



STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

December 22, 2011

Terrel Anderson
Union Pacific Railroad
9451 Atkinson Street
Roseville, CA 95747

RE: TR-112128 - Petition on Behalf of Benton County to Close the Cochran Road Grade Crossing

Dear Mr. Anderson:

On April 9, 2010, Benton County filed a petition with the Washington Utilities and Transportation Commission (Commission), seeking approval to close the Cochran Road grade crossing. The Commission assigned Docket TR-100576 to this petition. On October 14, 2010, Benton County requested that this petition be severed from related dockets and that the county be allowed to withdraw the petition. On October 15, 2010, the Commission granted Benton County's request.

Attached is the re-filing of the petition to close the Cochran Road crossing on behalf of Benton County. The Commission assigned Docket TR-112128 to this petition.

Please review the enclosed petition and respond by January 11, 2012. Your response options include:

- Support the petition – Complete the Respondent's Waiver of Hearing form, which serves as your consent for the Commission to issue an order without further notice or hearing.
- Do not support the petition – Reply with your position and include whether you feel a hearing is necessary to resolve the issues or suggest other courses of action, such as further discussion prior to going to hearing.

You must respond with your position within 20 days of the date of this letter. If you have any questions, please contact Kathy Hunter at (360) 664-1257 or khunter@utc.wa.gov.



Terrel Anderson
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Sincerely,

A handwritten signature in black ink that reads "David Pratt". The signature is written in a cursive style with a large initial "D" and a stylized "P".

David Pratt
Assistant Director, Transportation Safety

Enclosure

cc: Malcolm Bowie, Benton County (without enclosure)

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

)	DOCKET NO. TR-112128
<u>Benton County</u>)	
Petitioner,)	PETITION FOR THE CLOSURE
)	OF A HIGHWAY-RAIL GRADE
)	CROSSING
vs.)	
<u>Union Pacific</u>)	USDOT CROSSING #
Respondent)	
<u>Railroad</u>)	UTC CROSSING #
.....)	

Prior to submitting a Petition for the Closure of a Highway-Rail Grade Crossing to the Washington Utilities and Transportation Commission (UTC), State Environmental Protection Act (SEPA) requirements must be met. Washington Administrative Code (WAC) 197-11-865 (2) requires:

All actions of the utilities and transportation commission under statutes administered as of December 12, 1975, are exempted, except the following:

(2) Authorization of the openings or closing of any highway/railroad grade crossing, or the direction of physical connection of the line of one railroad with that of another;

Please attach sufficient documentation to demonstrate that the SEPA requirement has been fulfilled. For additional information on SEPA requirements contact the Department of Ecology.

The Petitioner asks the Washington Utilities and Transportation Commission to approve the closure of a public at-grade highway-railroad crossing as described in this petition.

Section 1 - Petitioner's Information

Petitioner: Benton County
 Street Address: 610 Market St
 City, State and Zip Code: Prosser, WA 99350
 Mailing Address, if different than the street address: PO Box 1001; Prosser, WA 99350
 Contact Person Name: Malcolm Bowie
 Contact Phone Number and E-mail Address: 509-786-5611 malcolm.bowie@co.benton.wa.us

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Section 2 – Respondent's Information

Respondent	<u>Union Pacific Railroad</u>
Street Address	<u>9451 Atkinson St</u>
City, State and Zip Code	<u>Roseville, CA 95747</u>
Mailing Address, if different than the street address	<u>CAMP</u>
Contact Person Name	<u>Terrel Anderson</u>
Contact Phone Number and E-mail Address	<u>916-789-5134 taanders@up.com</u>

Section 3 – Crossing Location

1. Existing highway/roadway	<u>Cochran Road</u>
2. Existing railroad	<u>UPRR</u>
3. USDOT Crossing No.	_____ UTC Crossing No.
4. Located in the <u>NW</u> 1/4 of the <u>SE</u> 1/4 of Sec. <u>23</u> , Twp. <u>8N</u> , Range <u>30E</u> W.M.	
5. GPS location, if known	<u>46° 09' 39.11" N, 119° 01' 05.35" W</u>
7. Railroad mile post (nearest tenth)	_____
8. City	_____ County <u>Benton</u>

Section 4 - Crossing Traffic

1. Type of public road at the crossing State County City
 Port State Park Other _____

2. Average daily vehicle traffic over the tracks (less than 50) Vehicle speed limit 35

3. Trucks (commercial vehicles) are what percent of average daily traffic 30%

4. Number of school buses over the crossing each day 0

5. Name of railroad(s) operating at crossing UPRR

6. Type of railroad at crossing Common Carrier Logging Industrial
 Passenger Excursion

7. Type of tracks at crossing Main Line Siding or Spur

8. Number of tracks at crossing 1

9. Average daily train traffic, freight 1-2
Authorized freight train speed 10 Operated freight train speed 10

10. Average daily train traffic, passenger 0
Authorized passenger train speed _____ Operated passenger train speed _____

Section 5 – Description of Closure

1. Describe in detail the reasons for closing the crossing:

Benton County has plans to construct Piert Road in the eastern part of the county extending SR 397 to Bowles Road serving industrial land. Benton County has applied for a new grade crossing across this same industrial spur that is approximately 2700 feet south of the subject Cochran crossing. Contingent upon an order being issued to construct the new grade crossing Benton County and Union Pacific Railroad wish to close the existing crossing.

2. Describe the area currently served by the crossing, including the approximate number of homes or businesses that might be affected by the closure:

The property is designated Industrial and presently functioning as irrigated agricultural land owned by the Port of Kennewick.

3. How far is the nearest alternate access across the tracks from the crossing proposed for closure? 3500 feet north or 2700 feet southeast

4. Describe the alternate access route, including distance and driving time:

Drive West on Cochran Road for ¼ of a mile to Finley Road for 1.3 minute; Turn North on Finley Road for 1/2 mile to Bowles Road for 0.9 minute; Turn East on Bowles Road for 0.4 mile to the Piert Road Extension for 0.7 minute; Turn south on the Piert Road Extension for 0.6 mile to the UPRR track for 1.0 minute; for a total distance of 2.25 miles and a total time of 4 minutes.

Section 6 – Illustration of Crossing

Attach a diagram, drawing, map or other illustration showing the location of the highway and railroad in the vicinity of the crossing. Include the parcels of private property located on both sides of the highway for a distance of 500' from the crossing and the name and mailing address of each property owner.

Section 7 – Waiver of Hearing by Respondent

Waiver of Hearing

The undersigned represents the Respondent in the closure of the following crossing.

USDOT Crossing No. _____ UTC Crossing No. _____

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree the grade crossing should be closed and consent to a decision by the commission without a hearing.

Dated at _____, Washington, on the _____ day of _____, 20 ____.

Printed name of Respondent

Signature of Respondent's Representative

Title

Phone number and e-mail address

Mailing address

Description of proposal: The project will begin at the intersection of Piert Road and SR 397 and run northwest approximately 1.6 miles. The proposed work includes designing and reconstructing a portion of Piert and Lechelt Roads, and all new construction and alignment between Lechelt and Bowles Roads. All will be constructed to all-weather standards. The roadway cross section will consist of two 12-foot travel lanes, 6-foot paved shoulders and a walkway on the west wise.

Proponent **Benton County Dept. of Public Works**
P O Box 1001
Prosser, WA 99350

File No. EA 00-33

Location of proposal: The project site is located in the Northeast Quarter of Section 26, Township 8 North, Range 30 East and the East Half of Section 23, Township 8 North, Range 30 East, W.M.

Lead agency **BENTON COUNTY**

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS.
- This mitigated determination of nonsignificance is issued under WAC 197.11.350(3); the specific mitigation measures which will eliminate significant adverse environmental impacts are: _____

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by **August 9, 2000**.

Responsible Official **TERRY A. MARDEN, Director**
Benton County Planning & Building Dept.
Post Office Box 910 PHONE: (509) 786-5612
Prosser, WA 99350-0910 (509) 736-3086

Date **July 26, 2000**

Signature 

You may appeal this determination to **TERRY A. MARDEN**, at Post Office Box 910, Prosser, WA 99350, no later than _____ by **Written notice**.

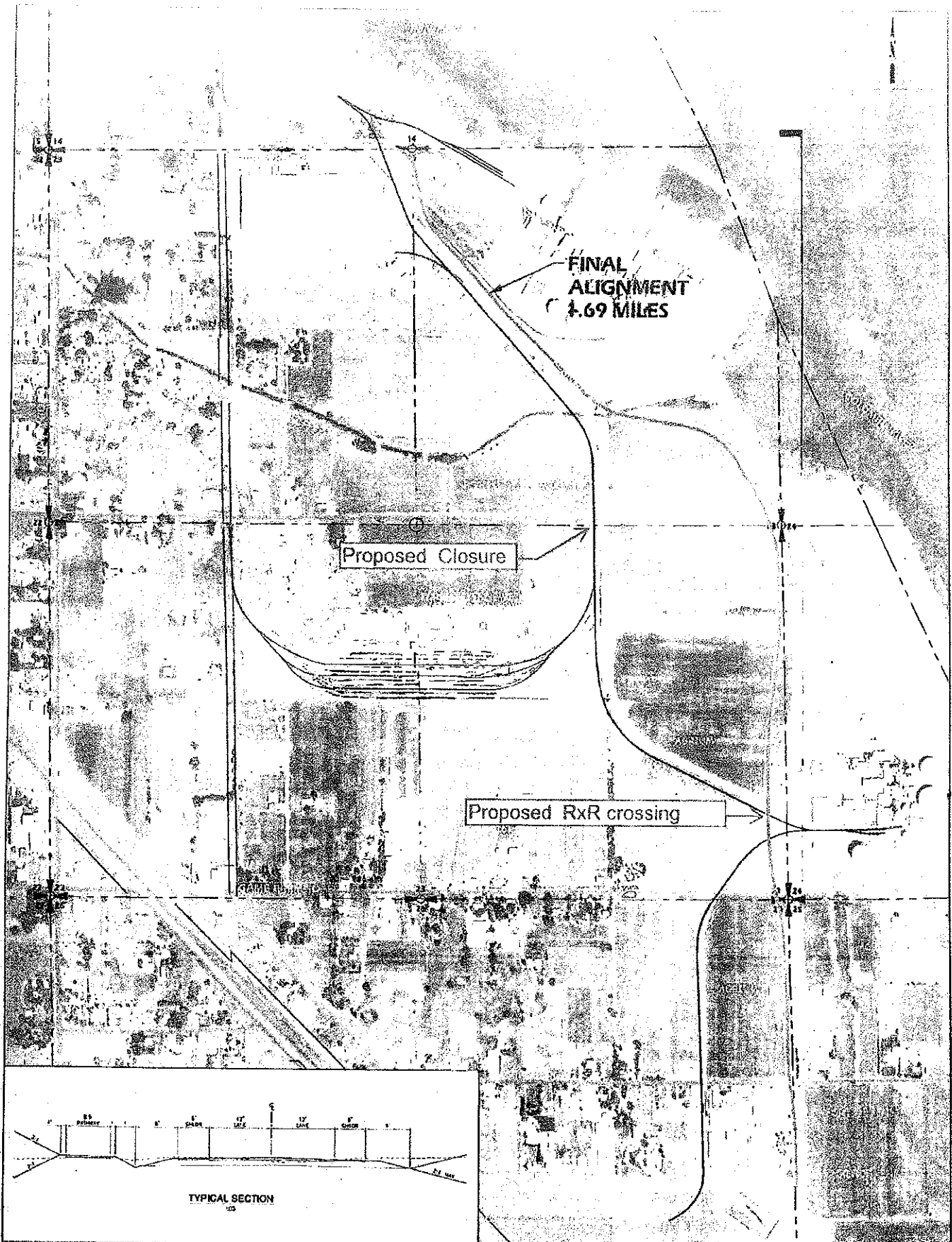
You should be prepared to make specific factual objections. Contact the planning department to read or ask about the procedures for SEPA appeals.

There is no agency appeal.

DISTRIBUTION:

- Applicant
- News Media (Encl. map or plot plan)
- Benton County Building Office
- Department of Natural Resources - Sheryl Beck*
- Department of Natural Resources - David Dietzman *
- Benton Clean Air Authority*
- Benton-Franklin Dist. Health Department -Kennewick*
- Department of Transportation*
- Washington State Department of Health*
- Department of Ecology - Olympia* Yakima*
- Corps of Engineers*

- Yakima Indian Nation*
- Fire District No. 1*
- Benton County Fire Marshal*
- Finley School District*
- Dept. Fish and Wildlife*
- Dept. of Reclamation*
- Columbia Irrigation District*
- Port of Kennewick*
- Benton County PUD*
- Burlington Northern Sante Fe RR*



JOB

**BENTON COUNTY
PIERT ROAD EXTENSION**

FINAL ALIGNMENT
EXHIBIT

★¹⁵
123801000006002

COCHRAN RD

★¹²⁷
123804000005000

123801000006002
Port of Kennewick
350 Clover Island Dr
Kennewick, WA 99336

123804000005000
Port of Kennewick
350 Clover Island Dr
Kennewick, WA 99336

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Port of Kennewick
350 Clover Island Dr
Kennewick, WA 99336

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Port of Kennewick
350 Clover Island Dr
Kennewick, WA 99336

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123801011656002

★¹²⁸
123804000002000



Steven W. Becken
Public Works Manager

Malcolm Bowie, P.E.
County Engineer

Area Code 509
Prosser 786-5611
Tri-Cities 736-3084
Ext. 5664
Fax 786-5627

Benton County

Department of Public Works

Post Office Box 1001 - Courthouse
Prosser, Washington 99350-0954

December 09, 2011

Kathy Hunter
Deputy Assistant Director
Washington State Utility Transportation Commission
1300 S. Evergreen Park Dr. SW
P.O. box 47250
Olympia WA 98504-7250

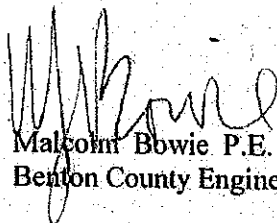
Re: Piert Rd. extension CE 1618----- UTC re-filing

Dear Kathy

Enclosed are petitions for the proposed Union Pacific Railroad crossing (previously docket # 100573) and closure request for the existing Union Pacific Railroad crossing (previously docket # 100576) on the Agrium Industrial spur located in east Benton County.

As you will remember we withdrew these two petitions that were part of a larger consolidated request as part of order #1 and a subsequent prehearing conference in which Union Pacific waived any objections to the new crossing petition. The understanding being that Benton County would then re-file the two withdrawn petitions once the notice of finality was complete for the BNSF crossing (docket # 100572) and the affirmative order issued by the Washington Utility Transportation committee. This happened in March of this year.

This is now the time that Benton County is resubmitting to the UTC with the two previously withdrawn petitions.


Malcolm Bowie P.E.
Benton County Engineer

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