



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

April 16, 2010

Todd Kuhn
BNSF Railway Company
2454 Occidental Avenue South, Suite 1A
Seattle, WA 98134

RE: TR-100572 - Petition on Behalf of Benton County to Construct a Grade Crossing at Piert Road/BNSF Agrium Spur

Dear Mr. Kuhn:

On April 9, 2010, Benton County filed a petition with the Washington Utilities and Transportation Commission (Commission), seeking approval to construct a grade crossing at Piert Road/BNSF Agrium Spur. The Commission assigned Docket No. TR-100572 to this petition.

Please review the enclosed petition and respond by May 6, 2010. Your response options include:

- Support the petition – Complete the Respondent's Waiver of Hearing form, which serves as your consent for the Commission to issue an order without further notice or hearing.
- Do not support the petition – Reply with your position and include whether you feel a hearing is necessary to resolve the issues or suggest other courses of action, such as further discussion prior to going to hearing.

If you do not respond within 20 days of the date of this letter, we will assume you do not support the petition and will set the matter for hearing. You will be required to attend the hearing and respond to the Commission.

If you have any questions, please contact Kathy Hunter at (360) 664-1257 or khunter@utc.wa.gov.

Sincerely,

David Pratt
Assistant Director, Transportation Safety

Enclosure

cc: Malcolm Bowie, Benton County (without enclosure)



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Benton County)	DOCKET NO. TR- 100572
Petitioner,)	
vs.)	PETITION TO CONSTRUCT A
Burlington Northern Railroad)	HIGHWAY-RAIL GRADE
Respondent)	CROSSING
.....)	

The Petitioner asks the Washington Utilities and Transportation Commission to approve construction of a highway-rail grade crossing.

Section 1 – Petitioner’s Information

Benton County Petitioner
620 Market St Street Address
Prosser, WA 99350 City, State and Zip Code
P.O. Box 1001; Prosser, WA 99350 Mailing Address, if different than the street address
Malcolm Bowie, PE Contact Person Name
509-786-5611 malcolm.bowie@co.benton.wa.us Contact Phone Number and E-mail Address

Section 2 – Respondent's Information

_____ <u>Todd Kuhn</u> _____ Respondent
_____ <u>2454 Occidental Avenue South, Suite 1A</u> _____ Street Address
_____ <u>Spokane WA 98134</u> _____ City, State and Zip Code
_____ Mailing Address, if different than the street address
_____ Contact Person Name
_____ Contact Phone Number and E-mail Address

Section 3 – Proposed Crossing Location

1. Existing highway/roadway _____
2. Existing railroad <u>BNSF Spur #223.8</u>
3. Location of proposed crossing: Located in the <u>SE</u> 1/4 of the <u>SE</u> 1/4 of Sec. <u>23</u> , Twp. <u>08N</u> , Range <u>30E</u> W.M.
4. GPS location, if known <u>46° 09' 16.76" N, 119° 00' 48.07" W</u>
5. Railroad mile post (nearest tenth) <u>26.4</u>
6. City _____ County <u>Benton</u>

Section 4 – Proposed Crossing Information

1. Railroad company BNSF

2. Type of railroad at crossing Common Carrier Logging Industrial
 Passenger Excursion

3. Type of tracks at crossing Main Line Siding or Spur

4. Number of tracks at crossing 1

5. Average daily train traffic, freight 1-2
Authorized freight train speed 10 Operated freight train speed 10

6. Average daily train traffic, passenger 0
Authorized passenger train speed _____ Operated passenger train speed _____

7. Will the proposed crossing eliminate the need for one or more existing crossings?
Yes X No _____

8. If so, state the distance and direction from the proposed crossing.

Agrium US has an existing private crossing located S 43° 00' 39" W 568 feet from the proposed crossing and they have agreed to vacate their private crossing if the new public crossing is granted.

9. Does the petitioner propose to close any existing crossings?
Yes X No _____

Section 5 – Temporary Crossing

1. Is the crossing proposed to be temporary? Yes _____ No X

2. If so, describe the purpose of the crossing and the estimated time it will be needed

3. Will the petitioner remove the crossing at completion of the activity requiring the temporary crossing? Yes _____ No _____

Approximate date of removal _____

Section 6 – Current Highway Traffic Information

1. Name of roadway/highway Piert Road

2. Roadway classification Proposed urban collector

3. Road authority Benton County

4. Average annual daily traffic (AADT) _____

5. Number of lanes 2

6. Roadway speed 35

7. Is the crossing part of an established truck route? Yes _____ No X

8. If so, trucks are what percent of total daily traffic? _____

9. Is the crossing part of an established school bus route? Yes _____ No X

10. If so, how many school buses travel over the crossing each day? _____

11. Describe any changes to the information in 1 through 7, above, expected within ten years:

The route is expected to be designated a truck route with AADT of 400 and a truck percentage of 75% with 2 bus crossings per day.

Section 7 – Alternatives to the Proposal

1. Does a safer location for a crossing exist within a reasonable distance of the proposed location?

Yes No

2. If a safer location exists, explain why the crossing should not be located at that site.

3. Are there any hillsides, embankments, buildings, trees, railroad loading platforms or other barriers in the vicinity which may obstruct a motorist's view of the crossing?

Yes No

4. If a barrier exists, describe:

- ◆ Whether petitioner can relocate the crossing to avoid the obstruction and if not, why not.
- ◆ How the barrier can be removed.
- ◆ How the petitioner or another party can mitigate the hazard caused by the barrier.

5. Is it feasible to construct an over-crossing or under-crossing at the proposed location as an alternative to an at-grade crossing?

Yes No

6. If an over-crossing or under-crossing is not feasible, explain why.

The cost of an over-crossing or an under-crossing would be excessive for the amount of
traffic involved. Costs and delays associated with under/over crossings would result in killing
this project.

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

Yes No

8. If such a location exists, state:

- ◆ The distance and direction from the proposed crossing.
- ◆ The approximate cost of construction.
- ◆ Any reasons that exist to prevent locating the crossing at this site.

9. Is there an existing public or private crossing in the vicinity of the proposed crossing?

Yes No

10. If a crossing exists, state:

- ◆ The distance and direction from the proposed crossing.
- ◆ Whether it is feasible to divert traffic from the proposed to the existing crossing.

Agrium US has an existing private crossing located S 43° 00' 39" W 568 feet from the proposed crossing and they have agreed to vacate their private crossing if the new public crossing is granted.

Section 8 – Sight Distance

1. Complete the following table, describing the sight distance for motorists when approaching the tracks from either direction.

a. Approaching the crossing from South, the proposed/~~current~~ approach provides an unobstructed view as follows: (North, South, East, West)

Direction of sight (left or right)	Number of feet from proposed crossing	Provides an unobstructed view for how many feet
Right	300	736
Right	200	780
Right	100	916
Right	50	1,013 (End of Line)
Right	25	1,013 (End of Line)
Left	300	1,977
Left	200	1,977
Left	100	1,977
Left	50	1,977
Left	25	1,977

b. Approaching the crossing from North, the proposed/~~current~~ approach provides an unobstructed view as follows: (Opposite direction-North, South, East, West)

Direction of sight (left or right)	Number of feet from proposed crossing	Provides an unobstructed view for how many feet
Right	300	1,977
Right	200	1,977
Right	100	1,977
Right	50	1,977
Right	25	1,977
Left	300	315
Left	200	325
Left	100	385
Left	50	1,013 (End of Line)
Left	25	1,013 (End of Line)

2. Will the new crossing provide a level approach measuring 25 feet from the center of the railway on both approaches to the crossing?

Yes No

3. If not, state in feet the length of level grade from the center of the railway on both approaches to the crossing. Because the existing tracks are not level, a 200 foot long vertical curve has been designed into the profile to allow the proposed roadway to match the existing tracks.

4. Will the new crossing provide an approach grade of not more than five percent prior to the level grade?

Yes No

5. If not, state the percentage of grade prior to the level grade and explain why the grade exceeds five percent.

Section 9 – Illustration of Proposed Crossing Configuration

Attach a detailed diagram, drawing, map or other illustration showing the following:

- ◆ The vicinity of the proposed crossing.
- ◆ Layout of the railway and highway 500 feet adjacent to the crossing in all directions.
- ◆ Percent of grade.
- ◆ Obstructions of view as described in Section 7 or identified in Section 8.
- ◆ Traffic control layout showing the location of the existing and proposed signage.

Section 10 – Proposed Warning Signals or Devices

1. Explain in detail the number and type of automatic signals or other warning devices planned at the proposed crossing, including a cost estimate for each.

The volume of traffic (400 AADT on Piert Road & 1 shuttle car per day on the rails), the speed of the traffic (Vehicular traffic limited to 35 MPH and rail traffic limited to 10 MPH) and the adequate sight distance at the crossing all combine to indicate two crossbucks should be sufficient warning devices. The cost should be less than \$5,000.

Benton County will also install advance warning signs and pavement markings on the roadway surface.

2. Provide an estimate for maintaining the signals for 12 months. \$0

3. Is the petitioner prepared to pay to the respondent railroad company its share of installing the warning devices as provided by law?

Yes X No

Section 11 – Additional Information

Provide any additional information supporting the proposal, including information such as the public benefits that would be derived from constructing a new crossing as proposed.

The proposed alignment was chosen from 15 alternative alignments based on the directness of the route, the compatibility with planned industrial development for the area, the impacts to neighborhoods, the input received at public meetings, the impacts to the environment and the overall cost associated with each alternative.

The proposed roadway will serve as an urban collector to provide direct access for the Finley industrial area to SR-397 and I-82 (via SR-397). Over 300 acres of prime heavy industrial land will be opened up to future development with the extension of Piert Road.

Section 12 – Waiver of Hearing by Respondent

Waiver of Hearing

The undersigned represents the Respondent in the petition to construct or reconstruct a highway-railroad grade crossing.

We have investigated the conditions at the proposed or existing crossing site. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree that a crossing be installed or reconstructed and consent to a decision by the commission without a hearing.

Dated at _____, Washington, on the _____ day of _____, 20 ____.

Printed name of Respondent

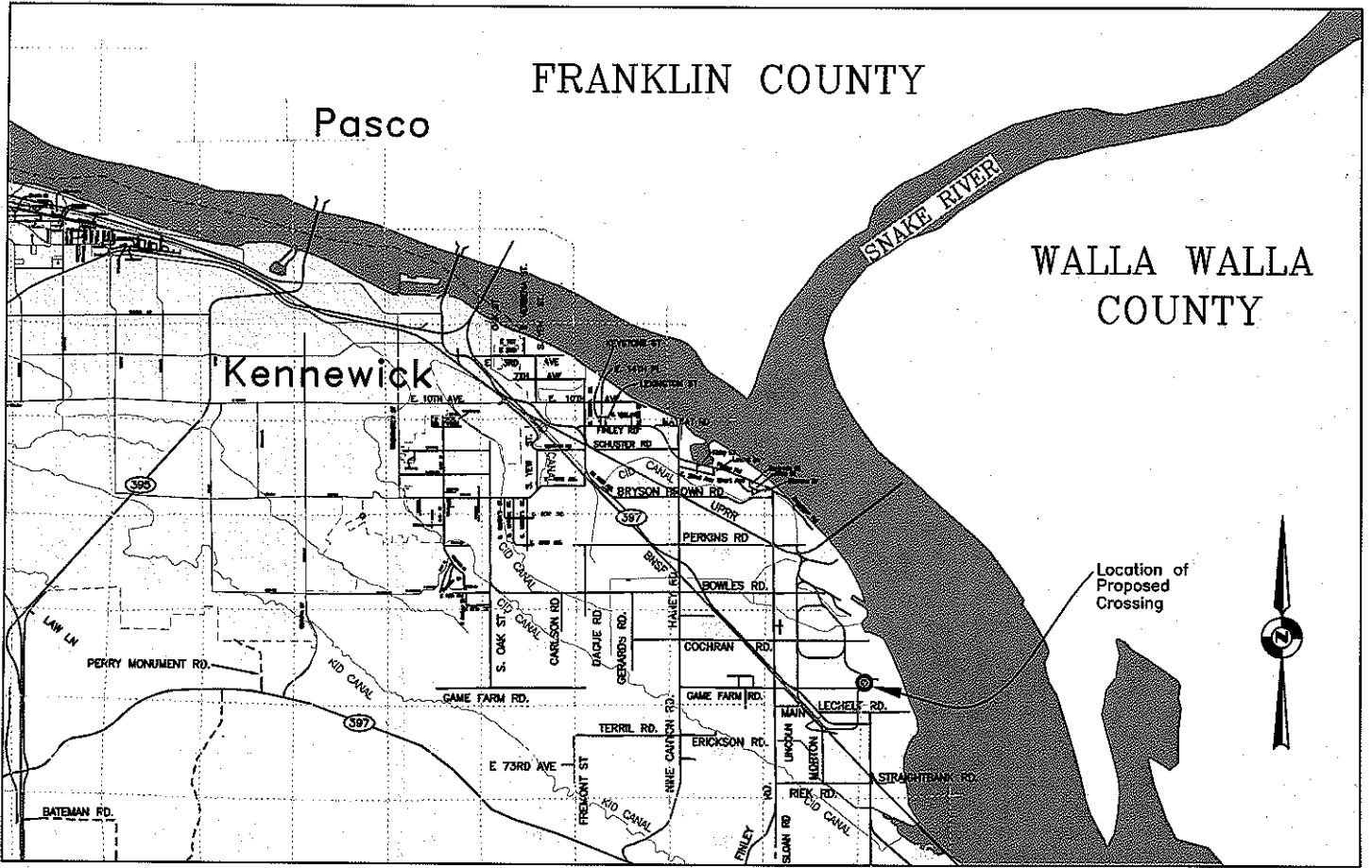
Signature of Respondent's Representative

Title

Phone number and e-mail address

Mailing address

T 8 N
T 9 N

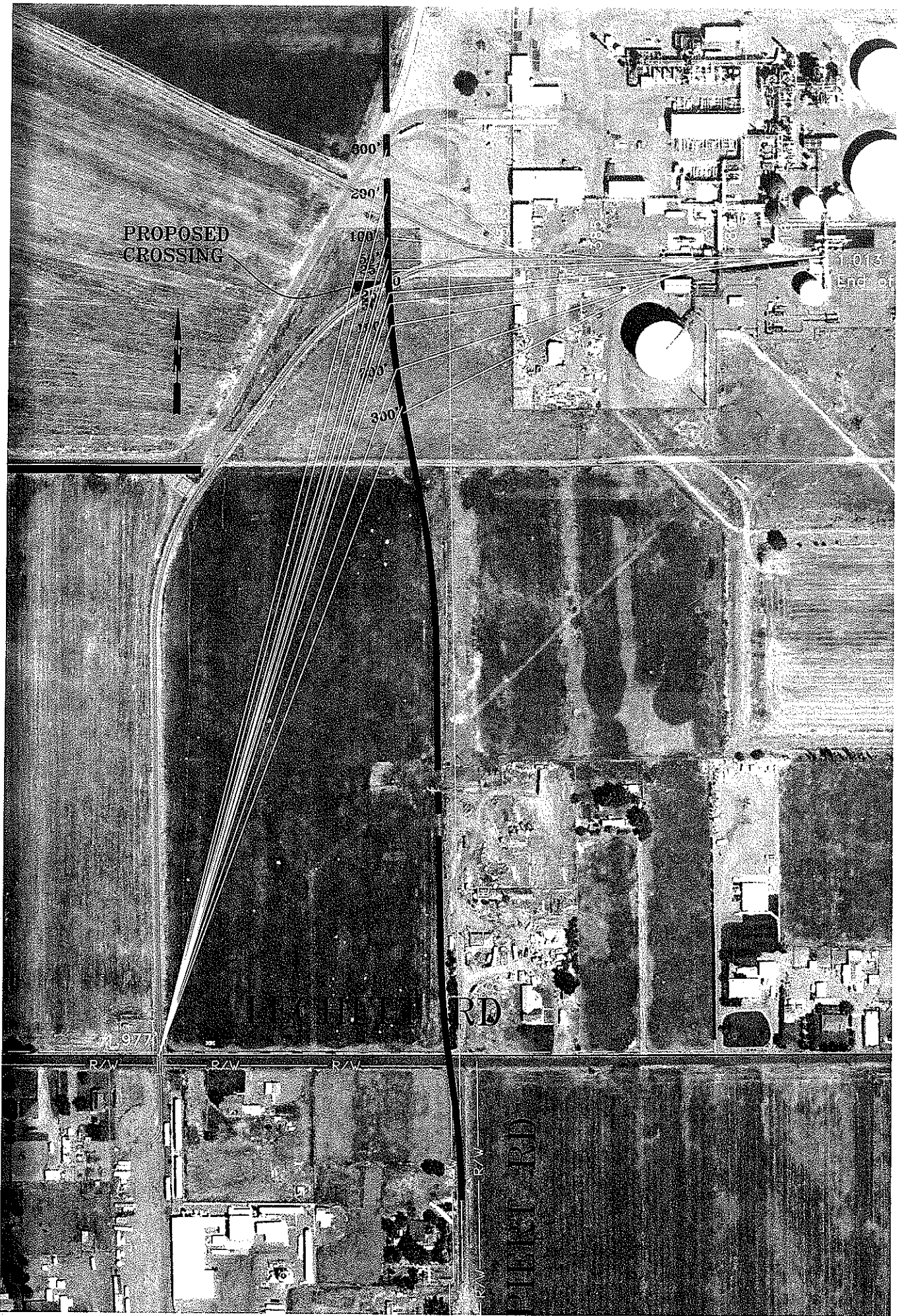


R 29 E

R 30 E

VICINITY MAP

Not To Scale



PROPOSED
CROSSING

300'
290'
100'
0
100'
200'
300'

977

PAV PAV PAV

RD

RD

013
End of

DETERMINATION OF NONSIGNIFICANCE

Description of proposal: The project will begin at the intersection of Piert Road and SR 397 and run northwest approximately 1.6 miles. The proposed work includes designing and reconstructing a portion of Piert and Lechelt Roads, and all new construction and alignment between Lechelt and Bowles Roads. All will be constructed to all-weather standards. The roadway cross section will consist of two 12-foot travel lanes, 6-foot paved shoulders and a walkway on the west wise.

Proponent Benton County Dept. of Public Works
P O Box 1001
Prosser, WA 99350

File No. EA 00-33

Location of proposal: The project site is located in the Northeast Quarter of Section 26, Township 8 North, Range 30 East and the East Half of Section 23, Township 8 North, Range 30 East, W.M.

Lead agency BENTON COUNTY

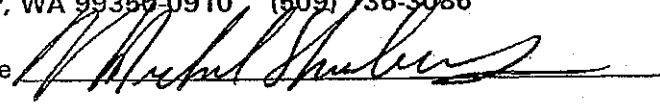
The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This mitigated determination of nonsignificance is issued under WAC 197.11.350(3); the specific mitigation measures which will eliminate significant adverse environmental impacts are: _____

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **August 9, 2000**.

Responsible Official: **TERRY A. MARDEN, Director**
Benton County Planning & Building Dept.
Post Office Box 910 PHONE: (509) 786-5612
Prosser, WA 99350-0910 (509) 736-3086

Date July 26, 2000

Signature 

You may appeal this determination to **TERRY A. MARDEN**, at Post Office Box 910, Prosser, WA **99350**, no later than _____ by **Written notice**.

You should be prepared to make specific factual objections. Contact the planning department to read or ask about the procedures for SEPA appeals.

There is no agency appeal.

DISTRIBUTION:

- Applicant
- News Media (Encl. map or plot plan)
- Benton County Building Office
- Department of Natural Resources - Sheryl Beck*
- Department of Natural Resources - David Dietzman *
- Benton Clean Air Authority*
- Benton-Franklin Dist. Health Department -Kennewick*
- Department of Transportation*
- Washington State Department of Health*
- Department of Ecology - Olympia* Yakima*
- Corps of Engineers*

- Yakima Indian Nation*
- Fire District No. 1*
- Benton County Fire Marshal*
- Finley School District*
- Dept. Fish and Wildlife*
- Dept. of Reclamation*
- Columbia Irrigation District*
- Port of Kennewick*
- Benton County PUD*
- Burlington Northern Sante Fe RR*

Steven W. Becken
Public Works Manager

Malcolm Bowie, P.E.
County Engineer

Area Code 509
Prosser 786-5611
Tri-Cities 736-3084
Ext. 5664
Fax 786-5627

Benton County

Department of Public Works

Post Office Box 1001 - Courthouse
Prosser, Washington 99350-0954

April 09, 2010

Kathy Hunter
Deputy Assistant Director
Washington State Utility Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. box 47250
Olympia WA 98504-7250

Dear Kathy

Benton County is submitting as part of this package four new public crossing petitions and one public crossing closure petition. We have also provided a map to put the big picture into perspective for the commission and staff.

The Piert Road Extension is a selected project of the STIP with secured funding through the States Transportation Improvement Board. This project will provide direct access to the Finley industrial area. Finley is an unincorporated area southeast of Kennewick. The Benton county Comprehensive Land Use Plan designates over 1000 acres as industrial in this area. The Piert Road project will provide over 300 acres of this undeveloped heavy industrial land with direct road access.

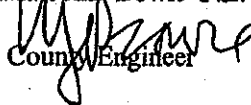
This project will serve local Industries Columbia Colstor Inc. and Agrium Inc. These companies are presently served by the multimodal transportation facilities available in the Finley area moving 5 to 6 million tons of product per day in and out of these facilities.

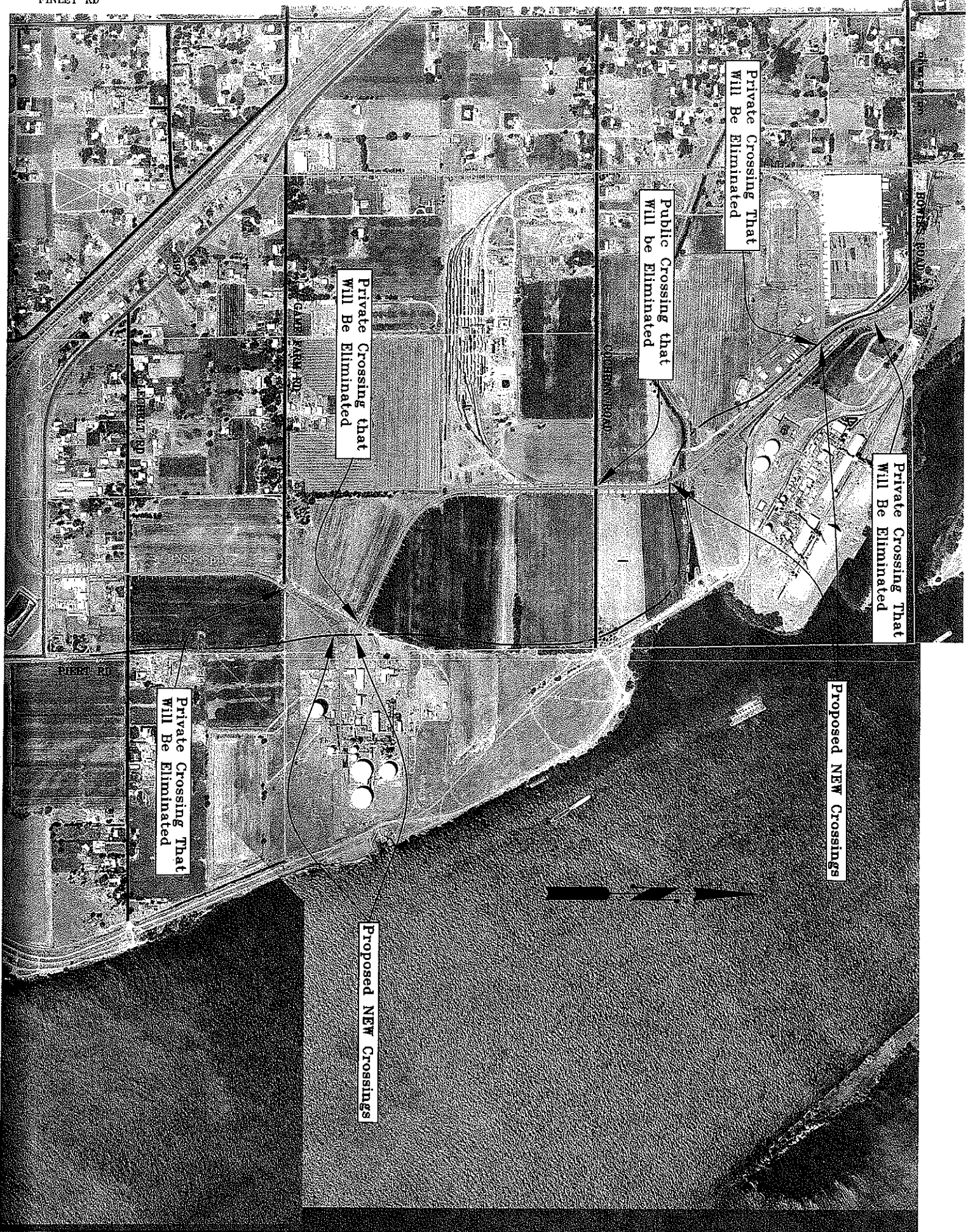
The Finley area is uniquely served by multimodal forms of transportation, including several existing barge slips. One of the unused barge slips in the area is equipped with three dolphins. This existing barge slip is available for lease from the owner and, contingent upon permitting, is available for barge transport on the Columbia River corridor.

This project is the logical planned extension of SR 397 from I-82 and will provide a direct truck route to I-82 from the industrial area

The reason Benton County is petitioning the Utility Transportation Commission is to get permission to create 4 public at grade crossings for the rail spurs that serve this site. as part of this transportation improvement. Benton County will eliminate 4 private crossing and 1 public crossings as part of this project.

Malcolm Bowie P.E.


County Engineer



Private Crossing That Will Be Eliminated

Public Crossing that Will be Eliminated

Private Crossing That Will Be Eliminated

Private Crossing that Will Be Eliminated

Private Crossing That Will Be Eliminated

Proposed NEW Crossings

Proposed NEW Crossings

HORN ROAD

COBBLEHAW ROAD

GALEY KAY RD

FINLEY RD

FINLEY RD