

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-072166
)	
THE WASHINGTON STATE)	ORDER 01
DEPARTMENT OF)	
TRANSPORTATION,)	ORDER GRANTING PETITION TO
)	UPGRADE WARNING DEVICES AND
Petitioner,)	AUTHORIZE EXPENDITURE FROM
v.)	THE GRADE CROSSING PROTECTIVE
)	FUND
BNSF RAILWAY COMPANY,)	
)	USDOT: 104534G
Respondent.)	UTC: 1C 52.20
.....)	

BACKGROUND

- 1 On November 8, 2007, The Washington State Department of Transportation (WSDOT) filed a petition with the Utilities and Transportation Commission (Commission), seeking approval to upgrade warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT 104534G and is located at State Route 241 (SR-241) and the respondent's tracks in Yakima County. The petitioner further requests the Commission authorize an expenditure of \$20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrade.
- 2 On November 14, 2007, BNSF Railway Company filed consent to entry of an Order by the Commission without further notice or hearing.
- 3 Railroad warning devices at the SR-241 crossing consist of shoulder mounted flashing lights. WSDOT proposes to install gates at the crossing.
- 4 There have been three accidents at this crossing since 1997, all resulting in fatalities to vehicle occupants. Installing gates at this location will prevent drivers from crossing the tracks when a train is approaching.
- 5 The petitioner is requesting a disbursement of \$20,000 to pay for a portion of the upgrades. The total cost of the project is \$32,469. WSDOT has committed to pay upgrades in excess of \$20,000. An expenditure of \$20,000 from the Grade Crossing Protective Fund is available to pay for funding the improvement.

FINDINGS AND CONCLUSIONS

- 6 (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. *RCW 81.53*.
- 7 (2) The SR-241 grade crossing, identified as USDOT 104534G, is a public railroad-highway grade crossing within the state of Washington.
- 8 (3) WAC 480-62-150 (2)(d) requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington.
- 9 (4) RCW 81.53.271 allows the Commission to disburse up to \$20,000 from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device, without requiring a cost-share by the petitioner.
- 10 (5) Commission staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 11 (6) After reviewing the petition filed by The Washington State Department of Transportation on November 8, 2007, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 12 The petition of The Washington State Department of Transportation to upgrade warning devices at a railroad-highway grade crossing, located at SR-241 and the BNSF Railway Company tracks in Yakima County, Washington, is granted. A portion of the cost of this upgrade (\$20,000) shall be paid from the Grade Crossing Protective Fund. Approval of the petition is subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.

- (2) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission staff that the work has been satisfactorily completed.
- (3) The Washington State Department of Transportation must sign and return the attached project agreement.
- (4) The project must be completed no later than December 31, 2008.
- (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (6) Upon completion of the upgrades authorized herein, The Washington State Department of Transportation must notify the Commission. Acceptance of the changes is subject to inspection by Commission staff, verifying the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.030, and RCW 81.53.271, directed the Executive Secretary to enter this Order.

DATED at Olympia, Washington, and effective November 21, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary