

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

WASHINGTON STATE	)	DOCKET TR-121230
DEPARTMENT OF	)	
TRANSPORTATION,	)	ORDER 01
	)	
Petitioner.	)	ORDER GRANTING PETITION TO
	)	ESTABLISH A TEMPORARY AT-
	)	GRADE CROSSING AND
	)	RECONSTRUCT AN
BNSF RAILWAY CO,	)	OVERCROSSING AT FRANCIS
	)	AVENUE IN SPOKANE COUNTY
Respondent.	)	
	)	USDOT: #058804C
.....	)	

**BACKGROUND**

- 1 On July 19, 2012, Washington State Department of Transportation (WSDOT or Petitioner) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to establish a temporary at-grade crossing and reconstruct an overcrossing (roadway is located below the railroad tracks). The crossing is currently an overcrossing and identified as USDOT 058804C. The overcrossing is located at the intersection of Francis Avenue and BNSF Railway Co.'s (BNSF) tracks. The reconstruction of this overcrossing is part of a larger WSDOT US 395 project, North Spokane Corridor. This phase of the project involves replacing the Francis Avenue railroad overcrossing with a new overcrossing that is both wider and longer.
- 2 Respondent BNSF consented to entry of an Order by the Commission without further notice or hearing.
- 3 Francis Avenue is a three-lane principal arterial with two westbound lanes and one eastbound lane. WSDOT estimates average daily vehicle traffic under the crossing at 9,350 with approximately ten percent commercial vehicle traffic. Four school buses use this crossing on a daily basis. The posted legal speed limit is 35 miles per hour.
- 4 There are three railroad tracks located at this overcrossing, one main and two spurs. Six trains per day operate on the main track and four trains per week operate on the spur tracks. Current speed limit for the trains operating on the main track is 25 miles per hour and 10 miles per hour on the spur lines. No passenger trains operate on these tracks.

- 5 There is no railroad warning devices at the Francis Avenue crossing because it is grade separated. WSDOT proposes to install a temporary at-grade crossing to keep traffic flowing along Francis Avenue while the existing overpass is removed and replaced with a longer, wider structure. WSDOT anticipates that the new overpass will be constructed in 18 months. Once the new overpass is constructed, the temporary at-grade crossing will be removed.
- 6 WSDOT proposes to install shoulder mounted signals with gates on the eastbound approach and cantilever mounted signals and gates on the westbound approach. Advance warning signs and pavement markings will also be installed.
- 7 The proposed upgrades are in the interest of improving safety and convenience for roadway users.

### 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) Construction of the proposed temporary at-grade crossing and reconstruction of an overcrossing involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.
- 10 (3) RCW 81.53.261 requires that the Commission grant approval prior to reconstructing a public railroad-highway grade crossing within the state of Washington.
- 11 (4) Commission staff investigated the petition and recommends that it be granted subject to the following conditions.
- The modifications must conform to those described in the petition.
  - For the temporary at-grade crossing, traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices.*
  - Petitioner must notify Commission Staff within 30 days upon completion of this project.

- 12 (5) After examination of the petition filed by WSDOT on July 19, 2012, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

**ORDER**

**THE COMMISSION ORDERS:**

- 13 The petition of WSDOT to establish a temporary at-grade crossing and reconstruction of an overcrossing at Francis Avenue and the Respondent's tracks in Spokane County is granted, as follows:

- (1) The modifications must conform to those described in the petition.
- (2) For the temporary at-grade crossing, traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (3) Petitioner must notify Commission Staff within 30 days upon completion of this project.

The Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(b)).

DATED at Olympia, Washington, and effective August 6, 2012.

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).