



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

April 16, 2010

Terrel Anderson  
Union Pacific Railroad  
9451 Atkinson Street  
Roseville, CA 95747

**RE: TR-100575 - Petition on Behalf of Benton County to Construct a Grade Crossing at  
Piert Road/UPRR-Colstor Spur**

Dear Mr. Anderson:

On April 9, 2010, Benton County filed a petition with the Washington Utilities and Transportation Commission (Commission), seeking approval to construct a grade crossing at Piert Road/UPRR-Colstor Spur. The Commission assigned Docket No. TR-100575 to this petition.

Please review the enclosed petition and respond by May 6, 2010. Your response options include:

- Support the petition – Complete the Respondent's Waiver of Hearing form, which serves as your consent for the Commission to issue an order without further notice or hearing.
- Do not support the petition – Reply with your position and include whether you feel a hearing is necessary to resolve the issues or suggest other courses of action, such as further discussion prior to going to hearing.

If you do not respond within 20 days of the date of this letter, we will assume you do not support the petition and will set the matter for hearing. You will be required to attend the hearing and respond to the Commission.

If you have any questions, please contact Kathy Hunter at (360) 664-1257 or [khunter@utc.wa.gov](mailto:khunter@utc.wa.gov).

Sincerely,

David Pratt  
Assistant Director, Transportation Safety

Enclosure

cc: Malcolm Bowie, Benton County (without enclosure)



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Benton County	)	DOCKET NO. TR-100575
_____	)	
Petitioner,	)	PETITION TO CONSTRUCT A
	)	HIGHWAY-RAIL GRADE
	)	CROSSING
vs.	)	
UPRR	)	
_____	)	
Respondent	)	
	)	
.....	)	
_____	)	

The Petitioner asks the Washington Utilities and Transportation Commission to approve construction of a highway-rail grade crossing.

*Section 1 – Petitioner’s Information*

Benton County	_____
Petitioner	
610 Market St	_____
Street Address	
Prosser, WA 99350	_____
City, State and Zip Code	
P.O. Box 1001; Prosser, WA 99350	_____
Mailing Address, if different than the street address	
Malcolm Bowie, PE	_____
Contact Person Name	
509-786-5611 malcolm.bowie@co.benton.wa.us	_____
Contact Phone Number and E-mail Address	

*Section 2 – Respondent's Information*

_____ Terrel Anderson Respondent
_____ 9451 Atkison St. Street Address
_____ Roseville, CA 95747 City, State and Zip Code
_____ Mailing Address, if different than the street address
_____ Contact Person Name
_____ Contact Phone Number and E-mail Address

*Section 3 – Proposed Crossing Location*

1. Existing highway/roadway _____
2. Existing railroad <u>UPRR Spur</u>
3. Location of proposed crossing: Located in the <u>NW</u> 1/4 of the <u>NE</u> 1/4 of Sec. <u>23</u> , Twp. <u>08N</u> , Range <u>30E</u> , <u>W.M.</u>
4. GPS location, if known <u>46° 09' 58.21" N, 119° 01' 22.42" W</u>
5. Railroad mile post (nearest tenth) <u>Unknown</u>
6. City _____ County <u>Benton</u>

**Section 4 – Proposed Crossing Information**

1. Railroad company UPRR

2. Type of railroad at crossing  Common Carrier  Logging  Industrial  
 Passenger  Excursion

3. Type of tracks at crossing  Main Line  Siding or Spur

4. Number of tracks at crossing 1

5. Average daily train traffic, freight 1-2  
Authorized freight train speed 10 Operated freight train speed 10

6. Average daily train traffic, passenger 0  
Authorized passenger train speed \_\_\_\_\_ Operated passenger train speed \_\_\_\_\_

7. Will the proposed crossing eliminate the need for one or more existing crossings?  
Yes X No \_\_\_\_\_

8. If so, state the distance and direction from the proposed crossing.  
Agrium US has one existing private crossing located N 24° 40' 06" W 513 feet from the proposed crossing and they have agreed to vacate their private crossing if the new public crossing is granted.  
Columbia Colstor also has a private crossing located at the sight of the proposed new public crossing and they have agreed to vacate their private crossing if the new public crossing is granted.

9. Does the petitioner propose to close any existing crossings?  
Yes X No \_\_\_\_\_

*Section 5 – Temporary Crossing*

1. Is the crossing proposed to be temporary?      Yes \_\_\_\_ No X

2. If so, describe the purpose of the crossing and the estimated time it will be needed

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Will the petitioner remove the crossing at completion of the activity requiring the temporary crossing?      Yes \_\_\_\_ No \_\_\_\_

Approximate date of removal \_\_\_\_\_

*Section 6 – Current Highway Traffic Information*

1. Name of roadway/highway Piert Road

2. Roadway classification Proposed urban collector

3. Road authority Benton County

4. Average annual daily traffic (AADT) \_\_\_\_\_

5. Number of lanes 2

6. Roadway speed 35

7. Is the crossing part of an established truck route?      Yes \_\_\_\_ No X

8. If so, trucks are what percent of total daily traffic? \_\_\_\_\_

9. Is the crossing part of an established school bus route?      Yes \_\_\_\_ No X

10. If so, how many school buses travel over the crossing each day? \_\_\_\_\_

11. Describe any changes to the information in 1 through 7, above, expected within ten years:

The route is expected to be designated a truck route with AADT of 400 and a truck percentage of 75% with 2 bus crossings per day.

**Section 7 – Alternatives to the Proposal**

1. Does a safer location for a crossing exist within a reasonable distance of the proposed location?  
Yes  No

2. If a safer location exists, explain why the crossing should not be located at that site.

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3. Are there any hillsides, embankments, buildings, trees, railroad loading platforms or other barriers in the vicinity which may obstruct a motorist's view of the crossing?  
Yes  No

4. If a barrier exists, describe:

- ◆ Whether petitioner can relocate the crossing to avoid the obstruction and if not, why not.
- ◆ How the barrier can be removed.
- ◆ How the petitioner or another party can mitigate the hazard caused by the barrier.

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5. Is it feasible to construct an over-crossing or under-crossing at the proposed location as an alternative to an at-grade crossing?  
Yes  No

6. If an over-crossing or under-crossing is not feasible, explain why.

The cost of an over-crossing or an under-crossing would be excessive for the amount of  
traffic involved. Costs and delays associated with under/over crossings would result in killing  
this project

7. Does the railway line, at any point in the vicinity of the proposed crossing, pass over a fill area or trestle or through a cut where it is feasible to construct an over-crossing or an under-crossing, even though it may be necessary to relocate a portion of the roadway to reach that point?

Yes  No

8. If such a location exists, state:

- ◆ The distance and direction from the proposed crossing.
- ◆ The approximate cost of construction.
- ◆ Any reasons that exist to prevent locating the crossing at this site.

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9. Is there an existing public or private crossing in the vicinity of the proposed crossing?

Yes  No

10. If a crossing exists, state:

- ◆ The distance and direction from the proposed crossing.
- ◆ Whether it is feasible to divert traffic from the proposed to the existing crossing.

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Agrium US has one existing private crossing located N 24° 40' 06" W 513 feet from the proposed crossing and they have agreed to vacate their private crossing if the new public crossing is granted.

Columbia Colstor also has a private crossing located at the sight of the proposed new public crossing and they have agreed to vacate their private crossing if the new public crossing is granted.

**Section 8 – Sight Distance**

1. Complete the following table, describing the sight distance for motorists when approaching the tracks from either direction.

a. Approaching the crossing from South, the proposed/~~current~~ approach provides an unobstructed view as follows: (North, South, East, West)

Direction of sight (left or right)	Number of feet from proposed crossing	Provides an unobstructed view for how many feet
Right	300	2,397
Right	200	2,397
Right	100	2,397
Right	50	2,397
Right	25	2,397
Left	300	1,720
Left	200	1,720
Left	100	1,720
Left	50	1,720
Left	25	1,720

b. Approaching the crossing from North, the proposed/~~current~~ approach provides an unobstructed view as follows: (Opposite direction-North, South, East, West)

Direction of sight (left or right)	Number of feet from proposed crossing	Provides an unobstructed view for how many feet
Right	300	372
Right	200	388
Right	100	502
Right	50	1,720
Right	25	1,720
Left	300	2,397
Left	200	2,397
Left	100	2,397
Left	50	2,397
Left	25	2,397

2. Will the new crossing provide a level approach measuring 25 feet from the center of the railway on both approaches to the crossing?

Yes  No

3. If not, state in feet the length of level grade from the center of the railway on both approaches to the crossing. Because the proposed alignment was designed with a 200 foot long vertical curve at the crossing, there is no level grade on either side of the crossing.

4. Will the new crossing provide an approach grade of not more than five percent prior to the level grade?

Yes  No



5. If not, state the percentage of grade prior to the level grade and explain why the grade exceeds five percent.

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***Section 9 – Illustration of Proposed Crossing Configuration***

Attach a detailed diagram, drawing, map or other illustration showing the following:

- ◆ The vicinity of the proposed crossing.
- ◆ Layout of the railway and highway 500 feet adjacent to the crossing in all directions.
- ◆ Percent of grade.
- ◆ Obstructions of view as described in Section 7 or identified in Section 8.
- ◆ Traffic control layout showing the location of the existing and proposed signage.

***Section 10 – Proposed Warning Signals or Devices***

1. Explain in detail the number and type of automatic signals or other warning devices planned at the proposed crossing, including a cost estimate for each.

The volume of traffic (400 AADT on Piert Road & 1 shuttle car per day on the rails), the speed of the traffic (Vehicular traffic limited to 35 MPH and rail traffic limited to 10 MPH) and the adequate sight distance at the crossing all combine to indicate two crossbucks should be sufficient warning devices. The cost should be less than \$5,000.

Benton County will also install advance warning signs and pavement markings on the roadway surface.

2. Provide an estimate for maintaining the signals for 12 months.     \$0    

3. Is the petitioner prepared to pay to the respondent railroad company its share of installing the warning devices as provided by law?

Yes   X                        No

***Section 11 – Additional Information***

Provide any additional information supporting the proposal, including information such as the public benefits that would be derived from constructing a new crossing as proposed.

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The proposed alignment was chosen from 15 alternative alignments based on the directness of the route, the compatibility with planned industrial development for the area, the impacts to neighborhoods, the input received at public meetings, the impacts to the environment and the overall cost associated with each alternative.

The proposed roadway will serve as an urban collector to provide direct access for the Finley industrial area to SR-397 and I-82 (via SR-397). Over 300 acres of prime heavy industrial land will be opened up to future development with the extension of Piert Road.

**Section 12 – Waiver of Hearing by Respondent**

**Waiver of Hearing**

The undersigned represents the Respondent in the petition to construct or reconstruct a highway-railroad grade crossing.

We have investigated the conditions at the proposed or existing crossing site. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree that a crossing be installed or reconstructed and consent to a decision by the commission without a hearing.

Dated at \_\_\_\_\_, Washington, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Printed name of Respondent

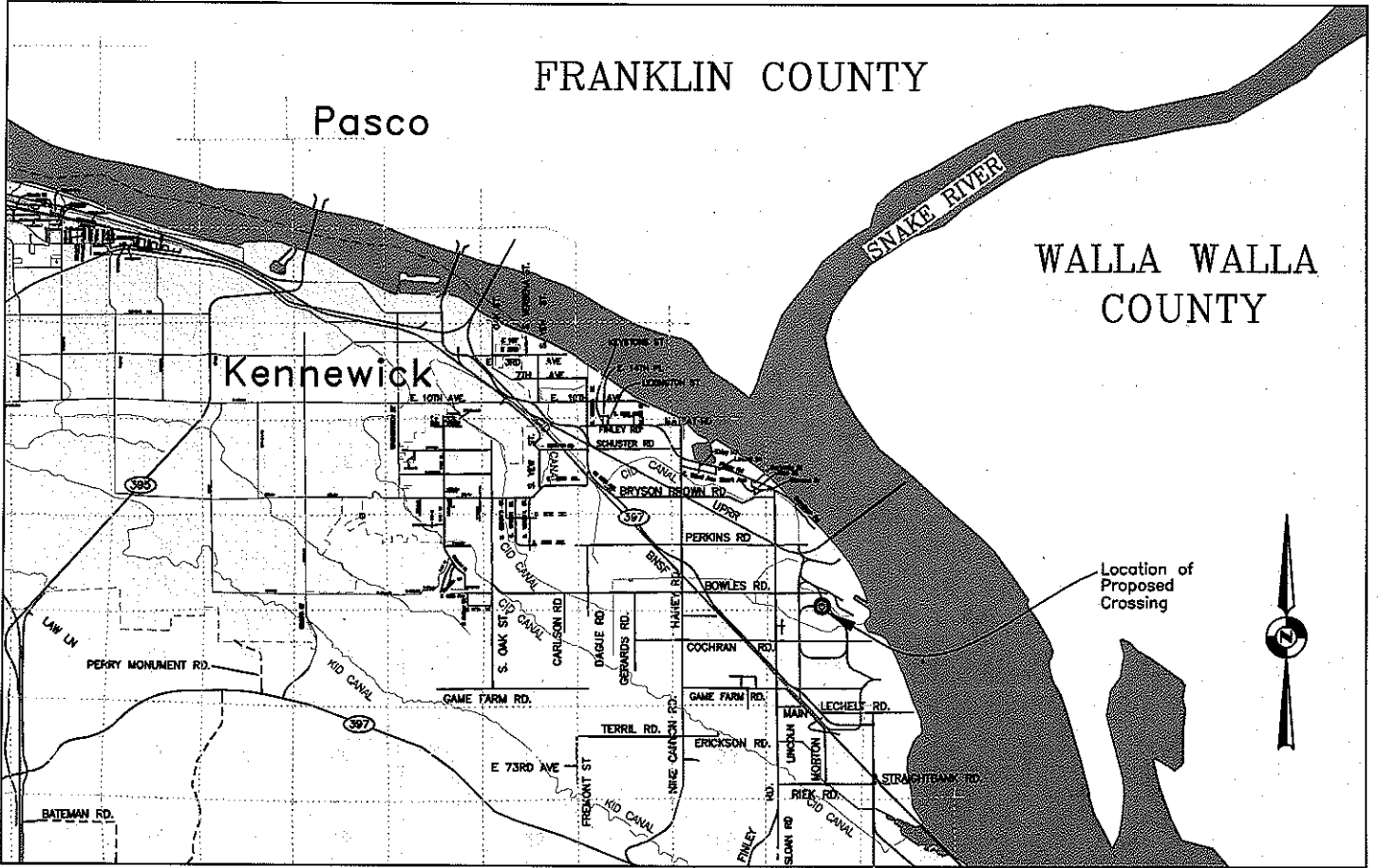
\_\_\_\_\_  
Signature of Respondent's Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone number and e-mail address

\_\_\_\_\_  
Mailing address

T 8 N  
T 9 N

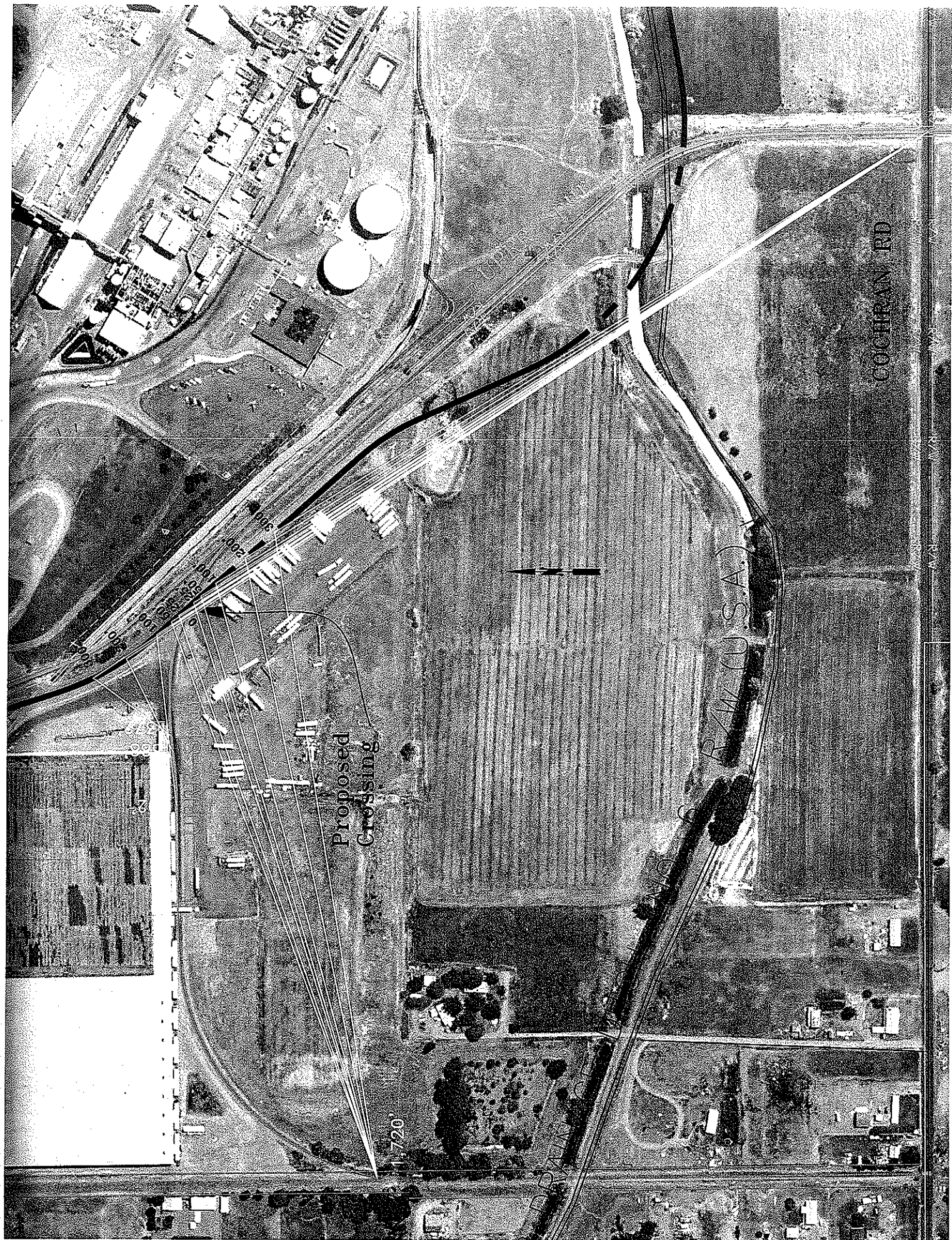


R 29 E

R 30 E

# VICINITY MAP

Not To Scale



PROPOSED CROSSING



BANK (USA)

1720

COUNTRY RD

DETERMINATION OF NONSIGNIFICANCE

Description of proposal: The project will begin at the intersection of Piert Road and SR 397 and run northwest approximately 1.6 miles. The proposed work includes designing and reconstructing a portion of Piert and Lechelt Roads, and all new construction and alignment between Lechelt and Bowles Roads. All will be constructed to all-weather standards. The roadway cross section will consist of two 12-foot travel lanes, 6-foot paved shoulders and a walkway on the west wise.

Proponent Benton County Dept. of Public Works  
P O Box 1001  
Prosser, WA 99350

File No. EA 00-33

Location of proposal: The project site is located in the Northeast Quarter of Section 26, Township 8 North, Range 30 East and the East Half of Section 23, Township 8 North, Range 30 East, W.M.

Lead agency BENTON COUNTY

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This mitigated determination of nonsignificance is issued under WAC 197.11.350(3); the specific mitigation measures which will eliminate significant adverse environmental impacts are: \_\_\_\_\_

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **August 9, 2000**.

Responsible Official **TERRY A. MARDEN, Director**  
Benton County Planning & Building Dept.  
Post Office Box 910 PHONE: (509) 786-5612  
Prosser, WA 99350-0910 (509) 736-3086

Date **July 26, 2000**

Signature \_\_\_\_\_

You may appeal this determination to **TERRY A. MARDEN**, at Post Office Box 910, Prosser, WA 99350, no later than \_\_\_\_\_ by Written notice.

You should be prepared to make specific factual objections. Contact the planning department to read or ask about the procedures for SEPA appeals.

There is no agency appeal.

DISTRIBUTION:

- Applicant
- News Media (Encl. map or plot plan)
- Benton County Building Office
- Department of Natural Resources - Sheryl Beck\*
- Department of Natural Resources - David Dietzman \*
- Benton Clean Air Authority\*
- Benton-Franklin Dist. Health Department -Kennewick\*
- Department of Transportation\*
- Washington State Department of Health\*
- Department of Ecology - Olympia\* Yakima\*
- Corps of Engineers\*

- Yakima Indian Nation\*
- Fire District No. 1\*
- Benton County Fire Marshal\*
- Finley School District\*
- Dept. Fish and Wildlife\*
- Dept. of Reclamation\*
- Columbia Irrigation District\*
- Port of Kennewick\*
- Benton County PUD\*
- Burlington Northern Sante Fe RR\*

Steven W. Becken  
Public Works Manager

Malcolm Bowie, P.E.  
County Engineer

Area Code 509  
Prosser 786-5611  
Tri-Cities 736-3084  
Ext. 5664  
Fax 786-5627

# Benton County

## Department of Public Works

Post Office Box 1001 - Courthouse  
Prosser, Washington 99350-0954

April 09, 2010

Kathy Hunter  
Deputy Assistant Director  
Washington State Utility Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P.O. box 47250  
Olympia WA 98504-7250

Dear Kathy

Benton County is submitting as part of this package four new public crossing petitions and one public crossing closure petition. We have also provided a map to put the big picture into perspective for the commission and staff.

The Piert Road Extension is a selected project of the STIP with secured funding through the States Transportation Improvement Board. This project will provide direct access to the Finley industrial area. Finley is an unincorporated area southeast of Kennewick. The Benton county Comprehensive Land Use Plan designates over 1000 acres as industrial in this area. The Piert Road project will provide over 300 acres of this undeveloped heavy industrial land with direct road access.

This project will serve local Industries Columbia Colstor Inc. and Agrium Inc. These companies are presently served by the multimodal transportation facilities available in the Finley area moving 5 to 6 million tons of product per day in and out of these facilities.

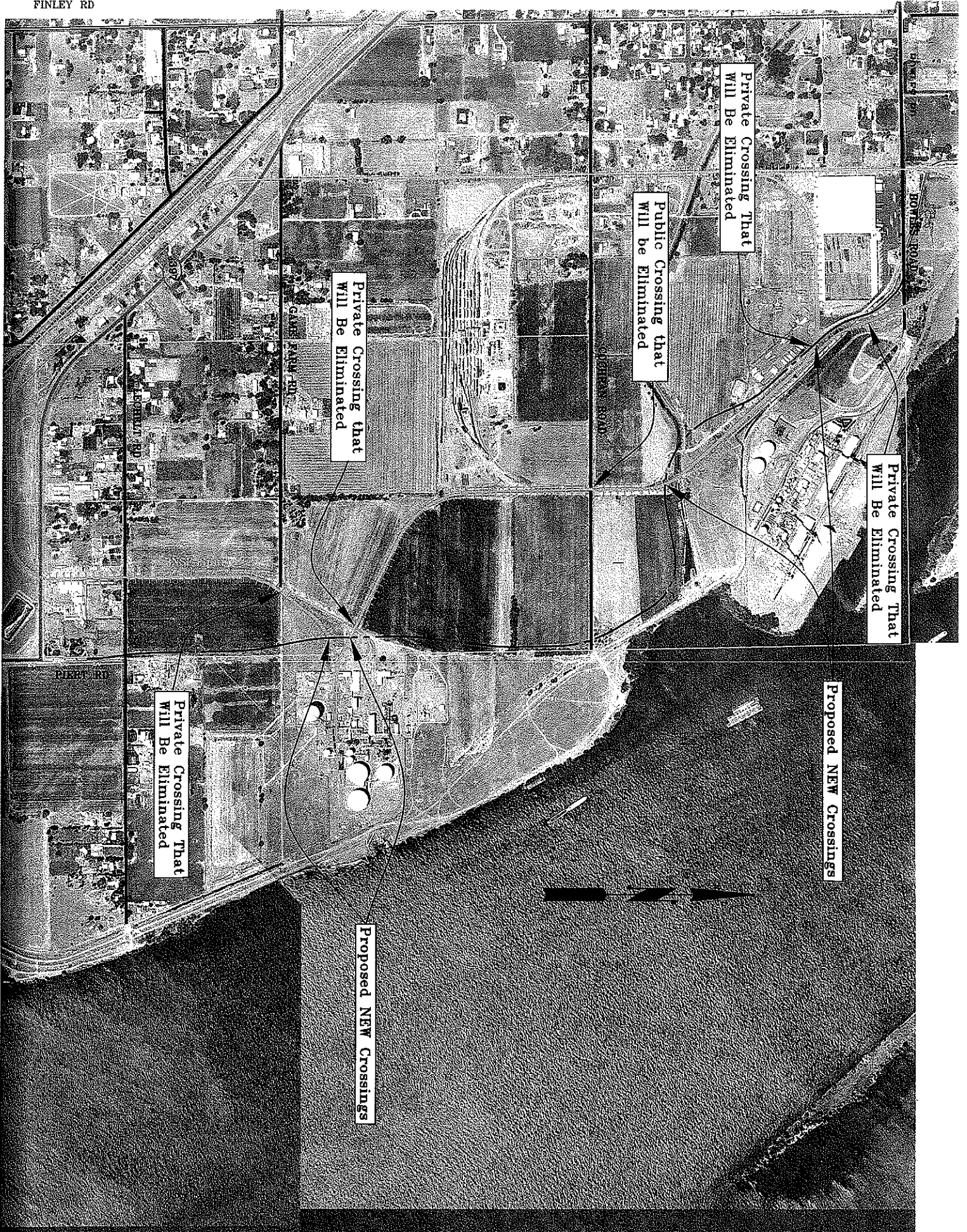
The Finley area is uniquely served by multimodal forms of transportation, including several existing barge slips. One of the unused barge slips in the area is equipped with three dolphins. This existing barge slip is available for lease from the owner and, contingent upon permitting, is available for barge transport on the Columbia River corridor.

This project is the logical planned extension of SR 397 from I-82 and will provide a direct truck route to I-82 from the industrial area

The reason Benton County is petitioning the Utility Transportation Commission is to get permission to create 4 public at grade crossings for the rail spurs that serve this site. as part of this transportation improvement. Benton County will eliminate 4 private crossing and 1 public crossings as part of this project.

Malcolm Bowie P.E.

  
County Engineer



Private Crossing That Will Be Eliminated

Public Crossing That Will be Eliminated

Private Crossing That Will Be Eliminated

Private Crossing That Will Be Eliminated

Private Crossing That Will Be Eliminated

Proposed NEW Crossings

Proposed NEW Crossings