



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

December 22, 2011

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

**RE: TR-112127 - Petition on Behalf of Benton County to Construct a Grade Crossing at Piert Road/UPRR Agrium 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/Union Pacific Railroad (UP) Agrium Spur. The Commission assigned Docket TR-100573 to this petition. On October 14, 2010, Benton County requested that this petition be severed from related dockets and that the county be allowed to withdraw the petition. On October 15, 2010, the Commission granted Benton County's request.

Attached is a re-filing of the petition to construct a grade crossing at Piert Road/UP Agrium Spur behalf of Benton County. The Commission assigned Docket TR-112127 to this petition.

Please review the enclosed petition and respond by January 11, 2012. 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.

You must respond with your position within 20 days of the date of this letter. If you have any questions, please contact Kathy Hunter at (360) 664-1257 or [khunter@utc.wa.gov](mailto:khunter@utc.wa.gov).

Terrel Anderson  
December 22, 2011  
Page 2

Sincerely,

A handwritten signature in black ink that reads "David Pratt". The signature is written in a cursive style with a large, looped initial "D".

David Pratt  
Assistant Director, Transportation Safety

Enclosure

cc: Malcolm Bowie, Benton County (without enclosure)



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

	)	DOCKET NO. TR- 112/27
	)	
Benton County	)	PETITION TO CONSTRUCT A
_____	)	HIGHWAY-RAIL GRADE
Petitioner,	)	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
Contact Person Name
509-786-5611 malcolm.bowie@co.benton.wa.us
Contact Phone Number and E-mail Address

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Section 2 - Respondent's Information

Respondent Terrel Anderson / Union Pacific  
9451 Atkinson St. Railroad  
Street Address  
Roseville, CA 95747  
City, State and Zip Code  
same  
Mailing Address, if different than the street address  
Contact Person Name  
916-789-5134 taanders@up.com  
Contact Phone Number and E-mail Address

Section 3 - Proposed Crossing Location

1. Existing highway/roadway Piert Road  
2. Existing railroad UPRR Industrial Spur  
3. Location of proposed crossing:  
Located in the SE 1/4 of the SE 1/4 of Sec. 23, Twp. 08N, Range 30E, W.M.  
4. GPS location, if known 46° 09' 18.35" N, 119° 00' 47.97" W  
5. Railroad mile post (nearest tenth) Unknown  
6. City \_\_\_\_\_ County Benton

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.  
Approximately 2700 feet northwesterly from the proposed crossing.

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

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) n/a

5. Number of lanes 2

6. Roadway speed 35

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

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

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

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 high truck percentage

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 X

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 X

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 X

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

An over/undercrossing would cost 3 times more than the overall project and detrimentally effect operations at the Agrium south plant.

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.

As referred in section 4-8 of this petition an existing Union Pacific crossing located Northwesterly some 2700 feet from this proposed crossing is being petitioned to be closed as a result of this new crossing being 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	877
Right	200	1,029 (End of the Line)
Right	100	1,029 (End of the Line)
Right	50	390
Right	25	370
Left	300	2,745
Left	200	2,745
Left	100	2,745
Left	50	2,745
Left	25	2,745

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	2,745
Right	200	2,745
Right	100	2,745
Right	50	2,745
Right	25	2,745
Left	300	325
Left	200	329
Left	100	336
Left	50	343
Left	25	350

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. A very gradual vertical curve has been designed into the roadway at the particular rail crossing. Roadway grades measured 25 feet either side of the track are less than a half a percent.

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. \$200

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 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

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 side.

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.

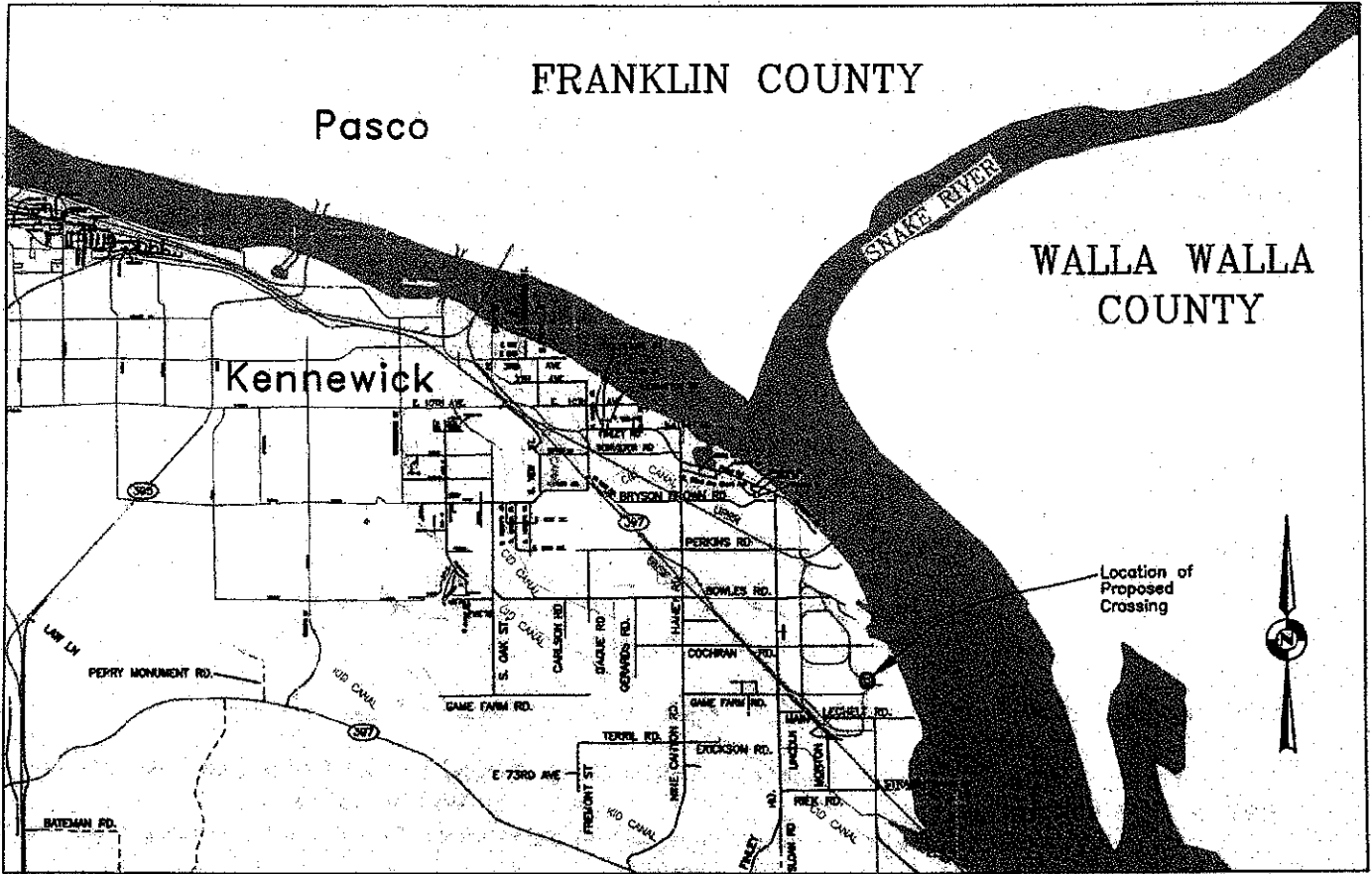
There is no agency appeal.

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\*

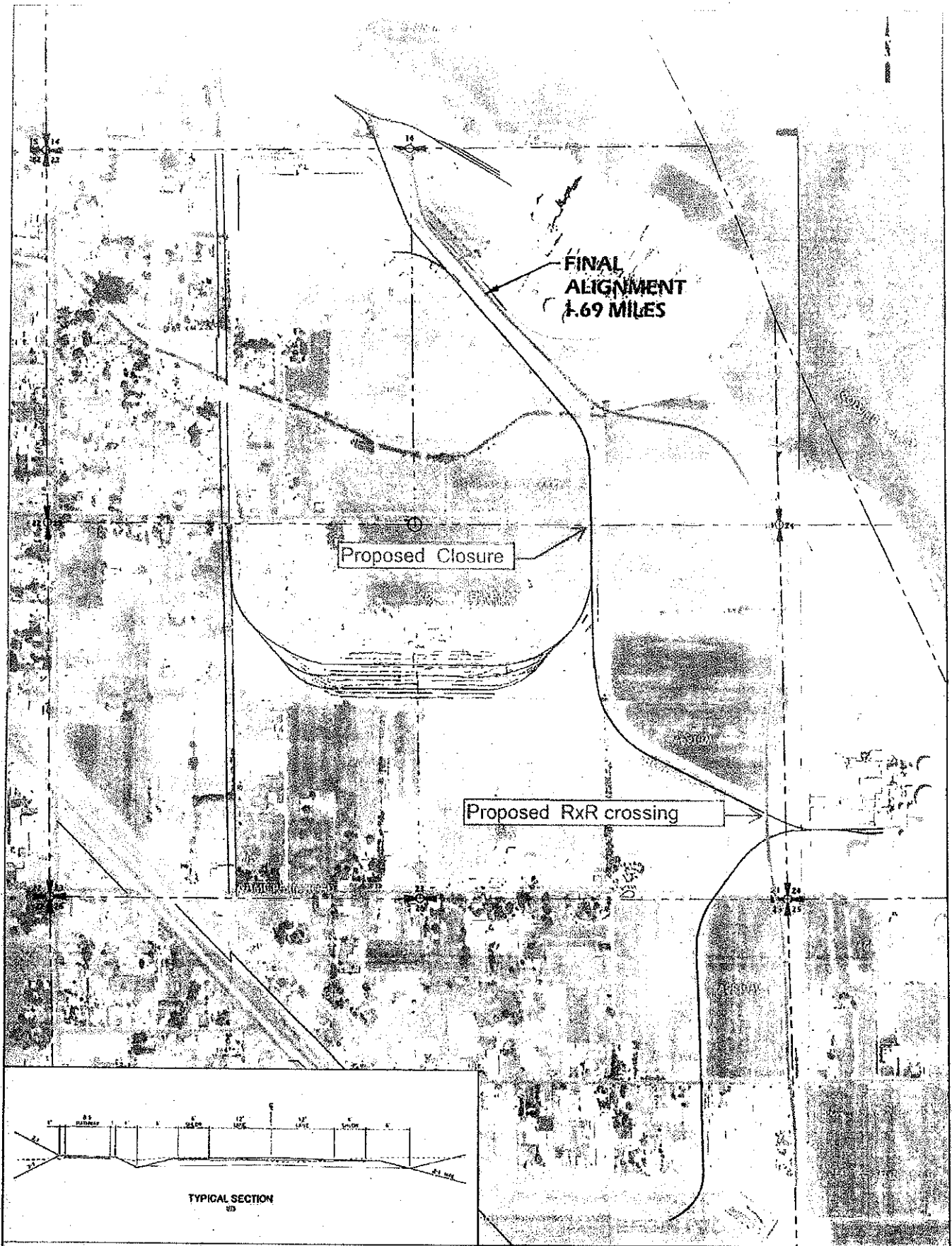
N 61 1 00 1 00



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# VICINITY MAP

Not To Scale

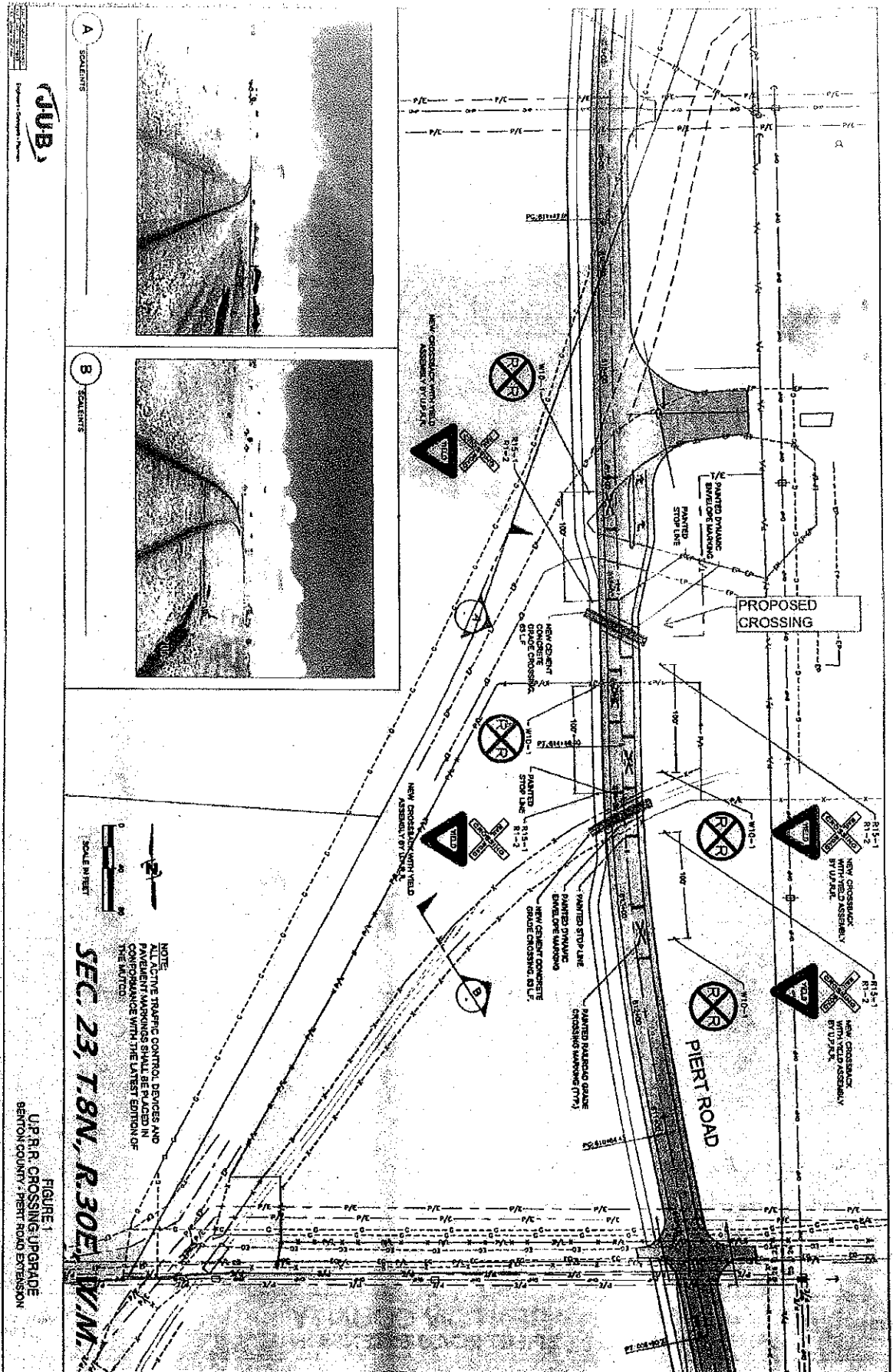


JUB

**BENTON COUNTY  
PIERT ROAD EXTENSION**

FINAL ALIGNMENT  
EXHIBIT

# CROSSING DETAIL



**A** SCALE IN FEET

**B** SCALE IN FEET

SCALE IN FEET

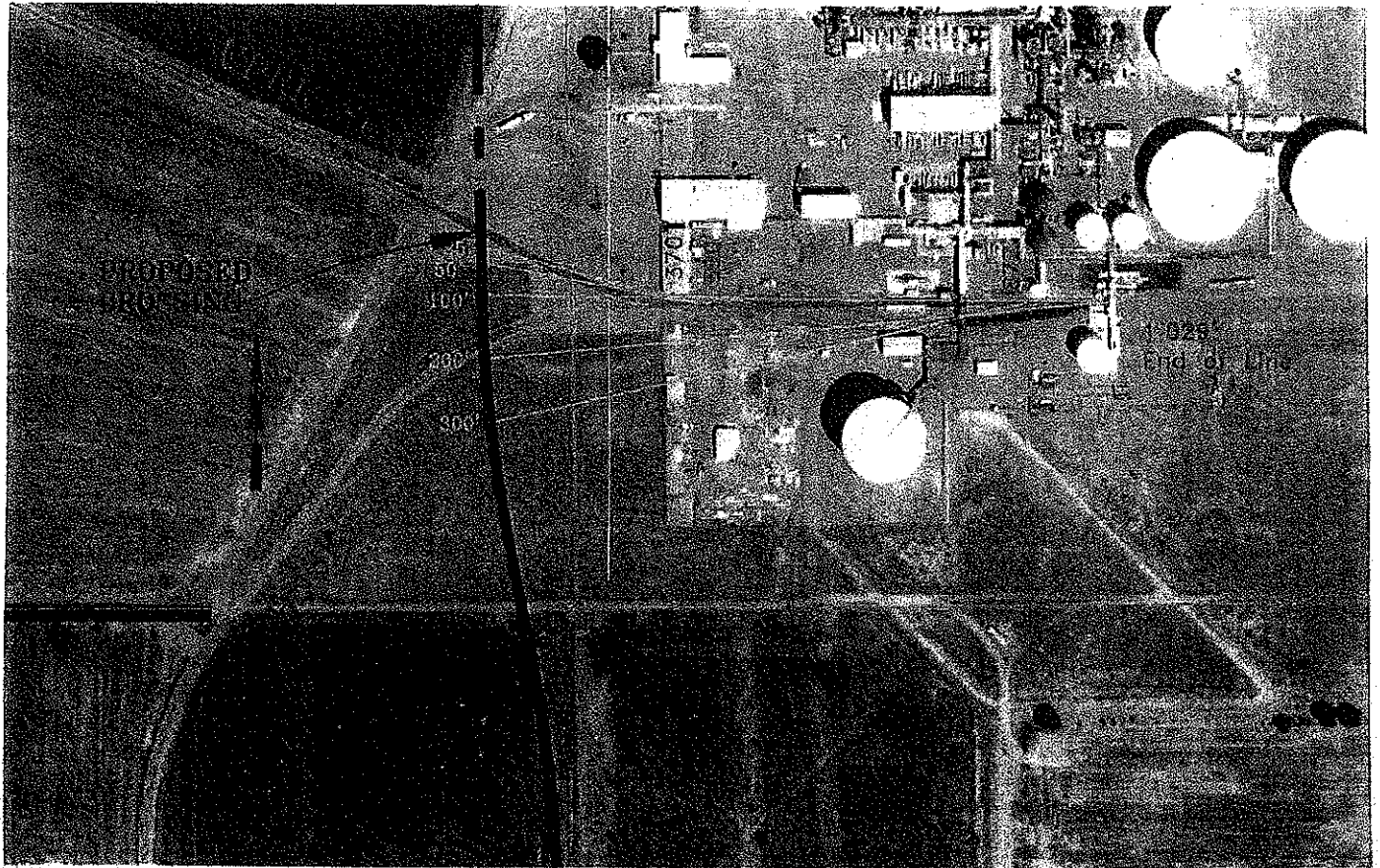
NOTE:  
 THE TRAFFIC CONTROL DEVICES AND  
 PAINTMENT MARKINGS SHALL BE PLACED IN  
 CONFORMANCE WITH THE LATEST EDITION OF  
 THE MUTCD.

**SEC. 23, T. 8N., R. 30E., W. 1/4M.**

**FIGURE 1**  
 U.P.R.R. CROSSING UPGRADE  
 SERTON COUNTY, PIERT ROAD EXTENSION



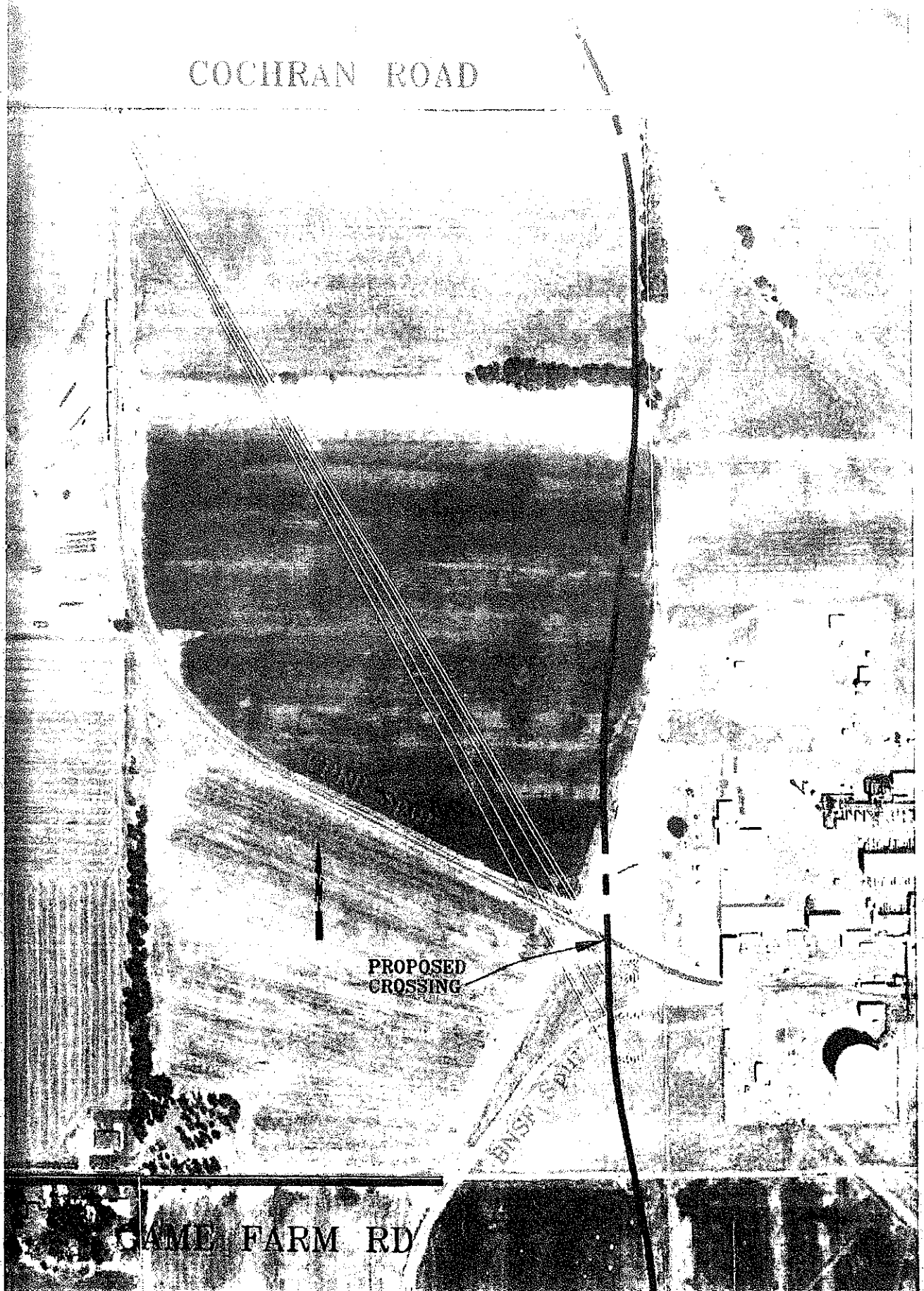




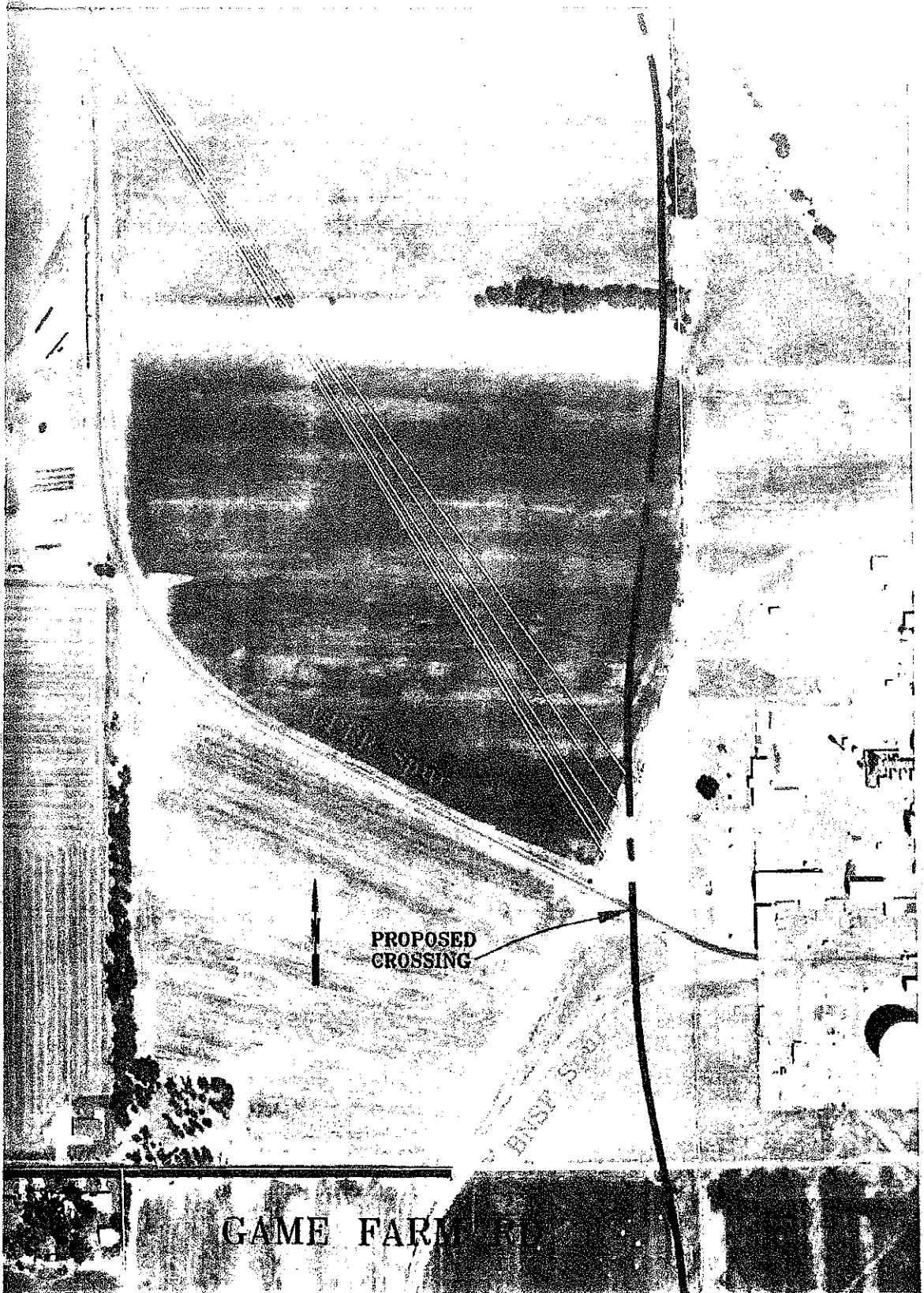
COCHIRAN ROAD

PROPOSED  
CROSSING

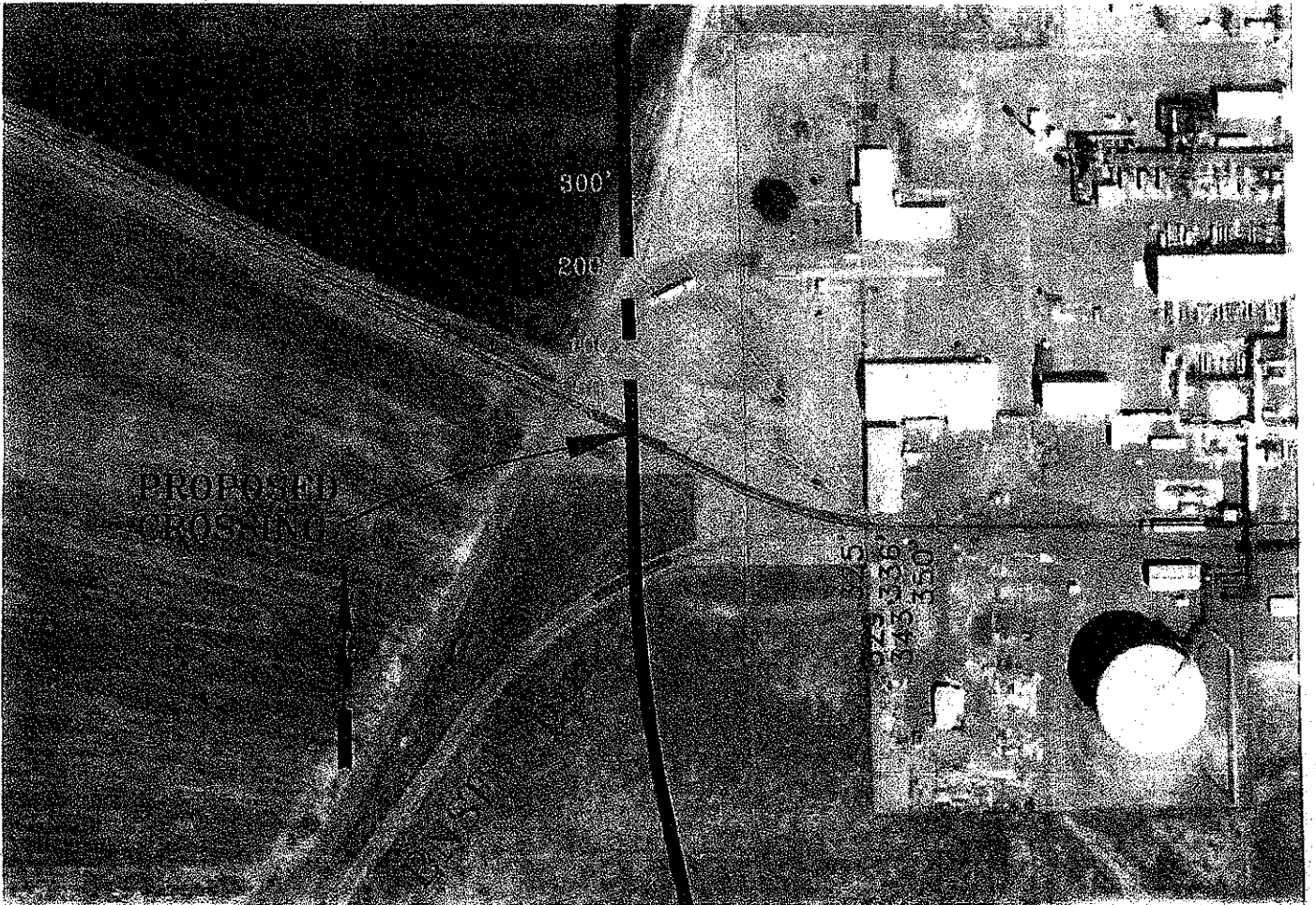
GAME FARM RD



COCHRAN ROAD



GAME FARM RD



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

December 09, 2011

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

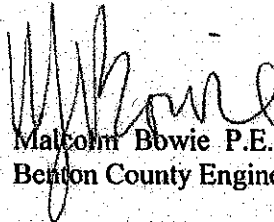
Re: Piert Rd. extension CE 1618----- UTC re-filing

Dear Kathy

Enclosed are petitions for the proposed Union Pacific Railroad crossing (previously docket # 100573) and closure request for the existing Union Pacific Railroad crossing (previously docket # 100576) on the Agrium Industrial spur located in east Benton County.

As you will remember we withdrew these two petitions that were part of a larger consolidated request as part of order #1 and a subsequent prehearing conference in which Union Pacific waived any objections to the new crossing petition. The understanding being that Benton County would then re-file the two withdrawn petitions once the notice of finality was complete for the BNSF crossing (docket # 100572) and the affirmative order issued by the Washington Utility Transportation committee. This happened in March of this year.

This is now the time that Benton County is resubmitting to the UTC with the two previously withdrawn petitions.

  
Malcolm Bowie P.E.  
Benton County Engineer

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MANAGEMENT