

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET TR-140038
	)	
CITY OF MOXEE,	)	ORDER 01
	)	
Petitioner,	)	ORDER GRANTING PETITION TO
	)	CONSTRUCT A PUBLIC
	)	RAILROAD-HIGHWAY GRADE
	)	CROSSING AT MORRIER LANE
To Construct a Public Railroad-Highway	)	
Grade Crossing	)	USDOT: 929098B
.....	)	

**BACKGROUND**

- 1     On January 8, 2014, the City of Moxee (City or Petitioner) filed a petition with the Washington Utilities and Transportation Commission (Commission) seeking approval to construct a public railroad-highway grade crossing at Morrier Lane. The crossing will be identified as 929098B. The crossing will be located off of BNSF Railway Company’s rail line in Moxee at railroad milepost 6.7 in Yakima county. The railroad tracks, which are classified as a branch line, will cross Morrier Lane at this location.
  
- 2     The decision to construct an at-grade-crossing at this location results from the City’s proposal to extend Morrier Lane to Duffield Road. The extended Morrier Lane will be constructed off of the north side of State Route 24 (SR-24) at highway milepost 3.10. The Washington State Department of Transportation (WSDOT) approved the City’s request for access break off of the state route and intersection design to construct Morrier Lane at this location. Extending Morrier Lane results in the intersection of a new roadway and existing rail line and creates a new public crossing.
  
- 3     Extending Morrier Lane off of SR-24 at this location provides direct highway access to 340 acres of undeveloped industrially-zoned land. The extension of Morrier Lane also provides additional connectivity and reduces congestion to the existing roadway network in the city of Moxee.
  
- 4     BNSF Railway Company, owner of the branch line, and Central Washington Railroad, operator, consented to entry of an Order without further notice or hearing.
  
- 5     Morrier Lane will be classified as a two-lane minor arterial road with a speed limit of 35 miles per hour. The Petitioner estimates average annual daily traffic at 2,000

including 12 percent commercial motor vehicles. The City projects the average annual daily traffic to increase to 5,500 by 2035. No school buses will use the crossing.

6 Two freight trains per day will travel over the crossing at a maximum train speed of 20 miles per hour. No passenger trains will use this crossing.

7 The crossing will be protected by shoulder mounted lights and gates, crossbucks, pavement markings, and advance warning signage. SR-24 runs parallel to the rail line, with 75 feet between the edge of the pavement of the state route and the center of the rail line. On the south approach to the crossing, the City proposes to install a “Do Not Stop on Tracks” sign due to the limited storage space between the tracks and SR-24. The reduced storage space of 36 feet is created by the dynamics of the roadway paralleling the tracks. This provides adequate storage space for a passenger vehicle, but not for a commercial motor vehicle stopped at the stop bar. However, there is adequate storage beyond the stop bar to move clear of the crossing, if needed.

8 The City and WSDOT will monitor the volume of vehicle traffic at the intersection of SR-24 and Morrier Lane annually and install a traffic signal when warranted by the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD) and WSDOT guidelines. At that time, the City will file a petition with the Commission to request pre-emption of the traffic and railroad signals.

9 The City, as State Environmental Policy Act (SEPA) lead agency for the proposal, has issued a Determination of Non-significance thereby completing the SEPA procedures for the opening of a grade crossing.

10 RCW 81.53.020 requires that all new highway-railroad grade crossings be grade separated where practicable. Highway-railroad grade crossings may be authorized at-grade by the Commission but only upon finding that grade separation is impracticable.

11 Commission Staff (Staff) investigated the City’s petition to construct the Morrier Lane crossing at-grade. Staff recommends that the Commission find grade separation impracticable at this location based on the low train traffic, flat topography with unobstructed sight distance in all quadrants, and close proximity of SR-24 to the rail line. In addition, Staff utilized the Federal Highway Administration’s Grade Separation Guidelines and determined that construction of a grade separated crossing at Morrier Lane does not meet the minimum threshold. The City is proposing installing active

warning devices when the crossing is constructed which address site-specific safety issues.

- 12 Examination of the petition and consideration of relevant facts support granting the petition subject to the following conditions:
- (a) All construction and installation must substantially conform to the petition and engineering design plans filed in this Docket.
  - (b) The City of Moxee, in consultation with WSDOT must monitor the vehicle traffic at the intersection of Morrier Lane and SR-24 annually, and when warranted by MUTCD and WSDOT guidelines, install a traffic signal. At that time, the City will file a petition with the Commission to request approval of pre-emption of the traffic and railroad signals at Morrier Lane.
  - (c) Traffic control devices must comply with all applicable standards specified in the MUTCD.
  - (d) The Petitioner must notify the Commission within 30 days after completion of the project. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations and conditions set forth in this order.

### **FINDINGS AND CONCLUSIONS**

- 13 (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. RCW 81.53.
- 14 (2) The proposed construction of a crossing involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.
- 15 (3) RCW 81.53.030 and WAC 480-62-150(1)(a) require the Commission grant approval prior to constructing a public railroad-highway grade crossing within the state of Washington. The Commission finds that it is not practicable to grade separate the Morrier Lane crossing.

- 16 (4) Commission Staff conducted an investigation and recommended that the petition be granted. Granting the petition is subject to the following conditions:
- (a) All construction and installation must substantially conform to the petition and engineering design plans filed in this Docket.
  - (b) The City of Moxee, in consultation with WSDOT must monitor vehicle traffic at the intersection of Morrier Lane and SR-24 annually, and when warranted by MUTCD and WSDOT guidelines, install a traffic signal. At that time, the City of Moxee will file a petition with the Commission to request approval of pre-emption of the traffic and railroad signals at Morrier Lane.
  - (c) Traffic control devices must comply with all applicable standards specified in the MUTCD.
  - (d) The Petitioner must notify the Commission within 30 days after completion of the project. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations and conditions set forth in this order.
- 17 (5) After examination of the petition filed by the City of Moxee on January 8, 2014, and giving consideration to all relevant matters, the Commission has determined that construction of a public railroad-highway grade crossing at Morrier Lane is reasonable and the petition of the City of Moxee should be granted.

**O R D E R**

**THE COMMISSION ORDERS:**

- 18 (1) The petition of City of Moxee to construct a public railroad-highway grade crossing at Morrier Lane in Moxee, Washington, is granted, subject to the following conditions:
- (a) All construction and installation must be substantially conform to the petition and engineering design plans filed in this Docket.

- (b) The City of Moxee, in consultation with WSDOT must monitor the vehicle traffic at the intersection of Morrier Lane and SR-24 annually, and when warranted by the MUTCD and WSDOT guidelines, install a traffic signal. At that time, the City of Moxee will file a petition with the Commission to request approval of pre-emption of the traffic and railroad signals at Morrier Lane
- (c) Traffic control devices must comply with all applicable standards specified in the MUTCD.
- (d) The Petitioner must notify the Commission within 30 days after completion of the project. 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 this Order to be consistent with the public interest, directed the Secretary to enter this Order.

Dated at Olympia, Washington, and effective January 30, 2014.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**STEVEN V. KING, Executive Director and Secretary**