

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF MILLWOOD,

Applicant,

Seeking Approval to Install Signals at a
Railroad-Highway Grade Crossing

DOCKET TR-161023

ORDER 01

ORDER GRANTING PETITION TO
INSTALL HIGHWAY-RAIL GRADE
CROSSING ACTIVE WARNING
DEVICES, INSTALL A SIDEWALK
AND UPGRADE THE CROSSING
SURFACE AT MARGUERITE STREET
AND AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT #662513B

BACKGROUND

- 1 On July 15, 2015, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a “Notice of Opportunity to Apply for Grant Monies” from the Grade Crossing Protective Fund (GCPF).
- 2 On August 23, 2016, the City of Millwood (City or the Applicant) filed with the Commission a petition requesting a disbursement of \$254,333 from the GCPF to pay for a portion of a project related to installing active warning devices and making other safety improvements at the Marguerite Street railroad crossing, identified as USDOT 662513B, in the city of Millwood.
- 3 In the 2014 Marine and Rail Oil Transportation Study, Commission Staff identified the Marguerite Street crossing as an under-protected crossing along an oil route, based on identified risk factors and existing levels of protection at the crossing. Commission Staff conducted an on-site safety diagnostic review of the crossing with representatives from the Union Pacific Railroad (UPRR) and the City. As a team, the participants agreed on a future course of action to improve safety at the crossing, including interim and long-term upgrades. In 2015, the City completed the interim improvements at its own expense. This project addresses the long-term safety improvements at the crossing.

- 4 UPRR consented to entry of an order by the Commission without further notice or hearing. The railroad has reported numerous “close call” incidents at this crossing, where drivers and pedestrians have crossed directly in front of oncoming trains.
- 5 Marguerite Street is a two-lane road with a posted speed limit of 25 miles per hour. The average annual daily traffic over the crossing is 1,517 vehicles. Marguerite Street is part of an established school bus route with two buses traveling over the crossing daily; however, it is not part of an established truck route. The north approach grade to the crossing is over five percent, which limits sight distance down the tracks and makes it difficult for some vehicles (e.g., vehicles towing trailers) to stop, restart, and quickly clear the crossing. The crossing is in close proximity to Euclid Avenue with limited containment area, meaning vehicles stopped for a train can back up onto Euclid Avenue. Cars stopped on Marguerite Street waiting to enter Euclid Avenue can back up over the crossing, unable to clear the tracks if a train approaches.
- 6 Current railroad warning devices at the Marguerite Street crossing consist of crossbucks and advance warning signs. UPRR operates up to six freight trains per day over this single mainline track crossing. The authorized train speed is 25 miles per hour. No passenger trains operate over the crossing.
- 7 As part of the project, the City proposes to install active warning devices including shoulder-mounted flashing LED lights and gates, replace the existing concrete crossing surface and add additional crossing panels to accommodate the new sidewalk, install curb and gutter on both sides of the crossing, and construct an Americans with Disabilities Act-accessible five-foot-wide sidewalk on the west side of the the crossing. The City will maintain the sidewalk.
- 8 The City seeks \$254,333 to pay for the cost of installing the active warning devices. The City will provide \$191,477 in funding to complete the crossing surface upgrades and installation of the curb, gutter, and sidewalk. There currently are funds available to pay for the project. The total estimated cost of the project is \$445,810. The Applicant is responsible for all additional costs over the grant amount.

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;
RCW 81.53.271; RCW 81.53.281.

2. (2) The grade crossing at Marguerite Street, identified as USDOT 662513B, is a public railroad-highway grade crossing within the state of Washington.
3. (3) RCW 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.
4. (4) The project for which the City seeks disbursement from the Grade Crossing Protective Fund is eligible for funding consideration under Commission rules and complies with the requirements of RCW 81.53.271, RCW 81.53.281, and WAC 480-62.
5. (5) RCW 81.53.281 allows the Commission to disburse funds from the Grade Crossing Protective Fund to pay for rail safety projects, including the installation of grade crossing protective devices.
6. (6) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
7. (7) After reviewing the City's petition filed on August 23, 2016, 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:

8. The City of Millwood's petition to install active warning devices, add a sidewalk and replace the crossing surface at a railroad-highway grade crossing, located at Marguerite Street, is granted. The cost of installing active warning devices 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 \$254,333.

- (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) The City must sign and return the attached project agreement.
- (4) The project must be completed no later than June 15, 2017.
- (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) The City 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 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 September 19, 2016.

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 website 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 website.

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

