

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAMS COUNTY,

Petitioner,

v.

BURLINGTON NORTHERN RAILWAY
COMPANY,

Respondent.

DOCKET TR-950140

PETITION FROM COMMISSION
STAFF TO REOPEN THE
RECORD AND RESCIND THE
ORDER GRANTING PETITION
TO CONSTRUCT AND INSTALL
RAILROAD SIGNALS WITH
GATES ON BOB LEE ROAD

USDOT: 089647W

1 Staff of the Washington Utilities and Transportation Commission Staff (“Commission Staff”) request that the Commission reopen the record in this docket and rescind the Order Granting Petition to Construct and Install Railroad Signals with Gates on Bob Lee Road.

I. BACKGROUND

A. Circumstances Leading to Petition Filed by Adams County in TR-950140

2 In 1992, the Washington Department of Fish and Wildlife (WDFW) applied for a grant from the Washington State Recreation and Conservation Funding Board (Board) to establish a public access area for fishing at Sprague Lake near Sprague, Washington. The area, proposed at the north end of Sprague Lake, would include an easement road, concrete boat launch ramp, gravel parking lot, concrete self-contained toilet, asphalt surface roads, fencing, gates, signs and plantings. Public access to the area would include public traffic over a private BNSF Railway Company, formerly known as Burlington Northern Railway Company, (BNSF) railroad crossing on Bob Lee Road, identified as USDOT 089647W. The Board approved the grant. Subsequently, WDFW applied for a permit through Adams

County (County) to build the facilities to establish the public access area.

3 On May 12, 1994, BNSF sent a letter to the County agreeing to designate the Bob Lee Road crossing as a public crossing and recommending flashing lights and gates be installed at the crossing.¹ At a County public meeting on June 13, 1994, BNSF representative Mike Cowles stated that flashing lights and gates “would be required” at the railroad crossing prior to approval of the required Shorelines Substantial Development Permit.²

4 On June 24, 1994, the County issued a conditional use permit to WDFW, stating that construction could not begin until the designation of the Bob Lee Road crossing as a public crossing was resolved. The conditions further stated that operation of the boat launch could not occur until the County conducted a traffic analysis to determine if the existing crossing was sufficient for the anticipated public traffic.³

B. Petition Filed by Adams County in TR-950140

5 On February 6, 1995, Adams County filed a petition with the Commission to designate the existing private crossing on Bob Lee Road as a public crossing. A specific section of the petition (page five, section 12) provided a place for the petitioner to include the number and type of automatic signals or other warning devices proposed to be installed, as well as the costs for installation and maintenance and how such installation would be funded. However, this section was left blank in the petition filed by the County.⁴

C. Commission Order Approving Petition Filed by Adams County in TR-950140

6 On August 21, 1995, the Commission issued an “Order Granting Petition to

¹ May 12, 1994, letter from BNSF to Adams County at Attachment A.

² Excerpt from Adams County Commissioner’s Proceedings, June 13, 1994, at Attachment B.

³ Conditional Use Permit issued by Adams County on June 24, 1994, at Attachment C.

⁴ February 2, 1995, Petition by Adams County to Convert Existing Private Crossing to Public/Bob Lee Road, Sprague Washington, at Attachment D.

Construct and Install Railroad Signals with Gates on Bob Lee Road.”⁵ The entirety of the three-page Order speaks to the issue of installing automatic lights and gates at the crossing. The ordering section, beginning at page two, sets out the specifics of construction of the upgrades required at the crossing. Two sentences in the Order address funding: page one, paragraph one of the Order states, “Funding is pursuant to an agreement between the parties,” and page two, item six states, “Installation shall be performed by the respondent at its cost.”

7 The Order did not address designating the Bob Lee Road crossing as a public crossing.

D. Actions Subsequent to Commission Order Approving Petition Filed by Adams County in TR-950140

8 After the Order was issued, no construction work was done on the public access fishing area proposed by WDFW or the railroad crossing on Bob Lee Road.

9 The Commission did not, by order, designate the crossing on Bob Lee Road as a public crossing.

10 On October 26, 2000, WDFW wrote a letter to the Interagency Committee for Outdoor Recreation reporting on its project information from 1991 through 1993. For the Sprague Lake project, WDFW stated, “A permit for crossing the railroad tracks is required from Burlington Northern Railroad to access the property from the county road. We were not successful in obtaining the permit. Costs for the crossing equipment installation are very high. No further work was completed on the project because of the difficulties in completing the railroad crossing.”⁶

11 WDFW subsequently constructed a public access fishing area on the opposite side of

⁵ Commission Order in TR-950140 at Attachment E.

⁶ October 26, 2000, letter from WDFW to the Interagency Committee for Outdoor Recreation at Attachment F.

Sprague Lake, across from the original proposed site on Bob Lee Road.

12 On July 21, 2015, Commission Staff met with Adams County and BNSF staff at the crossing, and all parties agreed that the Bob Lee Road railroad crossing is on a private road and is a private railroad crossing.

**II. ARGUMENT TO REOPEN THE RECORD AND RESCIND THE ORDER
ISSUED IN DOCKET TR-950140**

13 The circumstances on which the Order in Docket TR-950140 were based no longer exist. The entire Order was based on the understanding that WDFW was building a public access fishing area that would require public traffic to travel over the private railroad crossing on Bob Lee Road. The public access fishing area was not built on Bob Lee Road and will not be built there in the future. WDFW built its public access fishing area on the other side of Sprague Lake, miles away from the private railroad crossing on Bob Lee Road.

III. CONCLUSION

14 Staff recommends that the record in Docket TR-950140 be reopened and the Order previously issued be rescinded. The crossing on Bob Lee Road should remain designated as a private crossing.

DATED this 5th day of August, 2015.

WASHINGTON UTILITIES &
TRANSPORTATION COMMISSION



KATHY HUNTER
Rail Safety Manager

Attachment A

06-07-1994 01:21PM FROM R. C. EMERGENCY SERVICES TO

16590301 P.01

File 2043



BURLINGTON NORTHERN RAILROAD

2000 First Interstate Center
999 Third Avenue
Seattle, Washington 98104-1105

ENGINEERING DIVISION

Dee Caputo
Planning Director
Planning & Building Dept.
165 North First
Othello, WA. 99344-1061

May 12, 1994

Dear Ms. Caputo:

Thank you for this opportunity to comment on the proposed Sprague Lake Public Access. Seeing your letter of April 12, 1994 was the first time I heard about this project. I have reviewed the proposal and have the following comments.

The Dept. of Fish and Wildlife proposes to use an existing private railroad grade crossing in order for the public to access the proposed boat launch area. Because of the additional use of the crossing we would insist on converting the private crossing to public.

The crossing crosses Burlington Northern's mainline track where train speeds range from 45 to 50 mph with 27 to 30 trains a day (including 2 AMTRAK). With the additional use of this crossing we would highly recommend flashing lights and gates at this crossing.

The Dept. of Fish and Wildlife recently contacted me about their proposal. Apparently the Dept. has contacted our Roadmaster John Espinosa prior to my conversation with them. All further correspondence should be directed to me for my handling. Easements must be obtained through our Property Management Department, Ken Carlson. He can be contacted in Spokane, WA. at (509) 536-2290. My phone number is (206) 467-3284.

Sincerely,

J. M. (Mike) Cowles
Coordinator Public Programs

JMC

cc: Glen Haug
John Espinosa
Ken Carlson

File: Sprague, WA. - General

To: WAIT OLSEN
PWD
From: Dee Caputo
Planning
DATE: 6/9/94

Walt - will formulate
memo later in wk.

COMMISSIONERS' PROCEEDINGS NO. 23
ADAMS COUNTY, WASHINGTON

COMMISSIONERS' PROCEEDINGS continued - June 13, 1994

The board discussed formation and term appointments of members to the Road Advisory Board. Cwings will draft a resolution establishing the board and responsibilities prior to any official appointments.

#36

*2730-3779 (tape changeover #2) *0-2268

Bob Braun, Braun Consulting Group, met with the board, elected officials or their designee, and department heads, to review the Adams County Wage Survey program and to respond to questions.

Braun agreed to proceed with finalizing job descriptions, provided all departments return revised descriptions, with re-evaluations, and with a master alignment, to return to meet again on Monday, June 27, at 2:00 p.m.

The board recessed for lunch at 12:00 noon and reconvened at 1:00 p.m.

*2288-3265

Gayle Petrusic and David Sandhaus met briefly with the board to review tentative time schedules; to discuss an amendment to the Model Traffic Ordinance which expires 7/1/94; and to deliver a copy of the revised proposed Indigent Burial Ordinance with public hearing dates to be set June 20.

#3

Commissioner Schlagele moved, Wills seconded, to appoint Angelina Frausto to the Othello Community Library Board as the rural representative effective June 1, 1994, through June 30, 1999. Motion carried. Ms. Frausto will complete the remaining month of Case Kwak's term in addition to the regular five year term on the board.

#52

*3265-3005 (tape changeover #3) *0-3432

It being the time of 2:00 p.m. and the place set for the continuance of the public hearing on the implementation of the Resource Lands and Critical Areas Ordinance through designation and protection of critical areas adjacent to and on Sprague Lake, Chairman Judd reconvened the hearing.

Dee Caputo, Building and Planning Director, addressed changes that had occurred since the May 23, 1994, public hearing.

Burlington Northern representative Mike Cooles informed the board that the railroad crossing that would be affected by the proposed boat ramp project is currently designated for private standards and would need to be upgraded to public standards if this project went forward. Prior to approval of the Shorelines Substantial Development Permit, construction and installation of flashing lights and gates at the railroad crossing would be required. A determination of existence of county road was referred to the Public Works Department.

A discussion was then held on whether the Shorelines Substantial Development Permit could be approved with conditions.

Caputo informed the public that the owner of Harper Island was in favor of the critical areas designation for the island. Rex Harder was present and indicated that he had not had sufficient time to fully review the proposed project.

Ron Friesz summarized the project and the process to this point.

Jacob C. Harder and Joan Harder made comments on the proposal to designate certain areas on or adjacent to Sprague Lake as critical habitat or wetlands and requested that the board delay such action at this time. A formal letter was placed on file which addressed this issue as well as the water level issue on Sprague Lake.

Caputo and Friesz made responsive comments.

Commissioner Schlagele moved to designate Harper Island and the bullrush areas as critical areas under the Resource Inventory Ordinance (0-2-93). Chairman Judd ruled that the motion died for lack of second.

Commissioner Wills inquired about water issue control if the areas are designated. Caputo further addressed Shorelines Permit issues.

Commissioner Judd moved, Schlagele seconded, to give critical area status to Harper Island and the bullrush areas with the understanding that there are important habitat areas and the designation was not intended to authorize or implement any management policies which would impact the water level of Sprague Lake.

Following discussion, Commissioner Judd withdrew his motion, and Commissioner Schlagele withdrew his second.

Commissioner Judd then moved, Schlagele seconded, to request critical area designation (of Harper Island and bullrush areas) be granted on the basis that management policies exist only in that the designated areas be signed and that the formal written management policy be acceptable to the board to a date specific.

COMMISSIONERS' PROCEEDINGS NO. 23
ADAMS COUNTY, WASHINGTON

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COMMISSIONERS' PROCEEDINGS continued - June 13, 1994

Ron Friesz agreed to draft the management policy for those designated areas prior to a formal designation.

Commissioner Judd then withdrew his motion, and Commissioner Schlagel withdrew his second.

Chairman Judd noted for the hearing record that Belores Griffith, in a telephone call earlier in the day, had commented in favor of the boat launch project.

Further discussion followed and Chairman Judd recessed the public hearing at 3:45 p.m. to continue on Monday, August 15, 1994, in Ritzville, for the purpose of reviewing the management plan drafted by U. S. Fish and Wildlife for the proposed designated areas.

Public Works Director Dick Owings and Engineer Walt Olsen reported there were no clear recordings of the affected railroad crossing as being public vs. private. Olsen submitted records to Mike Cowles of Burlington Northern for review of the crossing for construction review for railroad crossing arms and flashing lights. Olsen will also petition the UCC for designation of the crossing as public.

Correspondence was received from:

Copy of documents pertaining to OPAL v. Adams County et al: Plaintiff/Petitioner OPAL's Motion for Separate Trials, Declaration of Michael W. Gendler in Support of Motion for Severance, Order Granting OPAL's Motion for Separate Trials, and Declaration of Service; Memorandum of Adams County in Opposition to Motion for Separate Trials and Declaration of Service; Letter from Michael W. Gendler dated June 8, 1994, Notice of Deposition Upon Oral Examination to Bill Wills, Bill Schlagel, and Dean Judd, and Declaration of Service; Waste Management's Memorandum in Opposition to OPAL's Motion for Separate Trials; Declaration of Norman Matting in Opposition to OPAL's Motion for Separate Trials

Copy of letter from Port of Othello to Adams County Economic Development Council re: support for continuation of Council acting as primary provider of service and assistance to the area

Copy of memo from Leon Long to Rod Larsen re: ESB 6188 and service request
Sammons Communications re: notification of rate adjustment

Dave Gowan, Juvenile Administrator re: Community Network Meeting July 14
Benton-Franklin Counties Juvenile Justice Center re: Detention Center Expansion and meeting to discuss on June 21

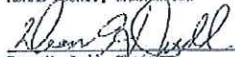
Leon Long, Auditor re: AWT Account (five button Merlin telephones and control units)

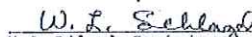
Census Bureau Training Courses for June-November, 1994


Preliminary minutes June 6 and 8, 1994, were reviewed and approved.

There being no further business to come before the board the meeting adjourned at 4:30 p.m.

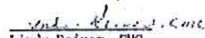
BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, WASHINGTON


Dean H. Judd, Chairman


W. L. Schlagel, Commissioner


Bill Wills, Commissioner

ATTEST:


Linda Reiser, CMC
Clerk of the Board

Attachment C

SMA 94-01 FINAL ORDER p.2

The following Master Program provisions are applicable to this development:

(SDP)	CHAPTER III	ELEMENT GOAL STATEMENTS
(SDP)	CHAPTER IV	ENVIRONMENT DEFINITIONS AND DESIGNATIONS
	CHAPTER VI	USE ACTIVITY POLICIES AND REGULATIONS
(SDP, CUP)	1.01	GENERAL REGULATIONS
(SDP)	7.00	OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS
(CUP)	6.00	ROAD AND RAILROAD DESIGN AND LOCATION
(CUP)	17.00	DREDGING
(CUP)	18.00	LANDFILL
(CUP)	CHAPTER VII	CONDITIONAL USE AND VARIANCE
(SDP)	CHAPTER VIII	OFFICIAL DESIGNATION MAPS

Development pursuant to this permit shall be undertaken pursuant to the following terms and conditions:

1. The subject proposal shall comply with all applicable local, state and federal laws and regulations in effect at the time of applicant approval and/or commencement of construction activities. All relevant permits and approvals must be also be obtained before project work begins. All applicable regulations of the SMP shall apply for each of the pertinent chapters.
2. Applicant is under obligation to comply with the intent and requirements of the Resource Lands/ Critical Areas Ordinance and management policies of the Resource Inventory that serve as the fulfillment of Adams County's responsibility to the Growth Management Act (GMA). This requirement pertains to land on which said project will be located. Applicant is encouraged to continue pursuing designation and protection of Habitat of Local Importance for surrounding properties.
3. On-site wetlands, as delineated by Department of Ecology staff, shall be addressed and protected in accordance with the requirements of the Adams County Critical Areas Ordinance and Resource Inventory.
4. Public access related to proposed upgrade of Burlington Northern's railroad track from private to public status shall be resolved prior to commencement of construction. Although project construction may begin following Ecology's time frame for action upon this application, operation of boat launch facilities may not occur until Adams County Public Works Department conducts traffic analysis to determine sufficiency of existing crossing. Improvements may be required if needed.

SMA 94-01 FINAL ORDER p.3

- 5. To insure public health, safety and welfare and maintain adequate ingress/egress for emergency vehicles, public access to the project shall be constructed as a two lane road.

This permit is APPROVED pursuant to the Shoreline Management Act of 1971, and nothing in this permit shall excuse the applicant from compliance to any other federal, state or local statutes, ordinances, or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140 (8) in the event the permittee fails to comply with the terms or conditions imposed through permit approval.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140 (6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE BEEN TERMINATED: EXCEPT AS PROVIDED IN RCW 90.58.140 (5)(a)(b)(c).

Dee Caputo
Dee Caputo
Adams County Shorelines Administrator

6/24/94
Date

THIS SECTION FOR DEPARTMENT USE ONLY IN REGARD TO A CONDITIONAL USE OR VARIANCE PERMIT.

Date received by the Department _____

Approved _____ Denied _____

This conditional use/variance permit is approved/denied by the Department pursuant to Chapter 90.58 RCW.

Development shall be undertaken pursuant to the following additional terms and conditions:

(Date)

(Signature of Authorized Department Official)

Attachment D

TR-950140
(P)

KROSCHER & GIBSON

ATTORNEYS AT LAW
SUITE 607
110 110TH AVE. N.E.
BELLEVUE, WASHINGTON 98004
(206) 462-9584
FAX (206) 628-6517

KURT W. KROSCHER
(206) 462-7775

REXANNE GIBSON
(206) 462-8278

DANIEL L. KINERIK
(206) 462-6549

DAVID M. REEVE
(206) 462-2824

LARRY E. LEGGETT
(206) 462-9583

MARK C. MOSTUL
(206) 462-9584

MAURA J. BINZ
(206) 462-9583

RECEIVED

'95 FEB -6 AM 8:48

ADMITTED IN OREGON

STATE OF WASH.
UTIL. & TRANSP
COMMISSION

February 2, 1995

Washington Utilities & Transportation Commission
Chandler Plaza Building
1300 Evergreen Park Drive South
MS FY-11
Olympia, WA 98540

Re: Petition to Convert Existing Private Crossing to Public/Bob Lee
Road, Sprague, Washington

Gentlemen:

Enclosed are the original and one copy of a petition to convert an existing private crossing to public designated as the Bob Lee Road grade crossing. The crossing crosses our tracks and right-of-way at railroad MP 47.47, and is located near Sprague, Washington.

Very truly yours,

KROSCHER & GIBSON

By 
Kurt W. Kroscher

KWK:er

cc: Walt Olsen, P.E. (w/encl)
County Engineer
210 West Broadway
Ritzville, WA 99169

Johri M. Cowles
Coordinator Public Programs
Burlington Northern Railroad
2000 First Interstate Center
999 Third Avenue
Seattle, WA 98104

kwk/wutcboblee.202

ORIGINAL

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

No. TR-952140 File 2043

Adams County

Petitioner

PETITION

vs.

Road Name Bob Lee Road

Burlington Northern Railroad Company
Respondent

W.U.T.C. Crossing No. _____

D.O.T. Crossing No. 89-647W

Application is hereby made to the Washington Utilities and Transportation Commission for an order (check one or more of the following)

- directing the Construction of a grade crossing;
(construction-reconstruction-relocation)
- directing installation of automatic grade crossing signal or other warning device (other than crossbucks) at a new crossing;
- directing _____ of warning devices at an existing crossing;
(replacement-change-upgrade)
- allocating funds from the "grade crossing protective fund" for _____ of active warning devices; (installation and/or maintenance)
- authorizing the construction of the project, funding to be pursuant to the Intermodal Surface Transportation Efficiency Act (ISTEA) in cooperation with the Washington State Department of Transportation Local Programs Division;

at the railroad grade crossing identified above and described in this petition. This application seeks the relief specified above by (check one of the following)

- hearing and order order without hearing
- YES NO Has application for funding, pursuant to Intermodal Surface Transportation Efficiency Act been made to the Local Programs Division for this project?
- YES NO If the answer is yes to the question above, has the funding requested under the Intermodal Surface Transportation Efficiency Act been denied?

I certify under penalty of perjury that the information provided in and with this petition is true and correct.

Dean H. Judd
Petitioner

Dean H. Judd COMMISSION CHAIRMAN
Print Name Title

ADAMS COUNTY COURTHOUSE - 210 W. BROADWAY
Street Address

RITZVILLE, WA 99169
City-State-ZIP Code

UTC RR-013 (11/82)

INTERROGATORIES
Use additional paper as needed

[1]

State name of highway and railway at crossing intersection:

Existing or proposed highway Bob Lee Road mile post _____
Existing or proposed railway Burlington Northern Railroad Co mile post 47.47
Located in _____ 1/4 of the 3 1/4 of Sec. 6 Twp. 20N Range 38E W.M. 38E
WUTC crossing number _____ DOT crossing number 89-647W
Street _____ City _____ County _____
(if applicable) (if applicable)

[2]

Character of crossing (indicate with X or numbers where applicable):

- (a) Common Carrier (X) Logging or Industrial ()
(b) Main Line (X) Branch Line () Siding or Spur ()
(c) Total number of tracks at crossing 1
(Note: A track separated 100 feet or more from another track constitutes a separate crossing.)
(d) Operating maximum train speed: Legal maximum train speed:
Passenger 50 MPH Passenger 50 MPH
Freight 45 MPH Freight 45 MPH
(e) Actual or estimated train traffic in 24 hours:
Passenger Trains 2 Freight Trains 25
(Note: Round trip counted as two trains. Include switch movements.)

[3]

Character of Roadway:

- (a) State Highway-Classification _____
(b) County Highway-Classification 09 Local Access
(c) City Street-Classification _____
(d) Number of traffic lanes existing in each direction: 1
Number of additional traffic lanes proposed: 0
(e) Posted vehicle speed limit: Automobiles 35 MPH Trucks 35 MPH
(f) Estimated vehicle traffic in 24 hours: Current total 50, including 0 trucks and
0 school bus trips. Projected traffic in 10 years: total 75, including 10 trucks
and 2 school bus trips.

[4]

- (a) If temporary, state for what purpose crossing is to be used and for how long.

N/A

- (b) If temporary grade crossing, will you remove the crossing at completion of the activity requiring the temporary crossing?

N/A

[5]

- (a) State whether or not a safer location for a grade crossing exists within a reasonable distance in either direction from the proposed point of crossing, and if so, what reason, if any, why this safer location should not be adopted, even though in doing so, it may be necessary to relocate a portion of the highway or railway.

No

- (b) Are there any hillsides, earth, or other embankments, buildings, trees, orchards, side tracks (on which cars might be spotted), loading platforms, etc., in the vicinity not feasible to move, which may obstruct the view and which can be avoided by relocating the proposed crossing. Would it be practical to do so? Please describe.

No.

[6]

- (a) Is it feasible to construct and use an over or under crossing at the intersection of said railway and highway? If not, state why.

No. It is economically unfeasible and does not warrant a grade separation.

- (b) Does the railway line at any point in the vicinity of the proposed crossing pass over a fill or trestle or through a cut where it is feasible to construct an under or over crossing, even though it may be necessary to relocate a portion of the highway to reach that point?

No

- (c) If a suitable place for an under - or over - crossing exists in the vicinity of the proposed crossing, state the distance and direction from the proposed crossing; the approximate cost of construction; and what, if any, reason exists why it should not be constructed.

N/A

Page 3

[7]

- (a) State approximate distance to nearest public or private crossing in each direction of railroad involved herein.
1.19 miles south - I-90 overpass
4.53 miles north - Private grade crossing.
- (b) If there is an existing crossing in near vicinity, or if more than one crossing is proposed, is it feasible to divert highways served and to be served by existing and proposed crossings, thus eliminating the need for more than one crossing?
No
- (c) If so, state approximate cost of highway relocation to effect such changes.
N/A
- (d) Will the proposed crossing eliminate the need for one or more existing crossings in the vicinity? If so, state direction and approximate distance to the crossing or crossings.
No
- (e) If this crossing is authorized, do you propose to close any existing crossing or crossings?
No

[8]

State the lengths of views which are now available along the line of railway to travelers on the highway when approaching the crossing from either side of the railway and when at points on the highway as follows:

Approaching crossing from .. North ... (direction) an unobstructed view to

right when on highway 300 feet from crossing of	<u>1500</u>	feet
right when on highway 200 feet from crossing of	<u>1500</u>	feet
right when on highway 100 feet from crossing of	<u>1500</u>	feet
right when on highway 50 feet from crossing of	<u>1500</u>	feet
right when on highway 25 feet from crossing of	<u>1500</u>	feet
left when on highway 300 feet from crossing of	<u>500</u>	feet
left when on highway 200 feet from crossing of	<u>500</u>	feet
left when on highway 100 feet from crossing of	<u>500</u>	feet
left when on highway 50 feet from crossing of	<u>500</u>	feet
left when on highway 25 feet from crossing of	<u>500</u>	feet

Approaching crossing from .. South .. (opposite direction) an unobstructed view to

right when on highway 300 feet from crossing of	<u>500</u>	feet
right when on highway 200 feet from crossing of	<u>500</u>	feet
right when on highway 100 feet from crossing of	<u>500</u>	feet
right when on highway 50 feet from crossing of	<u>500</u>	feet
right when on highway 25 feet from crossing of	<u>500</u>	feet
left when on highway 300 feet from crossing of	<u>1000</u>	feet
left when on highway 200 feet from crossing of	<u>1000</u>	feet
left when on highway 100 feet from crossing of	<u>1000</u>	feet
left when on highway 50 feet from crossing of	<u>1500</u>	feet
left when on highway 25 feet from crossing of	<u>1500</u>	feet

Page 4

[9]

Attach one or more prints showing a vicinity map and a layout of railway and highway, as well as profiles of each, also showing percent of grade, 500 feet of highway and railway when approaching crossing from all four directions. On the prints, spot and identify obstructions of view located in all four quadrants. Provide a traffic control layout showing the location of the existing and proposed signing of the intersection.

See the exhibit "A" attached.

[10]

(a) Is it feasible to provide a 25 foot level grade crossing on both sides from center line of railway at point of crossing?

Yes

(b) If not, state in feet the length of level grade it is feasible to obtain.

N/A

(c) Is it feasible to obtain an approach grade, prior to the level grade of five percent or less? If not, state why, and state the percent approach grade possible.

Yes

[11]

Do you know of any reason not appearing in any of the answers to these interrogatories why the proposed crossing should not be made at grade or at the point proposed by you? If so, please state same fully.

No

Interrogatories 12 and 13 are to be completed only if this petition involves installation, replacement or changing of automatic grade crossing signal or other warning device, other than sawbucks.

[12]

(a) State in detail, the number and type of automatic signals or other warning devices (other than sawbucks) proposed to be installed. (This portion should be filled in only after conference between the railroad and the petitioning local governmental agency.)

(b) State an estimate of the cost for installing the signals or other devices proposed, as obtained from the respondent railroad company \$ _____

(c) State a cost estimate for maintaining the signals or devices for 12 months, as obtained from the respondent railroad company \$ _____

(d) If this is an existing crossing, what will the proposed warning devices replace in the way of existing devices.

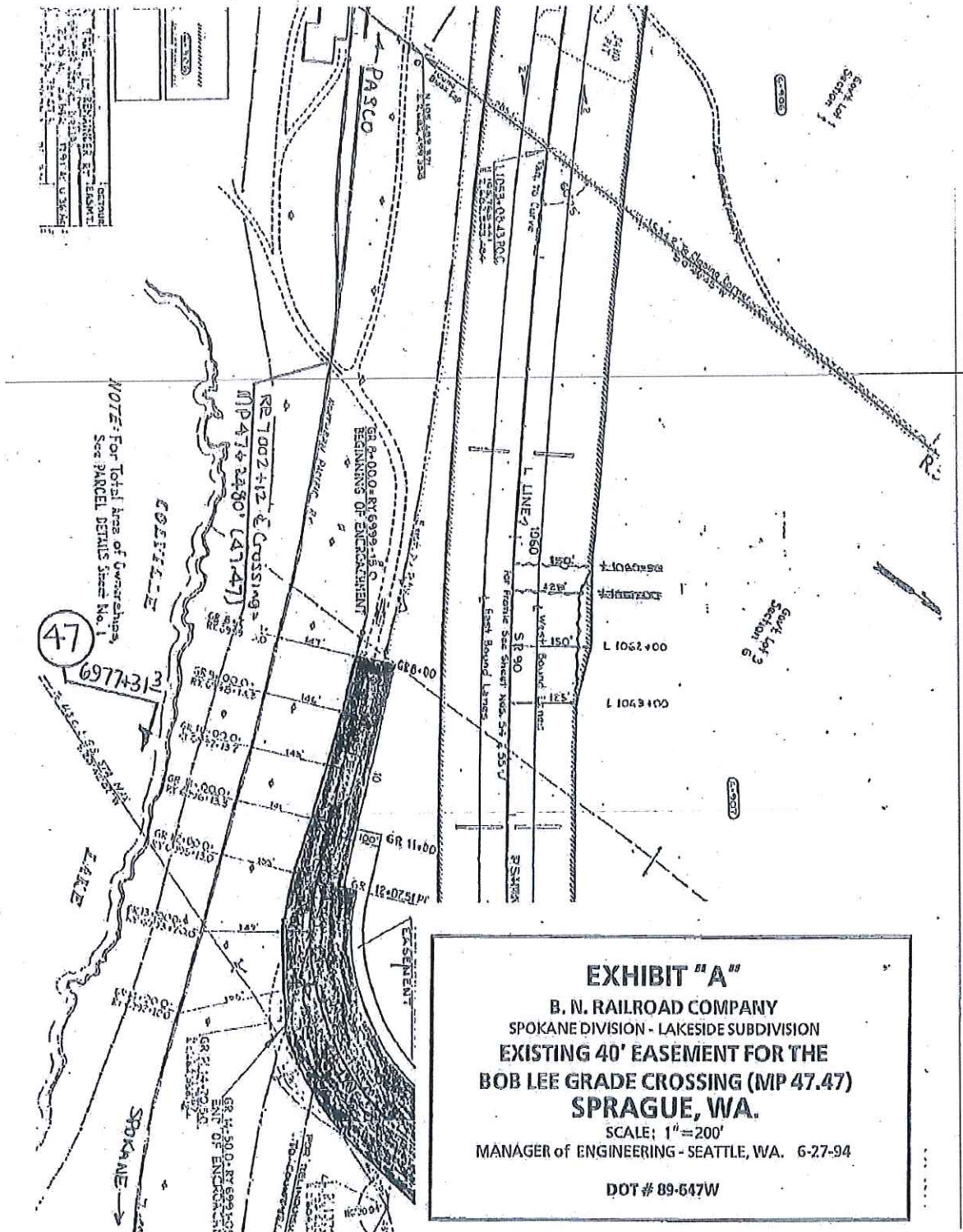
(e) As the petitioner, are you prepared to pay or will you promise to pay to the respondent railroad company, your share of the cost of installing the warning devices proposed as provided by law?

() Yes () No

[13]

Furnish a brief statement of why the public safety requires the installation of the automatic signals or the devices as proposed.

Page 5



RESPONDENT'S WAIVER OF HEARING

Docket No. _____

Petition of _____

for _____

I have investigated the conditions existing at and in the vicinity of the proposed crossing changes. As a result, [check one or more of the following; as appropriate:]

I am satisfied that conditions are as represented in the petition and the interrogatories and that the petition should be granted.

The cost of installation (estimated at \$ _____) is acceptable,

subject to approval and apportionment pursuant to the Intermodal Surface Transportation Act by the Washington State Department of Transportation Local Programs Division.

as apportioned between the parties.

to be paid by petitioner.

Other conditions to waiver of hearing:

No other conditions are necessary.

The undersigned hereby waives hearing and further notice. The Washington Utilities and Transportation Commission may enter a final order without further notice or hearing.

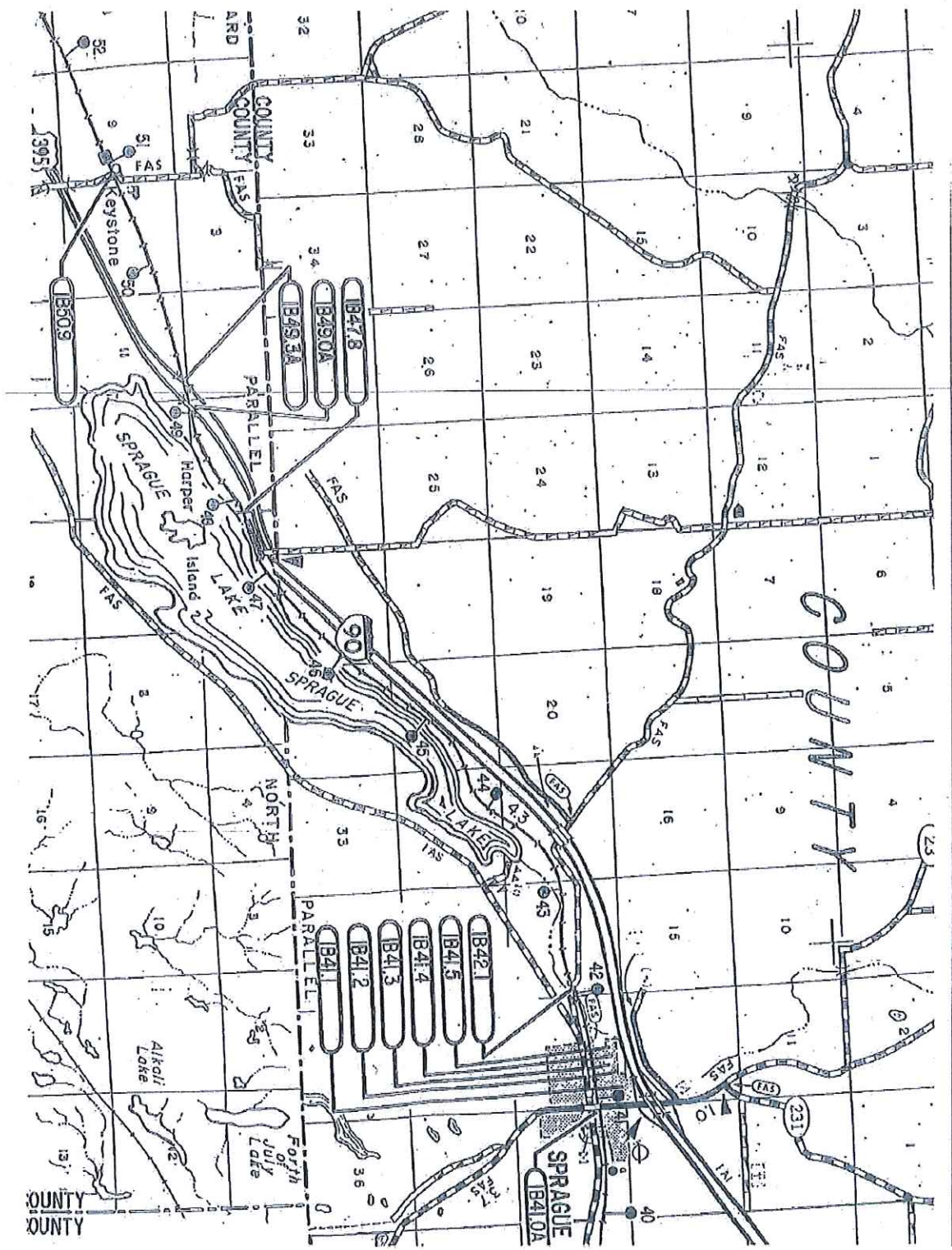
Dated at Bellevue, Washington, on this 2nd day of February, 19 95.

Respondent Burlington Northern Railroad Co.

by Kurt W. Kroschel

Print Name: Kurt W. Kroschel

Title: Attorney for Respondent



Attachment E

SERVICE DATE
AUG 21 1995

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAMS COUNTY,)	DOCKET NO. TR-950140
)	
Petitioner,)	ORDER GRANTING PETITION
)	TO CONSTRUCT AND INSTALL
vs.)	RAILROAD SIGNALS WITH GATES
)	ON BOB LEE ROAD
BURLINGTON NORTHERN)	
RAILROAD COMPANY,)	
<hr/>		
Respondent.)	WUTC IC 47.80
.....))	DOT 89-647W

By petition filed with the Commission on February 6, 1995, Adams County seeks authority for the construction and installation of the railroad signals on a railroad crossing. The location is the highway-railway crossing at grade at the intersection of Bob Lee Road and respondent's track, designated as WUTC Grade Crossing No. 1C 47.80 and located in Lot 3 of Section 6, Township 20 N., Range 38 E., W.M., in Adams County, Washington. Funding is pursuant to an agreement between the parties.

Respondent has consented to the entry of an order by the Commission without further notice or hearing.

Bob Lee Road, in the vicinity of the crossing, is a two-lane local access, with a posted vehicle speed limit of 35 mph for cars and trucks. Approximately 50 vehicles daily will use the crossing.

Respondent maintains one main line track at the crossing. Twenty-five freight trains and two passenger trains daily use the crossing. Legal or operating maximum train speed at the crossing is 45 mph for freight and 50 mph for passenger trains. for freight trains.

Petitioners propose constructing the crossing and installing railroad signals with gates.

The Commission staff has investigated the petition and has recommended that the petition be approved, subject to specified conditions.

The Commissioners, having reviewed the petition and being fully advised in the matter, believe that granting the petition, subject to the conditions set forth below, is in the public interest.

O R D E R

WHEREFORE, IT IS HEREBY ORDERED That the petition of Adams County for authority to construct and install railroad signals at the above-described crossing shall be, and the same is hereby, granted; subject to the following minimum conditions:

1. The constructed crossing shall be planked or hard surfaced between the rails for a distance of one foot outside each rail for the full width of the travelled roadway, including the shoulders. The surface of the roadway and the top of the rails shall be the same elevation.

2. A 25-foot level grade in the highway shall be provided on each side of the centerline of the railway at the crossing.

3. The approaches to the level crown of the roadway at the crossing shall be constructed with grades not exceeding 5 percent.

4. Shoulder-mounted flashing light signals, back-to-back with 12" lenses, both operated by train activated devices, shall be install in the right approach quadrant in each side of the crossing in accordance with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, Part VIII-"Traffic Control Systems for Railroad-Highway Grade Crossings".

5. Automatic gates shall be installed in the right approach quadrant on each side of the crossing.

6. Installation shall be performed by the respondent at its cost.

7. Reflectorized advance warning signs shall be installed in the right approach quadrant on each side of the crossing in accordance with installation practices prescribed in the Washington State Manual for Signing and the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.

8. Standard reflectorized crossbuck signs shall be installed 15 feet from the outside rail in the right approach quadrant on each side of the crossing.

9. All devices shall be erected in such manner as to provide required clearances for both rail and vehicular traffic.

10. The crossing and signals shall be constructed in accordance with all specifications accompanying the petition filed in this matter.

11. Upon completing the installation herein authorized, petitioner shall report completion to the Commission. Acceptance of the installation is subject to a compliance inspection and report by Commission staff verifying that the installation and operation of the signals are in full compliance with law and regulation and the conditions specified herein.

DATED at Olympia, Washington, and effective this 16th day of August, 1995.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



RICHARD HEMSTAD, Commissioner



WILLIAM R. GILLIS, Commissioner

Attachment F



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

October 26, 2000

Ms. Myra Barker
Interagency Committee for Outdoor Recreation
Natural Resources Building
Post Office Box 40917
Olympia, Washington 98504-0917

Dear Ms. Barker:

Subject: Project Information From 1991-1993

As you have requested, we have tried to find information concerning specific projects from the years 1991 through 1993. The projects files and financial information for these projects may have been placed in archives. Because of the time constraints for supplying this information to IAC we were not able to search the archives to see if summaries of the work or expenditure information is still available.

Our current drawing files contain site maps, design drawings, and in some cases preliminary design drawings for these projects. All work under the original contracts was completed to the extent they could be completed during the performance period of the contract. These projects should be closed. The only active project funded by IAC involving these sites is Pleasant Harbor.

The additional information below was assembled from conversations with several agency employees present during the contract performance period.

Loomis Lake #91-606

A toilet and dock was constructed and installed as part of this project.

We have the construction file, which includes: drawings, the Hydraulic Project Approval, preliminary design sketches, and cost estimate for materials.

Sprague Lake #92-608

A permit for crossing the railroad tracks is required from Burlington Northern Railroad to access the property from the county road. We were not successful in obtaining the permit. Costs for the crossing equipment installation are very high. No further work was completed on the project because of the difficulties in completing the railroad crossing.

Ms. Barker
October 26, 2000
Page Two

Lower Kalama #92-609

We were unable to find additional information on this project.

Toe Head Island Boat Launch #92-800

Work completed during the performance period included: surveying, and preliminary design and investigations of permitting issues.

28th St. Boat Launch, Aberdeen, #92-804

We were unable to find additional information on this project.

Lacamas Lake #92-606

We were unable to find additional information on this project.

Drano Lake #93-800


We were not able to obtain permits for this project and no further work was completed.

Pleasant Harbor #92-801

Currently, Pleasant Harbor design work is being completed under Project Number 98-1142 N.

If you have any questions, please contact me at (360) 902-8380.

Sincerely,



Owen Loshbough, P.E.
Assistant Chief Engineer
Engineering Division

OL:llf