

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

CITY OF CHENEY,)	DOCKET TR-111628
)	
Petitioner,)	ORDER 01
)	
EASTERN WASHINGTON)	ORDER GRANTING PETITION TO
GATEWAY RAILROAD and)	MODIFY A PUBLIC HIGHWAY-RAIL
WASHINGTON STATE)	GRADE CROSSING AT STATE ROUTE
DEPARTMENT OF)	904
TRANSPORTATION,)	
)	
Respondents.)	USDOT: #066317B
)	
.....)	

BACKGROUND

- 1 On September 8, 2011, City of Cheney (City or Petitioner) filed with the Utilities and Transportation Commission (Commission), a petition seeking approval to modify a railroad-highway grade crossing. The crossing is identified as USDOT #066317B and is located at the intersection of State Route 904 (SR-904) and Eastern Washington Gateway Railroad’s (EWGRR) tracks in the City of Cheney.

- 2 Washington State Department of Transportation (WSDOT) owns the track and EWGRR operates on the line. WSDOT and EWGRR Respondents, 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 SR-904 is classified as a minor arterial with five lanes of two-way traffic and a posted vehicle speed limit of 45 miles per hour. Average annual daily traffic through the crossing is estimated at 19,000 vehicles, including 15 percent commercial motor vehicles. 20 school buses per day use this crossing.

- 5 EWGRR operates one freight train per day at 10 miles per hour over the single track crossing. No passenger trains operate over the crossing.

- 6 The proposed modification of this crossing is in the interest of providing vehicle access to a new retail Maverick fuel station. Construction of the fuel station requires two access points to the facility, one access off Betz Road and the other off SR-904. The multiple access points will facilitate the flow of vehicles including delivery and fuel carrying commercial motor vehicles to easily enter, unload and exit the facility. The dual access also enhances access for retail customers entering and exiting the facility.
- 7 The City proposes to install a vehicle access point off SR-904 inside the cantilevered warning device, in advance of the traffic light located on the south side of the crossing. This access point into the Maverick fuel station will be restricted to a right-in and right-out turning movements for vehicles entering and departing the fuel station. Limiting vehicle turning movements will eliminate any potential conflicts between vehicles and the train. A “pork chop” shaped raised concrete traffic device will be installed at this entry point and will facilitate the restricted turning movements. Appropriate signage will also be installed to alert drivers of the turning restrictions.
- 8 In addition, the City proposes to restripe the lines and install raised channelization devices on the south side of the SR-902 intersection with Betz Road. These additional upgrades to the SR-902 roadway will provide additional protection from southbound vehicles that may attempt to turn into the Maverick fuel station.

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 SR-904 grade crossing, identified as USDOT #066317B, 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 Cheney on September 8, 2011, 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 Cheney to modify a railroad-highway grade crossing at the intersection of SR-904 and the Respondents' tracks in the City of Cheney 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.
- (3) Upon completion of the authorized construction, Petitioner must notify the Commission within 30 days. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions set forth in this order

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 September 13, 2011.

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).