

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

CITY OF MUKILTEO,)	DOCKET TR-100221
)	
Petitioner,)	ORDER 01
)	
)	ORDER GRANTING PETITION TO
)	MODIFY A PUBLIC HIGHWAY-RAIL
)	GRADE CROSSING AND UPGRADE
BNSF RAILWAY CO,)	WARNING DEVICES AT MT. BAKER
)	AVENUE
Respondent.)	
)	
.....)	USDOT: #085452V
)	

BACKGROUND

- 1 On February 4, 2010, City of Mukilteo (City or Petitioner) filed with the Utilities and Transportation Commission (Commission), a petition seeking approval to modify a railroad-highway grade crossing and upgrade warning devices. The crossing is identified as USDOT #085452V and is located at the intersection of Mt. Baker Avenue and BNSF Railway's (BNSF) tracks in Snohomish County.
- 2 Respondent BNSF consented to entry of an Order by the Commission without further notice or hearing.
- 3 Current railroad warning devices at the crossing consist of cantilever mounted lights and gates.
- 4 Mt. Baker Avenue is classified as an urban local street with two-lane, two-way traffic and a posted vehicle speed limit of 25 miles per hour (mph). Average annual daily traffic through the crossing is estimated at 500 vehicles, including five percent commercial motor vehicles. No school buses use this crossing. Washington State Ferries has indicated that it plans to relocate the Mukilteo ferry terminal in the future. Relocation of the terminal will increase the daily vehicle usage of this crossing.

- 5 There are three tracks at the crossing including two mainlines and one spur. BNSF operates 24 freight trains at up to 50 miles per hour. Amtrak and Sound Transit operate 14 passenger trains a day over the crossing at up to 55 miles per hour.
- 6 The City plans to implement a one-half mile long quiet zone in the area of the Mt. Baker Avenue crossing. In order to qualify for a quiet zone under current federal rules, the City is upgrading the warning devices at Mt. Baker Avenue to four-quadrant gates with vehicle detection loops.
- 7 The City will install a new concrete panel surfaces; shoulder mounted four-quadrant gates; flashing lights with LED lenses; pedestrian bells; and vehicle detection loops. All train detection circuitry will be upgraded to constant warning time.
- 8 The proposed modification of this crossing is in the interest of implementing a quiet zone in the City of Mukilteo.

FINDINGS AND CONCLUSIONS

- 9 (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.*
- 10 (2) The Mt. Baker Avenue grade crossing, identified as USDOT #085452V, is a public railroad-highway grade crossing within the state of Washington.
- 11 (3) RCW 81.53.261 and WAC 480-62-150 require that the Commission grant approval prior to modifying a public railroad-highway grade crossing or upgrading active crossing warning signals or devices within the state of Washington.
- 12 (4) Commission Staff investigated the petition and recommended that it be granted with conditions.
- 13 (5) After examination of the petition filed by the City of Mukilteo on February 4, 2010, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

14 The petition of the City of Mukilteo to modify a railroad-highway grade crossing and upgrade warning devices at the intersection of Mt. Baker Avenue and Respondent's tracks in Snohomish County is granted. Approval of the petition is subject to the following conditions:

- (1) The modifications must conform to those described and attached to the petition.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.

The Commissioners, having determined that this filing complies with the requirements of WAC 480-62-150(1)(f), WAC 480-62-150(2)(b) and RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective March 3, 2010.

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).