

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

BNSF RAILWAY COMPANY,

Petitioner,

YAKIMA COUNTY,

Respondent.

DOCKET TR-170095

ORDER 01

ORDER GRANTING PETITION TO  
MODIFY HIGHWAY-RAIL GRADE  
CROSSING ACTIVE WARNING  
DEVICES AT MYERS ROAD NORTH  
IN TOPPENISH

USDOT: 099193C

**BACKGROUND**

- 1 On February 13, 2017, BNSF Railway Company (BNSF or Petitioner) filed a petition with the Washington Utilities and Transportation Commission (Commission) seeking approval to modify highway-rail grade crossing active warning devices at the Myers Road North crossing in Toppenish, identified as USDOT 099193C.
- 2 Respondent Yakima County (County) consented to entry of an Order by the Commission without further notice or hearing.
- 3 Myers Road North is a two-lane roadway with a posted speed limit of 50 miles per hour. Average annual daily traffic through the crossing is estimated at 1,025 vehicles. Myers Road North is not a designated school bus route, but it is an established truck route with 12 percent commercial motor vehicle traffic.
- 4 The Myers Road North crossing consists of two tracks: one mainline and one siding. The authorized speed limit for freight trains is 49 miles per hour and eight freight trains operate over the crossing on a daily basis. No passenger trains operate over the crossing. Railroad warning devices at the Myers Road North crossing consist of cantilever-mounted flashing lights, gates, a pedestrian bell, and advance warning signs.
- 5 BNSF proposes to upgrade the existing train detection to constant warning time. In addition, all flashing lights will be upgraded to LEDs to improve visibility for crossing users.
- 6 The proposed upgrades are in the interest of improving the overall safety and convenience for roadway users.

### FINDINGS AND CONCLUSIONS

- 7 (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.*
- 8 (2) The proposed modification of a crossing involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.
- 9 (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 within the state of Washington.
- 10 (4) Commission staff investigated the petition and recommends 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.*
- 11 (5) After examination of the petition filed by BNSF on February 13, 2017, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

### ORDER

#### THE COMMISSION ORDERS:

- 12 The petition of BNSF to modify a railroad-highway grade crossing at Myers Road North in Yakima County is granted, as follows:
- (1) The modifications must conform to those described in the petition.
  - (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices.*
  - (3) Petitioner must notify Commission Staff within 30 days upon completion of this project.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective February 22, 2017.

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).