

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

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| In the Matter of the Petition of |) | DOCKET TR-090299 |
| |) | |
| Eastern Washington Gateway Railroad Company, |) | ORDER 01 |
| |) | |
| Petitioner. |) | ORDER GRANTING PETITION TO UPGRADE WARNING DEVICES AT DIVISION STREET IN WILBUR, WASHINGTON |
| City of Wilbur and Washington State Department of Transportation, |) | |
| |) | |
| Respondents. |) | USDOT: 066074B UTC: 51A74.40 |
| |) | |

BACKGROUND

- 1 On February 19, 2009, Eastern Washington Gateway Railroad Company (Eastern Washington Gateway or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to upgrade warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT 066074B and is located at the intersection of Division Street and the Petitioner’s tracks in Wilbur, Washington.

- 2 Railroad warning devices at the crossing consist of shoulder mounted 12” flashing lights, warning bells, cross bucks and train detection sensors. The Petitioner proposes to add gates. The addition of gates will create a physical barrier and prevent motorists from crossing the tracks when a train is approaching. There have been no accidents at this crossing.

- 3 The road is a two-lane road with a maximum vehicle speed limit of 25 miles per hour. Approximately 1,600 vehicles use the crossing each day. Fifteen percent of those vehicles are commercial trucks. Twenty school buses use the crossing each day.

- 4 One freight train uses the crossing each day, traveling at 10 miles per hour.

- 5 There are two Respondents for this matter, the Washington State Department of Transportation (WSDOT), owner of the tracks and the City of Wilbur, road authority. Both WSDOT and the City of Wilbur have consented to entry of an Order by the Commission without further notice or hearing.

FINDINGS AND CONCLUSIONS

- 6 (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.*
- 7 (2) The grade crossing at the intersection of Division Street and the Petitioner's tracks in Wilbur, Washington, identified as USDOT No. 066074B, is a public railroad-highway grade crossing within the state of Washington.
- 8 (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.*
- 9 (4) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 10 (5) After reviewing petition of the Eastern Washington Gateway Railroad Company filed on February 19, 2009, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

11 The petition of Eastern Washington Gateway Railroad Company to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of Division Street and the Petitioner's tracks in Wilbur, Washington, is granted. Approval of the petition is subject to the following conditions:

- (1) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices.*
- (2) The Petitioner 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 Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective March 9, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, 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 Web site 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 Web site.

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