

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

In the Matter of the Petition of)	DOCKET TR-080935
)	
WASHINGTON STATE PARKS)	ORDER 01
AND RECREATION COMMISSION,)	
)	
Petitioner,)	ORDER GRANTING PETITION TO
)	RECLASSIFY CROSSING AT DOUG’S
v.)	BEACH ROAD FROM PRIVATE TO
)	PUBLIC CROSSING
BNSF Railway Company,)	
)	USDOT: 090175Y
Respondent.)	UTC: 3A87.97
.....)	

BACKGROUND

- 1 On May 27, 2008, Washington State Parks and Recreation Commission (State Parks or
 Petitioner) filed with the Washington Utilities and Transportation Commission
 (Commission), a petition seeking approval to reclassify a railroad-highway grade
 crossing from private to public. The crossing is identified as USDOT 090175Y and is
 located at the intersection of Doug’s Beach Road and the Respondent’s tracks within
 Doug’s Beach State Park.

- 2 Railroad warning devices at the crossing consist of shoulder-mounted gates and lights
 with eight-inch lenses. There are approximately 22 trains that travel over the crossing
 each day and an additional 21 trains during the night hours. Trains travel at a maximum
 speed of 70 miles per hour. Train traffic includes both freight and passenger trains.

- 3 The crossing is used by State Parks staff to access the beach by vehicle. Staff can remove
 a post at the crossing to allow vehicle access. Otherwise, vehicle access is blocked.

- 4 The crossing is used heavily by members of the public on a seasonal basis. From April
 through October, approximately 300 pedestrians use the crossing each day. For the rest
 of the year, as little as one person a week uses the crossing.

- 5 Although this crossing is currently designated as a private crossing, it is used primarily
 by the public April through October of each year. In addition, the crossing meets the
 statutory criteria for a public crossing. The crossing is located at the intersection of
 railroad tracks and a highway, as defined in RCW 81.53.010. The railroad tracks are
 owned and maintained by BNSF Railway Company (BNSF), a railroad company

regulated by the Commission. Further, the highway is owned and maintained by a public road authority. By reclassifying the crossing, the safety oversight of the crossing falls under the jurisdiction of the Commission. The designation should be changed from a private crossing to a public crossing.

6 On May 19, 2008, the Respondent BNSF consented to entry of an Order by the Commission without further notice or hearing.

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. *RCW 81.53*
- 8 (2) The grade crossing at Doug's Beach Road, identified as USDOT 090175Y, is a private railroad-highway grade crossing within the state of Washington.
- 9 (3) RCW 81.53.060 requires the Commission grant approval prior to a change to the manner of a railroad-highway grade crossing within the state of Washington. Reclassifying the designation of a crossing from private to public is a change to the manner of a crossing.
- 10 (4) Commission Staff investigated the petition and recommended that it be granted.
- 11 (5) After reviewing the petition filed on May 27, 2008, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 12 (1) Washington State Parks and Recreation Commission's petition to reclassify a railroad-highway grade crossing, located at the intersection of Doug's Beach Road and BNSF Railway Company tracks, from a private crossing to a public crossing, is granted, subject to the following conditions:
- (a) This crossing is designated a pedestrian-only public crossing. Vehicular traffic is limited to State Park staff and authorized contractors for park maintenance and administrative purposes.
 - (b) Any changes to the purpose and use of this crossing as described in the petition and this Order requires period Commission approval before implementation.

The Commissioners have delegated authority to the Executive Director and Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective June 26, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER,
Executive Director and Secretary