

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF MABTON,

Petitioner,

BNSF RAILWAY CO.,

Respondent.

DOCKET TR-230196
ORDER 01

GRANTING PETITION TO MODIFY
ACTIVE WARNING DEVICES AT A
PUBLIC HIGHWAY-RAIL GRADE
CROSSING AT MAIN STREET,
MABTON, YAKIMA COUNTY

USDOT: 104535N

BACKGROUND

- 1 On March 23, 2023, the City of Mabton (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify warning devices at a railroad-highway grade crossing located at Main Street in Mabton, Yakima County, identified as USDOT 104535N.
- 2 Respondent BNSF Railway Co. (BNSF or Respondent) owns and operates the rail line through the crossing and consented to entry of a Commission order without hearing.
- 3 Main Street is a two-lane city street with a posted vehicle speed limit of 25 miles per hour. Main Street crosses a BNSF mainline track and an industrial spur track at this location. Average annual daily traffic through the crossing is estimated at 1,650 vehicles. Main Street is part of an established truck route with approximately twelve percent commercial vehicle traffic. Main Street is not part of an established school bus route.
- 4 Warning devices at the Main Street crossing consist of an advance warning sign, pavement markings, reflectorized crossbucks, Emergency Notification System (ENS) signs, bell, gates, and mast and cantilever-mounted flashing warning lights. BNSF operates up to 18 freight trains over this crossing daily at up to 49 miles per hour. No passenger trains operate over this crossing.
- 5 The Petitioner proposes to reduce the width of the traffic lanes and install curbing, sidewalks, signage, and crossing pavement markings. The spur track crossing surface will be upgraded from asphalt to concrete and both mainline and spur crossing surfaces will be lengthened to 80 feet to accommodate the new sidewalks. The existing warning lights

and gates will be relocated to match the new roadway alignment and pedestrian warning signs will be added.

- 6 In describing the public safety need for these modifications in its Petition, the City states that the proposed changes will provide pedestrian facilities (sidewalks) and narrow the lanes of travel to prevent hazards and parking on or near the tracks.
- 7 According to the Petition, the City and BNSF confirmed that the parties have reached an agreement related to the apportionment of costs for the proposed upgrades.
- 8 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, (3) the City must complete the proposed modifications within three years, and (4) 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, who will verify that the crossing is in full compliance with the conditions specified herein.

DISCUSSION

- 9 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. When the Commission directs the installation of the active warning devices, it will apportion installation and maintenance costs in accordance with the applicable statutes.¹ RCW 81.53.261 provides that the parties may enter into an agreement providing for the installation of signals or other warning devices or for the apportionment of the cost of installation and maintenance. The parties to this Petition confirmed that they have reached an agreement related to cost apportionment. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 10 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.

¹ See RCW 81.53.261–.295.

- 11 (2) The Main Street grade crossing, identified as USDOT 104535N, is a public railroad-highway grade crossing within the state of Washington.
- 12 (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.
- 13 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 8, above.
- 14 (5) After examining the Petition filed by the City on March 23, 2023, and considering all relevant matters and for good cause shown, the Commission grants the Petition.

O R D E R

THE COMMISSION ORDERS:

- 15 The City of Mabton's Petition to modify warning devices at a railroad-highway grade crossing located at Main Street is granted and the parties are directed to proceed with the modifications described in the Petition, 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 Mabton must complete the modifications within three years of the effective date of this Order.
 - (4) The City of Mabton 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 the conditions specified herein.
- 16 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 April 3, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL,
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.