

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON STATE	)	DOCKET TR-140817
DEPARTMENT OF	)	
TRANSPORTATION,	)	ORDER 01
	)	
Petitioner,	)	ORDER GRANTING PETITION TO
	)	MODIFY WARNING DEVICES AT A
BNSF RAILWAY CO.,	)	PUBLIC HIGHWAY-RAIL GRADE
	)	CROSSING AT STATE ROUTE 9 IN
	)	WHATCOM COUNTY
	)	
Respondent.	)	
.....	)	USDOT: 085129M
.	)	

**BACKGROUND**

- 1 On May 6, 2014, the Washington State Department of Transportation (WSDOT or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify a railroad-highway grade crossing. The crossing is identified as USDOT 085129M and is located at the intersection of State Route 9 (SR-9) and BNSF Railway Co.'s (BNSF) tracks in Whatcom county.
- 2 Respondent BNSF, consented to entry of an Order by the Commission without further notice or hearing.
- 3 Current railroad warning devices at the crossing consist of crossbucks and cantilever mounted incandescent lights.
- 4 SR-9 is a two-lane roadway with a posted vehicle speed limit of 50 miles per hour. Average annual daily traffic through the crossing is estimated at 3,800 vehicles, which includes 11 percent commercial motor vehicles and 37 school buses.
- 5 BNSF operates two freight trains per day at up to 25 miles per hour over the single track main line crossing. No passenger trains operate over the crossing.
- 6 WSDOT proposes to upgrade the advance warning signs on each approach to the crossing by adding LED light beacons and interconnecting the activation of the light beacons with the railroad circuitry. The light beacons will activate simultaneously with

the railroad warning devices when a train is approaching the crossing. The SR-9 crossing is located between two curved roadway approaches so visibility of the approaching crossing is compromised. The active advance warning signs will provide motorists additional awareness that a crossing is ahead.

- 7 In addition to the advance warning signage upgrades, BNSF proposes to replace the incandescent lights with LED lights to increase visibility at the crossing. BNSF will also remove overgrown vegetation near the crossing which currently impacts sight distance for motorists. The signage and crossing upgrades and vegetation removal will improve the overall safety at the crossing by providing motorists and pedestrians with greater visibility on the approach and at the crossing.

### 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) The State Route 9 crossing, identified as USDOT 085129M, is a public railroad-highway grade crossing within the state of Washington.
- 10 (3) RCW 81.53.261 and WAC 480-62-150 require that the Commission grant approval prior to modifying active warning signals at a crossing within the state of Washington.
- 11 (4) Commission Staff investigated the petition and recommended that it be granted. All traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices.*
- 12 (5) After examination of the petition filed by the Washington State Department of Transportation on May 6, 2014, 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 the Washington State Department of Transportation to modify the active warning devices at a railroad-highway grade crossing at the intersection of State Route 9 and the Respondents' tracks in Whatcom county 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 *2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices*.
- (3) Petitioner must notify Commission Staff within 30 days upon completion of this modification project.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 03 in Docket A-090485. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective June 6, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V.KING, 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).