

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

BNSF Railway Co.,)	DOCKET TR-131721
)	
Petitioner,)	ORDER 01
)	
)	ORDER GRANTING PETITION TO
)	RECONSTRUCT A PUBLIC
CITY OF CHENEY,)	HIGHWAY-RAIL GRADE CROSSING
)	AT MULLINIX ROAD IN THE CITY
Respondent.)	OF CHENEY
)	
)	USDOT: 089624P
.....)	

BACKGROUND

- 1 On September 11, 2013, BNSF Railway Co. (BNSF or Petitioner) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to reconstruct a railroad-highway grade crossing at Mullinix Road in the city of Cheney. BNSF proposes to add another main line track to the Lakeside Subdivision which will result in the reconstruction of five public crossings, including the Mullinix Road crossing. Four crossings are located in the city of Cheney and one crossing is located in Spokane County.
- 2 The City of Cheney (City) consented to entry of an Order by the Commission without further notice or hearing.
- 3 Mullinix Road is a two-lane rural major collector with one lane in each direction. The City estimates average daily vehicle traffic over the crossing at 410 which includes three school bus trips. Mullinix Road is not a designated truck route. The posted legal speed limit is 45 miles per hour.
- 4 BNSF currently maintains one main line track at this location. The authorized and operated speed limit for freight trains is 60 and passenger trains is 79 miles per hour. Up to 39 freight trains and two passenger trains operate over the crossing on a daily basis.
- 5 Railroad warning devices at the Mullinix Road crossing consist of shoulder mounted lights and gates, crossbucks and constant warning train detection.

- 6 During the reconstruction of these five public crossings, BNSF proposes to relocate the warning devices to accommodate installation of the additional track. Existing equipment will be upgraded as needed, including installation of LED lights. The new crossing surface will be concrete and the existing crossing surface will remain intact.
- 7 The proposed upgrades are in the interest of improving safety and convenience for roadway and pedestrian users.

FINDINGS AND CONCLUSIONS

- 8 (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.*
- 9 (2) The proposed reconstruction of a crossing involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.
- 10 (3) RCW 81.53.261 and WAC 480-62-150 require that the Commission grant approval prior to reconstructing a public railroad-highway grade crossing within the state of Washington.
- 11 (4) Commission staff investigated the petition and recommends that it be granted. All traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices.*
- 12 (5) After examination of the petition filed by BNSF Railway Co. on September 11, 2013, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 13 The petition of BNSF Railway Co. to reconstruct a railroad-highway grade crossing at Mullinix Road and the Respondent's tracks in the city of Cheney is granted, as follows:
- (1) The modifications must conform to those described in the petition.

- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices*.
- (3) Petitioner must notify Commission Staff within 30 days upon completion of this modification project.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 03 in Docket A-090485. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective September 30, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).