

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF ARLINGTON,

Petitioner,

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-200726

ORDER 01

GRANTING PETITION TO MODIFY
WARNING DEVICES AT A
HIGHWAY-RAILROAD GRADE
CROSSING AT 67th AVENUE
NORTHEAST IN ARLINGTON

USDOT: 092089J

BACKGROUND

- 1 On August 7, 2020, the City of Arlington (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to install active warning devices at a railroad-highway grade crossing located at 67th Avenue Northeast in Arlington, Snohomish County, identified as USDOT 092089J.
- 2 Respondent BNSF Railway Company (BNSF) consented to entry of a Commission order without further notice or hearing.
- 3 At the crossing, 67th Avenue Northeast is a four-lane roadway with a posted vehicle speed limit of 35 miles per hour. Average annual daily traffic through the crossing is estimated at 10,000 vehicles. The 67th Avenue Northeast crossing is not part of an established school bus route. The 67th Avenue Northeast crossing is part of an established truck route with approximately two percent commercial vehicle traffic.
- 4 Warning devices at the 67th Avenue Northeast crossing consist of advance warning signs, pavement markings, reflectorized crossbucks, ENS signs, warning bell, mast and cantilever mounted warning lights, and constant-warning train detection. BNSF operates two freight trains per day over this single branchline track crossing at up to 10 miles per hour. No passenger trains travel over the crossing.
- 5 As part of this project:
 - BNSF will install pedestrian warning lights and a warning bell, and upgrade the existing incandescent warning lights to LED.

- The City will realign the pedestrian and bicycle path on the east side of 67th Avenue Southeast to improve the crossing angle.

6 These improvements are funded by the United States Department of Transportation, Federal Highway Administration, Railway-Highway Crossings (Section 130) program and will improve the overall safety of the crossing.

7 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the modifications must conform to those described in and attached to the Petition, (2) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, and (3) the City must notify the Commission within 60 days upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

DISCUSSION

8 RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. We find that the proposed modifications will improve overall safety for roadway users. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 10 (2) The 67th Avenue Northeast grade crossing, identified as USDOT 092089J, is a public railroad-highway grade crossing within the state of Washington.
- 11 (3) RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. See also WAC 480-62-150.
- 12 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 7, above.
- 13 (5) After examining the Petition filed by the County on August 7, 2020, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 14 The City of Arlington's Petition to install active warning devices at a railroad-highway grade crossing located at 67th Avenue Northeast is granted, subject to the following conditions:
- (1) The modifications must conform to those described in and attached to the Petition.
 - (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
 - (3) The City of Arlington must notify the Commission within 60 days upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.
- 15 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 Lacey, Washington, and effective August 14, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Mark L. Johnson
MARK L. JOHNSON,
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.