

4 The proposal consists of realigning SR-21 through Odessa by closing Division Street, where it crossing the tracks, and re-designating Alder Street, one block west, as SR-21. Currently, Alder Street dead-ends at the BNSF tracks. The proposal also involves constructing a new grade crossing at Alder Street, as petitioned for in TR-031473.

5 Pursuant to the procedure specified in RCW 81.53.060, Commission Staff arranged for notice of the filing of the petition to be posted at the Division Street grade crossing and caused the same notice to be published in the Odessa Record, a newspaper of general circulation in the vicinity of the crossing, on October 1, 2003. The notice directed that any person having objection to the closure should state such objections in writing to the Commission by October 21, 2003. No objections were received.

6 Commission Staff has verified that all federal and state environmental requirements for the closure of the crossing have been satisfied.

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 Division Street crossing, designated as USDOT 065744M is a public railroad-highway grade crossing within the State of Washington.

9 (3) RCW 81.53.060 and WAC 480-62-150(1)(b) require that the Commission grant approval prior to closing public railroad-highway grade crossings within the State of Washington.

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

- 11 (5) This matter was brought before the Commission at its regularly scheduled meeting on October 29, 2003.
- 12 (6) After examination of the petition filed by the Burlington Northern Santa Fe Railway Company on September 15, 2003, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 13 The petition of the Burlington Northern Santa Fe Railway Company for closing a public railroad-highway grade crossing located at the intersection of Division Street and the petitioner's tracks, in Odessa, Washington, is granted, subject to the following conditions:
- (1) Upon closure of the crossing, the Burlington Northern Santa Fe Railway Company must remove the crossing surface and warning devices at the crossing. At least 30 days before the removal of any crossing signals, gates or circuitry, the Burlington Northern Santa Fe Railway Company must notify the Commission, in writing, of its intention to do so.
 - (2) The City of Odessa must install barricades or employ some other means that specifies the terminus points of Division Street on either side of the tracks and indicates that access across the tracks is not possible via Division Street.
 - (3) The City of Odessa must notify the Commission, in writing, when the crossing is closed to the public.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.060, directed the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 29th day of October, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary