

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF TACOMA,

Petitioner,

BNSF RAILWAY CO.,

Respondent.

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

DOCKET TR-171000

ORDER 01

ORDER GRANTING PETITION TO
MODIFY HIGHWAY-RAIL GRADE
CROSSING ACTIVE WARNING
DEVICES AT MCCARVER STREET
AND AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT: 085730J

BACKGROUND

- 1 On September 26, 2017, the City of Tacoma (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify active warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT 085730J and is located at the intersection of McCarver Street and the Respondent's tracks in the city of Tacoma. The Petitioner further requested the Commission authorize an expenditure of \$50,000 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the cost of the upgrades.
- 2 The Respondent, BNSF Railway Co. (BNSF), consented to entry of an Order by the Commission without further notice or hearing.
- 3 McCarver Street 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 4,240 vehicles. McCarver Street is not part of an established school bus route. The crossing is not part of an established truck route; however, the City estimates that six percent of daily traffic includes trucks. An average of 72 freight trains and 10 passenger trains operate over this double mainline track crossing each day. Freight trains operate at 57 miles per hour and passenger trains operate at 64 miles per hour over the crossing. The crossing is located near the Ruston Way waterfront and is frequently used by pedestrians.
- 4 Railroad warning devices at the McCarver Street crossing consist of shoulder-mounted flashing lights, gates, crossbucks, and advance warning signs. Wayside horns, which are

stationary horn systems mounted at the crossing and activated by the highway-railroad warning system, are also installed at the crossing.

- 5 Two pedestrian fatalities occurred at the McCarver Street crossing within a one-year period (November 19, 2015, and November 18, 2016). In each instance, the pedestrian proceeded over the crossing following the passing of a freight train, with the crossing warning devices still active and was struck by an oncoming passenger train on the second track. With this project, the City hopes to prevent such tragedies from occurring in the future. In the short term, the City has made some roadway marking and signage improvements near the crossing, including the addition of several non-standard signs advising pedestrians of the possibility of additional trains approaching.
- 6 The City proposes to install two train-activated pedestrian signals and gates on the east side of the crossing to restrict pedestrians from proceeding over the crossing when a train is present or approaching. The pedestrian gates will descend at the same time as the roadway gates, covering both the north and south sidewalk approaches to the crossing. Any existing or new flashing lights at the crossing will be upgraded to LEDs to improve visibility. The City also proposes to install six-foot-tall ornamental metal fencing, approximately 180 linear feet on the east side and 267 linear feet on the west side of the crossing, to limit non-designated locations where pedestrians can cross the tracks. The fencing will be used to close the pedestrian crossing on the west side of the roadway and direct pedestrians to the signalized designated pedestrian crossing on the east side of the roadway. The City will realign the sidewalk and the railroad crossing panels on the east side of the roadway to channel pedestrians over the pedestrian crossing. The City also proposes to install vertical delineators in the northeast quadrant of the crossing, next to the sidewalk, to prevent vehicles from turning into a nearby parking lot and avoid vehicle/pedestrian conflicts near the crossing.
- 7 Commission Staff met with City and BNSF staff at the site in June 2017, to discuss the proposed upgrades and has reviewed the petition. Commission staff recommends approval of the project.
- 8 The total approximate cost of the project is \$299,305. The Petitioner is contributing funds toward the cost of the upgrades and is responsible for any additional project costs. An expenditure of \$50,000 from the Grade Crossing Protective Fund is available to help fund the safety improvements.

FINDINGS AND CONCLUSIONS

- 9 (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.
- 10 (2) The grade crossing at McCarver Street, identified as USDOT 085730J, is a public railroad-highway grade crossing within the state of Washington.
- 11 (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.
- 12 (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 device, without requiring the Petitioner to share the cost.
- 13 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 14 (6) After reviewing the City's petition filed on September 26, 2017, 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:

15 The City of Tacoma's petition to upgrade warning devices at a railroad-highway grade crossing, located at McCarver Street, is granted. A portion of 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 \$50,000.

- (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 City must sign and return the attached project agreement.
- (4) The project must be completed no later than April 2, 2018.
- (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 upon 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 October 10, 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).