

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

THE CITY OF AUBURN)	
)	DOCKET NO. TR-011138
)	
Petitioner,)	ORDER GRANTING PETITION
)	TO CLOSE A HIGHWAY-RAIL
v.)	GRADE CROSSING AT SOUTH
)	277 th STREET
UNION PACIFIC RAILROAD)	
)	D.O.T. 396585W
Respondent)	
)	W.U.T.C. 6R 164.97
.....)	

BACKGROUND

- 1 On September 21, 2001, the City of Auburn filed a petition with the Commission seeking authority to close a public highway-rail grade crossing. The crossing is located at the intersection of South 277th Street and the tracks of Union Pacific Railroad in the NW ¼ of the NE ¼ of Section 36, Township 22, Range 4, W.M., in Auburn, Washington.
- 2 Respondent consented to an entry of an order by the Commission without further notice or hearing.

DISCUSSION

- 3 The requested authority is part of a grade separation project that will span the tracks of the Union Pacific Railroad and The Burlington Northern and Santa Fe Railway Co. The petition was filed to comply with state law after Commission Staff (Staff) discovered that the crossing had been closed to the public without Commission order.
- 4 Commission Staff (Staff) posted notice of the filing of the petition in the Auburn City Hall pursuant to the procedure specified in RCW 81.53.060. Staff determined that the Public Notice board located in the lobby of the Auburn City Hall was the most appropriate location for posting the notice because the crossing was already closed to the public at the time of the posting. The same notice was published in the South County Journal, which is a newspaper of general circulation in the vicinity of the crossing. Both the posting of the notice and the newspaper publication took place on November 20, 2001, and directed that any person having objection to the closure of the crossing should state such objections, in writing, to the Commission within 20 days. No objections were received.

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, 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:

- 10 (1) It has jurisdiction pursuant to RCW 81.53.060.
- 11 (2) All requirements for closing a crossing without a hearing have been met.
- 12 (3) Closing the crossing and constructing an overcrossing would significantly improve public safety.
- 13 (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 enter the order.

ORDER

14 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 Union Pacific Railroad 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 involved with 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 Union Pacific Railroad 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, Union Pacific Railroad 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.

THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary