

to other roadways within the city. Mount Vernon Public Works estimates that the 2nd Street closure will result in an additional 6,000-7,000 vehicles per day over the 3rd Street grade crossing, including an additional 25 daily school bus trips.

5 Train traffic through 3rd Street averages 10-12 trains per week, traveling at speeds less than 10 MPH.

6 Warning devices at the 3rd Street crossing consist of standard Crossbucks and advance warning signs.

7 RCW 46.61.350 requires that vehicles carrying passengers for hire, school buses, and transporters of hazardous substances must stop at all non-signalized grade crossings, unless "an official traffic control device as designated by the Washington Utilities and Transportation Commission pursuant to RCW 81.53.060 (*i.e.* Exempt sign) gives notice that the stopping requirement imposed by this section does not apply." The city is concerned that the anticipated increase in school bus traffic, and the related requirement for each of the buses to stop at the crossing, would increase potential for rear-end collisions related to unexpected vehicle stops, and would routinely disrupt traffic flow on 3rd Street.

8 The city proposes installation of "Exempt" signs to mitigate any adverse impacts from increases in traffic volumes in the vicinity of the crossing. In addition, MVTRR has agreed to stop and flag trains across the roadway for the duration of the 2nd Street over-pass reconstruction project. It is expected that the project will last 18 months. After the 2nd Street project is complete, Mount Vernon would remove the Exempt signs.

FINDINGS AND CONCLUSIONS

9 (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.*

- 10 (2) The 3rd Street railroad-highway grade crossing, identified as
USDOT 916336E, is a public grade crossing within the state of
Washington.
- 11 (3) RCW 81.53.060 requires that the Commission grant approval prior to the
modification of warning devices at public railroad-highway grade
crossings within the State of Washington.
- 12 (4) Commission Staff recommended that the Commission authorize the
installation of R15-3 "Exempt" signs at the 3rd Street grade crossing,
subject to specified conditions.
- 13 (5) This matter was brought before the Commission at its regularly scheduled
meeting on June 23, 2004.
- 14 (6) After examination of the petition by Mount Vernon on April 6, 2004, and
giving consideration to all relevant matters and for good cause shown, the
Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 15 The petition of Mount Vernon to install R15-3 "Exempt" signs at a railroad-
highway grade crossing located at the intersection of 3rd Street and the tracks of
the Mount Vernon Terminal Railroad Company, in Mount Vernon, Washington,
is granted, subject to the following conditions:
- (1) The installations must comply with applicable standards
specified in the U.S. Department of Transportation *Manual on
Uniform Traffic Control Devices*.
 - (2) The Mount Vernon Terminal Railroad Company must stop and
flag all on-track equipment across the 3rd Street crossing as long

as the R15-3 signs are installed and the exemption to RCW 46.61.350 is in effect.

- (3) Upon completion of the installations authorized herein, the city of Mount Vernon must notify the Commission. Acceptance of the installations is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with law, regulation, and the conditions specified herein.
- (4) The city of Mount Vernon must notify the Commission at least 30 days before removing the R15-3 signs. When notification is received, Commission Staff will work with the parties to inform affected school district transportation offices of the change.

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

DATED at Olympia, Washington, and effective this 23rd day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary