

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

CITY OF PROSSER,)	DOCKET TR-090810
)	
Petitioner.)	ORDER 01
)	
)	ORDER GRANTING PETITION TO
)	INSTALL HIGHWAY-RAILROAD
)	GRADE CROSSING ACTIVE
BNSF RAILWAY CO.,)	WARNING DEVICES AT CHAPMAN
)	LANE IN PROSSER
Respondent.)	
)	
)	USDOT: #104552E
)	UTC: #1C39.20
.....)	

BACKGROUND

- 1 On May 26, 2009, the city of Prosser (City or Petitioner) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to install active warning devices at the highway-railroad grade crossing at Chapman Lane in the city of Prosser. The crossing is identified as USDOT#104552E.

- 2 Respondent BNSF Railway Co. (BNSF) has consented to entry of an Order by the Commission without further notice or hearing.

- 3 Current railroad warning devices at the intersection of Chapman Lane and the Petitioner’s tracks in the city of Prosser consist of crossbucks and Stop signs.

- 4 Chapman Lane is classified as rural local roadway and consists of a two-lane, two-way roadway. The city estimates average hourly vehicle traffic over the crossing at eight but estimates increases up to 40 vehicles per hour when a new wine center is completed. There is a minor amount of commercial motor vehicle traffic and no school bus trips. There is no posted legal speed limit but traffic generally moves across the crossing at 20 miles per hour or less.

- 5 BNSF maintains one main line track through the crossing. Average daily train traffic is six traveling at a maximum speed of 45 miles per hour. No passenger trains use the tracks at this crossing.

6 The city proposes to upgrade the crossing protection to active warning devices which
will include shoulder-mounted lights and gates and constant warning train detection.

7 The proposed upgrades are in the interest of improving safety and convenience for
roadway users.

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 proposed reconstruction of a crossing involves a public railroad-highway
grade crossing, as defined in *RCW 81.53.010.*

10 (3) *RCW 81.53.060* requires the Commission grant approval prior to reconstructing a
public railroad-highway grade crossing within the state of Washington.

11 (4) Commission Staff investigated the petition and recommends that it be granted.

12 (5) After examination of the petition filed by the City of Prosser on May 26, 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 Prosser to install active warning devices at the railroad-
highway grade crossing at Chapman Lane and the Respondent's tracks in Benton County
is granted, as follows:

(1) The modifications must conform to those described in the petition.

(2) Petitioner must notify Commission Staff within 30 days upon
completion of the project.

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

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).