

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

WASHINGTON STATE	)	DOCKET TR-070736
DEPARTMENT OF	)	
TRANSPORTATION,	)	ORDER 01
	)	
Petitioner,	)	ORDER GRANTING PETITION TO
	)	RECONSTRUCT A HIGHWAY-RAIL
v.	)	GRADE CROSSING AND INSTALL
	)	WARNING SIGNALS AND GATES
BNSF RAILWAY COMPANY,	)	AT FREYA STREET
	)	
Respondent	)	USDOT: 927529J
	)	UTC: 2AS 1471.66
	)	
.....	)	

**BACKGROUND**

- 1     On April 17, 2007, the Washington State Department of Transportation (WSDOT) filed a petition with the Commission seeking approval to reconstruct a railroad-highway grade crossing on Freya Street. The crossing is located at Freya Street and a BNSF Railway Company (BNSF) spur track in Spokane County. Spokane County is the road authority at this crossing, however WSDOT and Spokane County have entered into a turn-back agreement, designating WSDOT as the road authority until this portion of the roadway and crossing improvements are completed. After completion of the project, the portion of Freya Street encompassing the grade crossing will revert back to Spokane County.
  
- 2     On April 24, 2007, Respondent consented to entry of an Order by the Commission without further notice or hearing.
  
- 3     WSDOT estimates average daily vehicle traffic over the crossing at 12,700, which includes commercial motor vehicles and school busses. The posted vehicle speed is 35 miles per hour. There is currently no train traffic, however the possibility of one daily round trip exists after the track is restored to operating condition. .
  
- 4     There are currently no warning devices at the crossing except cross bucks.
  
- 5     The proposal to widen Freya Street is part of a larger US-395 (North Spokane Corridor) construction project by WSDOT. A second travel lane will be added to the southbound roadway; raised medians between opposing lanes on either side of the tracks; and a

sidewalk will be constructed on the east side of Freya Street. The project will also replace the crossing surface with concrete materials; install motion sensing train detection circuitry; railroad warning devices; and shoulder-mounted signals with gates.

- 6 There is a possibility that the newly widened roadway will be open to the traveling public before the installation of active warning devices at the crossing. If this occurs, WSDOT will install and maintain appropriate passive warning devices and BNSF train crews will flag any trains over the crossing.
- 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 Freya Street crossing, identified as USDOT 927529J is a public railroad-highway grade crossing within the state of Washington.
- 10 (3) RCW 81.53.261 requires that the Commission grant approval prior to making changes in the method and manner of traffic control at public railroad-highway grade crossings within the state of Washington.
- 11 (4) Commission Staff investigated the petition and recommends that WSDOT install the following passive warning devices, if Freya Street is open to the traveling public prior to installation of active warning devices at the crossing.
- In addition to cross bucks and on the same sign post, WSDOT must install a standard “yield” sign.
  - WSDOT install advance railroad warning sign W10-1 and pavement markings, which tells travelers a crossing is approaching in advance of the cross bucks.
  - WSDOT install advance railroad warning sign W10-13, which tells travelers the crossing is not equipped with gates or lights.

- WSDOT install emergency notification sign I-13 or I-13a to provide emergency notification information.

- 12 (5) Commission Staff investigated the petition and recommended that it be granted with conditions.
- 13 (6) After examination of the petition filed by the Washington State Department of Transportation on April 17, 2007, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

### ORDER

#### THE COMMISSION ORDERS:

- 14 The petition of the Washington State Department of Transportation to modify warning devices at a railroad-highway grade crossing, located at Freya Street and the respondent's tracks in Spokane county, is granted, as follows:
- (1) The modifications must conform to those described in the petition.
  - (2) In addition to the cross bucks and on the same sign post, Washington State Department of Transportation must install a standard "yield" sign until active warning devices are installed and operational.
  - (3) Washington State Department of Transportation must install pavement markings, advance railroad warning signs W10-1 in accordance with highway engineering standards and W10-13 until active warning devices are installed and operational.
  - (4) Washington State Department of Transportation must install emergency notification sign I-13 or I-13a.
  - (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) Traffic control devices and instrument housing must be installed in such a manner as to provide required clearances from both the roadway and railroad tracks.

- (7) Upon completion of the modifications authorized herein, petitioner must notify the Commission. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing 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 81.53.261, directed the Secretary to enter this Order.

DATED at Olympia, Washington and effective May 17, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary