**BEFORE THE WASHINGTON STATE**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Petition ofUnion Pacific Railroad,UPRRPetitioner, Seeking Approval to Upgrade Signals at 13 Railroad-Highway Grade Crossings. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . | )))))))))))) | DOCKET TR-101525ORDER 01ORDER GRANTING PETITION TO UPGRADE WARNING DEVICES AND AUTHORIZING EXPENDITURE FROM THE GRADE CROSSING PROTECTIVE FUND |

BACKGROUND

1. On September 14, 2010, ( or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify active warning devices at 13 railroad-highway grade crossings. The crossings are identified in Appendix A and intersect the Petitioner’s tracks. The Petitioner further requested the Commission authorize an expenditure of $20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
2. All of the railroad crossings identified in Appendix A are equipped with active warning devices such as flashing lights and/or gates.see Appendix A The Petitioner proposes to upgrade the incandescent lights at these crossing to LED lights. The LED flashing lights will provide greater visibility for the motoring public and improve the overall safety at the crossing because motorists and pedestrians can rely on these active warning devices to determine if a train is approaching the crossing.
3. The Petitioner is requesting a disbursement of $20,000 to pay for a portion of the upgrades. UPRR is contributing the cost of labor for installation of the upgrades**.**  The total approximate cost of the project, exclusive of labor is $20,011. An expenditure of $20,000 from the Grade Crossing Protective Fund is available to help

**FINDINGS AND CONCLUSIONS**

1. (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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. [*RCW 81.53*](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.53)*;* [*RCW 81.53.271*](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.53.271)*;* [*RCW 81.53.281*](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.53.281)*.*
2. (2)The grade crossings identified in Appendix A, are public railroad-highway grade crossings within the state of Washington.
3. (3) [RCW 81.53.261](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.53.261) requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington.  *See also* [*WAC 480-62-150*](http://apps.leg.wa.gov/WAC/default.aspx?cite=480-62-150)*.*
4. (4) [RCW 81.53.271](http://apps.leg.wa.gov/RCW/default.aspx?cite=81.53.271) allows the Commission to disburse up to $20,000 from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device, without requiring the Petitioner to share the cost.
5. (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
6. (6) After reviewing ’s petition filed on , and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

O R D E R

**THE COMMISSION ORDERS:**

1. ’s petition to upgrade warning devices at 13 railroad-highway grade crossings, identified in Appendix A, is granted. The cost of these upgrades shall be paid from the Grade Crossing Protective Fund. Approval of the petition is subject to the following conditions:
	1. Expenditure from the Grade Crossing Protective Fund must not exceed $20,000.
	2. Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
	3. must sign and return the attached project agreement.
	4. The project must be completed no later than June 15, 2011.
	5. Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices.*
	6. must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

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 September 24, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

**Appendix A**

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| **USDOT Number** | **Street** | **City/County** |
| 844396M | Dodd Road | Walla Walla County |
| 844397U | State Route 124 | Walla Walla County |
| 844399H | Eureka Pasco Road aka Charbonneau Park  | Walla Walla County |
| 844501L | Fishhook Park Road | Walla Walla County |
| 844502T | Page Road aka Fishhook Road  | Walla Walla County |
| 844503A | Van Holbke Road | Walla Walla County |
| 844505N | Walker Road  | Walla Walla County |
| 844507C | County Road aka Matthews Road | Walla Walla County |
| 813970C | Benge-Ralston Road | Adams County |
| 813976T | Teske-McCall Road | Adams County |
| 844513F | Williams Lake Road | Lincoln County |
| 816605T | Mullinix Road | City of Cheney |
| 816607G | Cheney Plaza Road | City of Cheney |

**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).