

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

BNSF RAILWAY COMPANY,

Petitioner,

WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION,

Respondent.

DOCKET TR-190346

ORDER 01

ORDER GRANTING PETITION TO
MODIFY HIGHWAY-RAIL GRADE
CROSSING WARNING DEVICES AT
STATE ROUTE 22 (BUENA WAY)
NEAR TOPPENISH

USDOT: 099190G

BACKGROUND

- 1 On May 2, 2019, 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 warning devices at the State Route 22/Buena Way (SR-22) crossing near Toppenish, identified as USDOT 099190G.
- 2 Respondent Washington State Department of Transportation consented to entry of an Order by the Commission without further notice or hearing.
- 3 SR-22 is a two-lane roadway with a posted speed limit of 25 miles per hour. Average annual daily traffic through the crossing is estimated at 6,300 vehicles. SR-22 is part of an established truck route with approximately six percent commercial motor vehicle traffic. It is not part of a designated school bus route.
- 4 BNSF operates eight freight trains per day over this three-track crossing, which includes one main line and two siding tracks. The authorized speed limit for freight trains is 49 miles per hour. No passenger trains operate over the crossing. Railroad warning devices at the SR-22 crossing consist of cantilever-mounted flashing lights, gates, crossbucks, and advance warning signs.
- 5 BNSF proposes to remove the predictor circuit on one siding track and replace it with an island circuit with stop and wait signs for train traffic. Removing the predictor circuit will reduce the potential of false signal activations on the lightly-used siding track, which can rust over time and result in inaccurate train detection.
- 6 The proposed upgrades are in the interest of improving the overall safety for the railroad and 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 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.
- 11 (5) After examination of the petition filed by BNSF on May 2, 2019, 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 SR-22 near Toppenish is granted, as follows:
- (1) The modifications must conform to those described in the petition.
 - (2) Petitioner must notify Commission Staff within 30 days of completion of this project.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-180762. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective May 14, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARK L. JOHNSON, 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).

