA lead agency for the proposal, issued a determination of non-significance (DNS) according to the procedure specified by the State Environmental Policy Act (SEPA), thereby satisfying SEPA requirements for the closure of the grade crossing.

6 Although the crossing is closed to the general public, it will remain open for construction personnel while the overcrossing is being built. The crossing signals should remain in place. Also, the City should ensure that the general public does not use the crossing, and that those authorized to use the crossing until final closure strictly comply with RCW 46.61.355 relating to certain slow moving vehicles.

7 Disposition of the existing signals is governed by statute, rule or contract. The Railroad should not remove the signals until Commission Staff have had the opportunity to determine the appropriate disposition.

8 Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.

FINDINGS

9 THE COMMISSION FINDS:

- (1) It has jurisdiction pursuant to RCW 81.53.060.
- (2) All requirements for closing a crossing without a hearing have been met.
- (3) Closing the crossing and constructing an overcrossing would significantly improve public safety.
- (4) The conditions recommended by Commission Staff are necessary for the safety of the general public, construction workers, train crews and passengers.

THE COMMISSION DIRECTS the Secretary to issue the order.

ORDER

10 THE COMMISSION ORDERS that the City of Auburn is authorized to close a highway-rail grade crossing and replace it with a highway overpass at the intersection of South 277th Street and the tracks of the Burlington Northern and Santa Fe Railway Company, in Auburn, Washington, subject to the following conditions:

- (1) During the period of time that the crossing is closed to the general public, but open to contractors and other personnel related to the construction of the grade separation:

- a. The City of Auburn must ensure that members of the general public cannot gain access to the crossing.
 - b. Railroad crossing signals and gates shall remain in place and shall continue to be governed by Title 49 Part 234 Code of Federal Regulations until the crossing is completely closed.
 - c. The City of Auburn shall be responsible for compliance with RCW 46.61.355 by its employees, agents and contractors. The Burlington Northern and Santa Fe Railway Co. shall designate a contact point, or alternate contact points, to serve as the “station agent” mentioned in that statute. It shall also prescribe appropriate safety precautions for each movement governed by the statute to safeguard train crews and passengers as well as road equipment operators.
- (2) Prior to the removal of any crossing signals, gates or circuitry, The Burlington Northern and Santa Fe Railway Co. shall notify the Commission in writing of its intention to do so.
 - (3) The City of Auburn shall notify the Commission in writing when the crossing is closed to all roadway traffic.

DATED at Olympia, Washington and effective this 28th day of December 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary