

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

TOPPENISH SIMCOE AND)	DOCKET NO. TR-031927
WESTERN RAILROAD,)	
)	ORDER NO. 01
Petitioner,)	
)	
v.)	
)	ORDER GRANTING PETITION TO
YAKIMA COUNTY,)	ESTABLISH A RAILROAD-
)	HIGHWAY GRADE CROSSING AT
Respondent.)	WESLEY ROAD
.....)	

BACKGROUND

- 1 On November 21, 2003, the Toppenish Simcoe and Western Railroad filed a petition with the Commission, seeking approval to establish a railroad-highway grade crossing. The crossing is located at the intersection of Wesley Road and petitioner’s tracks, in the NE ¼ of the SE ¼ of Section 34, Township 11 N., Range 9 E., W.M., in Yakima County, Washington.
- 2 Respondent has consented to an entry of an Order by the Commission without further notice or hearing.
- 3 In the vicinity of the proposed crossing, Wesley Road is classified as a local access road with one lane for each direction of traffic. The posted vehicle speed limit on Wesley Road is 50 mph, however, a stop sign-controlled roadway intersection (at Wesley Road and West White Swan Road) located approximately 185 feet north of the proposed grade crossing generally limits speeds across the tracks to under 30 mph. Average daily traffic on Wesley Road, in the vicinity of the proposed crossing, is estimated at 137 vehicles, including 20 trucks and two school bus trips.

4 Petitioner seeks to essentially re-establish a crossing that existed up until 1994,
when the tracks were paved over by Yakima County due to inactivity of the rail
line. The tracks consisted of a spur that served an industry located immediately
northwest of the crossing. Recently, the industry previously served by the spur
is planning to restart the practice of shipping by rail. Doing so requires the re-
establishment of the Wesley road grade crossing.

5 If approved, the crossing would consist of a single spur track crossing Wesley
road at an obtuse angle at roadway milepost 3.59. Average daily train traffic
through the crossing is estimated to be two freight trains traveling at maximum
speeds of 10 mph.

6 Warning devices proposed for the crossing consist of passive devices, including
standard crossbucks and advance warning signs.

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 proposed grade crossing constitutes a public railroad-highway grade
crossing within the state of Washington, as defined in RCW 81.53.010.

9 (3) RCW 81.53.030 requires that the Commission grant approval prior to
establishing new 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 December 31, 2003.

- 12 (6) After examination of the petition filed by the Toppenish Simcoe and Western Railroad on November 21, 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 Toppenish Simcoe and Western Railroad to re-establish a railroad-highway grade crossing, located at the intersection of Wesley Road and the petitioner's tracks, in Yakima County, Washington, is granted, subject to the following conditions:
- (1) The crossing must be hard-surfaced between the rails, and for a distance of one foot outside each rail for the full width of the traveled roadway, including the shoulders.
 - (2) To the extent practicable, the roadway approaches should be level with the plane created by the top of the rails. If this is not possible, the roadway surface must not be more than three inches higher or six inches lower than the top of the nearest rail at a point at least 30 feet from the rail.
 - (3) Traffic control devices, including passive signs and markings, must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
 - (4) Upon completion of the construction authorized herein, petitioner must notify the Commission. Acceptance of the crossing is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 31st day of December, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary