

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

CITY OF KENNEWICK,)	DOCKET TR-091594
)	
Petitioner,)	ORDER 01
)	
UNION PACIFIC RAILROAD,)	ORDER AUTHORIZING THE
)	INSTALLATION OF R15-3 "EXEMPT"
Respondent.)	CROSSING SIGNS AT A HIGHWAY-
)	RAIL GRADE CROSSING AT NORTH
)	BENTON STREET AT RAILROAD
)	AVENUE
)	
)	USDOT: 808908G
.....)	

BACKGROUND

- 1 On October 6, 2009, City of Kennewick (City) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to install R15-3 exempt crossing signs at a railroad-highway grade crossing. The crossing is located at the intersection of North Benton Street at Railroad Avenue and the respondent's tracks in the city of Kennewick in Benton County, Washington.
- 2 Union Pacific Railroad (Respondent) consented to entry of an Order by the Commission without further notice or hearing. The Respondent reserves the right to petition the Commission for removal of the signs if rail operations resume on these tracks in the future.
- 3 The crossing is composed of one industrial lead track. There is no train traffic over the crossing at this time.
- 4 The city estimates annual average daily vehicle traffic over the crossing at 3,300, which includes 20 percent commercial motor vehicles. No school buses travel over this crossing. The posted vehicle speed is 25 miles per hour. Current warning devices at the crossing include cross bucks and advance warning signs.
- 5 The city is proposing install R15-3 exempt signs that are in compliance with the Manual on Uniform Traffic Control Devices (MUTCD).

6 Despite the absence of train traffic, RCW 46.61.350 requires that vehicles carrying passengers for-hire, school buses and transporters of certain hazardous substances to stop at passively-controlled highway-rail grade crossings. The purpose of the stop is to look and listen for trains unless “an official traffic control device as designated by the Washington Utilities and Transportation Commission pursuant to RCW 81.53.060 (e.g. exempt sign) gives notice that the stopping requirement imposed by this section does not apply.” Since there are no trains currently operating on these tracks, the purpose of the stopping requirement is moot. There is no chance of a motor vehicle colliding with a train at this grade crossing. It is more dangerous for these designated vehicles to stop at this crossing than not to stop because of the risk of rear-end collisions, improper passing and other unsafe motorist behavior.

7 The proposed installation of R15-3 exempt crossing signs at North Benton Street at Railroad Avenue is in the interest of improving traffic efficiency and reducing the potential for rear-end collisions related to vehicle stops.

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 North Benton Street at Railroad Avenue highway-rail grade crossing is a public crossing within the state of Washington.
- 10 (4) 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.
- 11 (5) Commission staff investigated the petition and recommended that it be granted with the conditions identified below.
- 12 (6) After review of the petition filed in Docket TR-091594 by the City of Kennewick on October 6, 2009, and giving due consideration, the Commission grants the petition authorizing the installation of exempt signs at the North Benton Street at Railroad Avenue grade crossing.

ORDER

THE COMMISSION ORDERS:

13 The petition of the City of Kennewick to install R15-3 exempt signs at a railroad-highway grade crossing at North Benton Street at Railroad Avenue and the Respondent's tracks in Benton County, is granted, as follows:

- (1) The modifications must conform to those described in the petition.
- (2) The installation of the R15-3 exempt signs must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (3) Upon completion of the installation authorized herein, Petitioner must notify the Commission.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington and effective October 14, 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).