BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PORT OF PASCO,)	DOCKET TR-060456
Petitioner,)	
)	ORDER 01
V.)	
)	
BNSF RAILWAY,)	ORDER GRANTING PETITION TO
)	CONSTRUCT A PUBLIC RAILROAD
Respondent.)	HIGHWAY GRADE CROSSING AND
)	TO CLOSE A CROSSING AT STATE
)	ROUTE 397
)	

BACKGROUND

- On March 12, 2006, Port of Pasco (Port) filed a petition with the Commission seeking approval to construct a public railroad-highway grade crossing. The location of the proposed new crossing is milepost 0.82 at State Route 397, NE ¼ of the NE ¼ of Section 32, Township 9N, Range 30E WM, at the Port of Pasco, Washington. The tracks of the BNSF Railway (BNSF) cross the highway at that location.
- In addition to opening a new crossing, the petition asked approval to close an existing crossing, which becomes unnecessary once the new crossing is available for public use. The existing crossing proposed for closure is at the intersection of State Route 397 and BNSF tracks at Oregon Avenue.
- 3 BNSF has consented to an entry of an order by the Commission without further notice or hearing.
- 4 State Route 397 is classified as a four-lane state highway (two lanes in each direction) with a speed limit of 45 miles per hour. Daily traffic through the crossing consists of 4,400 vehicles.
- The Port intends to install a new spur off the BNSF main-line track to serve the Port of Pasco industrial area. The proposed crossing would cross the proposed spur.
- Average daily train traffic consists of two freight trains traveling at a maximum speed of ten miles per hour.

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 construction of a new crossing and the proposed closure of an existing crossing involve a public railroad-highway grade crossings as defined in RCW 81.53.010.
- 9 (3) RCW 81.53.060 requires the Commission grant approval prior to constructing a new, or closing an established, public railroad-highway grade crossing within the state of Washington.
- (4) Commission staff investigated the petition and recommended that it be granted.
- 11 (5) This matter was brought before the Commission at its regularly scheduled meeting on June 28, 2006.
- 12 (6) After examination of the petition filed by Port of Pasco on March 12, 2006, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- The petition of Washington Port of Pasco to construct a public railroad-highway grade crossing at the intersection of State Route 397 and the tracks of the BNSF Railway at the Port of Pasco, Washington, is granted. In addition, the petition of Port of Pasco to close a public railroad-highway grade crossing at the intersection of State Route 397 and the tracks of the BNSF Railway at the Port of Pasco, Washington, is granted. Both actions are subject to the following conditions:
 - (1) The existing crossing must be removed contemporaneously with the activation of the new crossing.

- (2) All construction and installation of the new crossing and removal of the existing crossing must conform to the plans filed in this proceeding.
- (3) Traffic control devices, advance warning signs, and pavement markings must comply with applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (4) Traffic control devices and instrument housing must be installed in such a manner as to provide required clearances for both rail and vehicular traffic.
- (5) Upon completion of the construction of the new crossing and removal of the existing crossing authorized herein, Petitioner must notify the Commission.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective June 28, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary