

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of YAKIMA COUNTY, Petitioner, CENTRAL WASHINGTON RAILROAD COMPANY, BNSF RAILWAY CO., Respondents.	DOCKET TR-230494 ORDER 01 GRANTING PETITION TO MODIFY A RAILROAD-HIGHWAY GRADE CROSSING AT NORTH KEYS ROAD, YAKIMA COUNTY, SUBJECT TO CONDITIONS USDOT: 098469L
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BACKGROUND

- 1 On June 21, 2023, Yakima County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify a public railroad-highway grade crossing at the intersection of North Keys Road and a Central Washington Railroad Company (Central Washington Railroad) track near Yakima, identified as USDOT 098469L. This track is operated by Central Washington Railroad but owned by BNSF Railway Co. (BNSF).
- 2 Respondents Central Washington Railroad and BNSF consented to entry of an Order by the Commission without further notice or hearing.
- 3 North Keys Road is a three-lane minor arterial county road with a posted vehicle speed limit of 35 miles per hour. North Keys Road crosses a Central Washington Railroad branch line track at this location. Average annual daily traffic through the crossing is estimated at 3,400 vehicles. North Keys Road is part of an established truck route with 11 percent commercial vehicle traffic and is part of a school bus route with eight school buses using the crossing on school days.
- 4 Warning devices at the North Keys Road crossing consist of advance warning signs, pavement markings, reflectorized crossbucks, Emergency Notification System signs, warning bell, gates, and mast-mounted flashing warning lights. Central Washington Railroad operates up to two freight trains over this crossing daily at up to 10 miles per hour. No passenger trains operate over this crossing.

- 5 The County proposes to reconstruct the sidewalks through the crossing on North Keys Road and add detectable warning surfaces.
- 6 In describing the public safety need for these modifications in its Petition, the County states that the existing sidewalks through the crossing lack detectable warning surfaces, have excessive slope, and do not comply with the Americans with Disabilities Act. The proposed changes will improve safety for pedestrians using the crossing.
- 7 According to the Petition, the parties have reached an agreement related to apportionment of costs.
- 8 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the project must conform to the description in the Petition, (2) the County must complete the proposed modifications within three years, and (3) upon completion of the project authorized herein, the County must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

DISCUSSION

- 9 RCW 81.53.060 requires that the Commission grant approval prior to modification of a public railroad-highway grade crossing within the state of Washington. We find that the proposed modifications will improve safety for pedestrians using the crossing. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 10 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 11 (2) The North Keys Road crossing, identified as USDOT 098469L, is a public railroad-highway grade crossing within the state of Washington.
- 12 (3) RCW 81.53.060 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. See also WAC 480-62-150.
- 13 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 8, above.

- 14 (5) This matter came before the Commission at its regularly scheduled open meeting on July 13, 2023.
- 15 (6) After examining the Petition filed by the County on June 21, 2023, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition subject to Staff's recommended conditions set out in paragraph 8, above.

ORDER

THE COMMISSION ORDERS:

- 16 Yakima County's Petition to modify a public railroad-highway grade crossing located at the intersection of North Keys Road and Central Washington Railway Company's track is granted. Approval of the Petition is subject to the following conditions:
- (1) The project must conform to the description in the Petition.
 - (2) Yakima County must complete the proposed modifications within three years.
 - (3) Upon completion of the project authorized herein, Yakima County must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.
- 17 The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective July 13, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL,
Executive Director and Secretary