

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF NEWPORT,

Petitioner,

Seeking Approval to Upgrade Signals
and Install a Sidewalk at a Railroad-
Highway Grade Crossing

DOCKET TR-161241

ORDER 01

ORDER GRANTING PETITION TO
MODIFY HIGHWAY-RAIL GRADE
CROSSING ACTIVE WARNING
DEVICES AND INSTALL A
SIDEWALK AT UNION AVENUE
AND AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT: 058759K

BACKGROUND

- 1 On November 28, 2016, the City of Newport (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify active warning devices and install a sidewalk at a railroad-highway grade crossing requested the Commission authorize an expenditure of \$19,501 from the Grade Crossing Protective Fund (GCPF) to pay for the cost of the upgrades. The crossing is identified as USDOT 058759K, located at Union Avenue in Newport. The City filed a revised petition on December 22, 2016, and requested the Commission authorize an expenditure of \$39,720 from the GCPF to pay for the cost of the upgrades.
- 2 The Pend Oreille Valley Railroad consented to entry of an Order by the Commission without further notice or hearing.
- 3 Union Avenue is a two-lane roadway with a posted speed limit of 25 miles per hour. Average annual daily vehicle traffic through the crossing is estimated at 1,643 vehicles. Union Avenue is part of an established truck route, with commercial vehicles making up 11 percent of total traffic. The crossing is also part of an established school bus route with two buses traveling over the crossing daily. One freight train makes three round trips per week at up to 10 miles per hour over this four-track crossing. No passenger trains operate over the crossing.
- 4 Railroad warning devices at the Union Avenue crossing consist of shoulder-mounted flashing lights, gates, crossbucks, a pedestrian warning bell, advance warning signs, and motion-sensor train detection.

- 5 The City plans to upgrade Union Avenue roadway as part of a larger street and sidewalk reconstruction project funded by the Washington State Transportation Improvement Board (TIB). The crossing lies within the limits of the larger project.
- 6 Part of the TIB project includes installation of a crosswalk adjacent to the railroad tracks. The existing gate arm in the northwest quadrant of the crossing is not parallel with the railroad tracks when in the down position and would conflict with pedestrians in the proposed crosswalk. With the GCPF grant, the City plans to rotate the gate arm approximately two feet to align parallel to the tracks and away from the crosswalk.
- 7 In addition, the existing pedestrian pathway over the crossing is non-compliant with the Americans with Disabilities Act (ADA) due to gaps between the concrete panels and the rail. With the GCPF grant, the City plans to improve the pedestrian pathway by installing new concrete panels and welding four areas of the rail to accommodate the installation of flangeway fillers. The City will install detectable warning surfaces to alert pedestrians and add pavement markings to outline the pedestrian pathway. The City also plans to replace the existing asphalt within the limits of the crossing because it is at the end of its lifespan and in need of replacement. The completed GCPF project will provide an ADA-compliant pedestrian pathway between southeast Newport and the City's downtown corridor.
- 8 Commission Staff reviewed the proposed upgrades and recommends approval of the project. The proposed upgrades are in the interest of improving the safety and convenience for roadway users and pedestrians.
- 9 The total approximate cost of the project is \$39,720. An expenditure of \$39,720 from the Grade Crossing Protective Fund is available to help fund the improvements. The Petitioner is responsible for any additional project costs.

FINDINGS AND CONCLUSIONS

- 10 (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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. RCW 81.53; RCW 81.53.271; RCW 81.53.281.
- 11 (2) The grade crossing at Union Avenue, identified as USDOT 058759K, is a public railroad-highway grade crossing within the state of Washington.

- 12 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also* WAC 480-62-150.
- 13 (4) RCW 81.53.271 allows the Commission to disburse funds from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective devices.
- 14 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 15 (6) After reviewing the City's petition filed on November 28, 2016, and the revised petition filed on December 22, 2016, and giving due 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:

- 16 The City of Newport's petition to upgrade warning devices and install a sidewalk at a railroad-highway grade crossing, located at Union Avenue, is granted. The cost of this upgrade 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 \$39,720.
 - (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 City must sign and return the attached project agreement.
 - (4) The project must be completed no later than June 15, 2017.
 - (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) The City must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective January 17, 2017.

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 website 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 website.

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