

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

CITY OF FERNDALE,	)	DOCKET TR-090809
)	
Petitioner,	)	ORDER 01
)	
	)	ORDER GRANTING PETITION FOR
	)	PEDESTRIAN IMPROVEMENTS AT
	)	THE WASHINGTON STREET
BNSF RAILWAY CO.,	)	HIGHWAY- RAILROAD GRADE
	)	CROSSING
Respondent.)	
)	
	)	USDOT: #084837H
.....	)	UTC: #2B106.20

BACKGROUND

- 1 On May 22, 2009, the city of Ferndale (City or Petitioner) filed with the Utilities and Transportation Commission (Commission), a petition seeking approval to install sidewalks at a railroad-highway grade crossing. The crossing is identified as USDOT #084837H and is located at the intersection of Washington Street and the respondent’s tracks in the city of Ferndale.
- 2 Respondent BNSF Railway Co. consented to entry of an Order by the Commission without further notice or hearing.
- 3 Current railroad warning devices at the intersection of Washington Street and the respondent’s tracks in the city of Ferndale consist of cantilever mounted gates and 12” flashing lights.
- 4 Washington Street is classified as a city street with two- lane, two-way traffic and a posted vehicle speed limit of 25 mile per hour. Average daily traffic through the crossing is estimated at 7,260 vehicles, including five percent commercial vehicles and 48 school bus trips.
- 5 The respondent maintains a main line and two siding/spur tracks at this location. Average daily train traffic is eight freight trains and four passenger trains. The authorized speed is 40 mph for freight trains and 45 mph for passenger trains.

- 6 The city proposes to install six-foot wide sidewalks on both sides of the roadway. The sidewalks will be constructed behind the gate masts and intersect all three crossing surfaces. The city will maintain the sidewalks.
- 7 The proposed installation of sidewalks is in the interest of improving safety for pedestrian users by providing a path for pedestrians and bicyclists to safely cross the railroad-highway grade crossing.

FINDINGS AND CONCLUSIONS

- 8 (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*.
- 9 (2) The Washington Street grade crossing, identified as USDOT #084837H, is a public railroad-highway grade crossing within the state of Washington.
- 10 (3) WAC 480-62-150(1)(g) requires that the Commission grant approval prior to any changes to crossing surfaces at public railroad-highway grade crossings within the state of Washington.
- 11 (4) Commission Staff investigated the petition and recommended that it be granted.
- 12 (5) After examination of the petition filed by the city of Ferndale on May 22, 2009, 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 city of Ferndale to install sidewalks at the intersection of Washington Street and respondent's tracks in Whatcom County is granted. Approval of the petition is subject to the following conditions:
- (1) The modifications must conform to those described in the petition.
 - (2) Petitioner must notify Commission Staff within 30 days upon completion of this project.

The Commissioners, having determined that this filing complies with the requirements of WAC 480-62-150(1) (g) and RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective June 3, 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).