

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON DEPARTMENT)	DOCKET NO. TR-031077
OF GENERAL)	
ADMINISTRATION,)	ORDER NO. 01
)	
Petitioner,)	
)	
v.)	
)	
THE BURLINGTON NORTHERN)	ORDER GRANTING PETITION TO
SANTA FE RAILWAY)	CONSTRUCT A NEW PEDESTRIAN
COMPANY,)	TRAIL RAILROAD GRADE
)	CROSSING IN OLYMPIA,
Respondent.)	WASHINGTON
.....)	

BACKGROUND

- 1 On June 30, 2003, The Washington Department of General Administration filed a petition with the Commission, seeking approval to construct a pedestrian trail-railroad crossing. The crossing would be located at the intersection of the Capitol Hillside Trail and tracks of the Burlington Northern Santa Fe Railway Company, in the SE ¼ of the NW ¼ of Section 23, Township 18 N., Range 2 W., W.M., in Olympia, Washington.
- 2 Respondent has consented to an entry of an Order by the Commission without further notice or hearing.
- 3 The Washington Department of General Administration is currently constructing a six-foot wide pedestrian trail that will connect the upper State Capitol campus to Heritage Park. The trail is generally referred to as the Capitol Hillside Trail. The location and direction of the Respondent’s tracks require that the trail cross them at grade near its northern terminus.
- 4 The proposed crossing is generally located in the center of a railroad curve. Trees and other vegetation line the railroad right-of-way on its south side,

however, the area for 100 feet on either side of the proposed crossing is clear. A fence parallels the railroad right-of-way along its north side approximately ten feet from the tracks. A break in the fence constitutes the northern terminus of the trail, where it enters Heritage Park. As proposed, the trail crosses the tracks at a 90-degree angle.

- 5 Respondent maintains one branch-line track through the crossing. Average train traffic includes six freight trains per week (one round trip three times per week), traveling at a maximum speed of 10 mph.
- 6 The Petitioner proposes to install passive warning devices at the crossing, including standard crossbucks, R15-8 (“LOOK” signs), and “Stop Here For Train” signs that will designate the safe clearance distance when trains are occupying or approaching the crossing. In addition the Petitioner will install a six-foot-high chain-link fence on the south side of the tracks and parallel to the railroad right-of-way for a distance of 100 feet on either side of the crossing. The fence is intended as a means to discourage railroad trespassing.

FINDINGS AND CONCLUSIONS

- 7 (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.*
- 8 (2) The proposed pedestrian trail-railroad crossing constitutes a public railroad-highway grade crossing within the state of Washington, as defined in RCW 81.53.010.
- 9 (3) RCW 81.53.030 requires that the Commission grant approval prior to constructing public railroad-highway grade crossings within the state of Washington.

- 10 (4) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 11 (5) This matter was brought before the Commission at its regularly scheduled meeting on August 27, 2003.
- 12 (6) After examination of the petition filed by the Washington Department of General Administration on June 30, 2003, 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 the Washington Department of General Administration to construct a pedestrian trail-railroad grade crossing, located at the intersection of the Capitol Hillside Trail and the tracks of the Burlington Northern Santa Fe Railway Company, in Olympia, Washington, is granted, subject to the following conditions:
- (1) The crossing's construction and installation of warning devices must conform to the plans filed in this proceeding.
 - (2) The crossing must be hard-surfaced between the rails and for a distance of at least one foot outside of each rail for the full width of the trail.
 - (3) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
 - (4) Upon completion of the construction and installations authorized herein, petitioner must notify the Commission.

Acceptance of the crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws, regulations, and the conditions specified herein.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 27th day of August, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary