STATE OF WASHINGTON
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

May 16, 2012

Steven L. Gross, Assistant City Attorney
City of Auburn
25 West Main Street
Auburn, WA 98001

RE: TR-120664 - Petition on Behalf of the City of Auburn to Change a Private Crossing to a Public Highway-Rail Grade Crossing

Dear Mr. Gross:

On May 9, 2012, the City of Auburn (City) filed a petition with the Washington Utilities and Transportation Commission (Commission), seeking approval to change a private crossing to a public crossing. The crossing is located at the intersection of A Street Northwest in the City of Auburn. The USDOT number associated with this crossing is 945561A. The Commission assigned TR-120664 to this petition.

After reviewing the petition, specifically the information about the conveyance of Tract X to the City as public right-of-way followed by the construction of the public roadway in 2004, which created the intersection with the spur line, Commission staff is returning the originally filed petition. Because the information suggests that the crossing is not a private crossing, the proposed action cannot properly be characterized as changing a private crossing to a public crossing. Instead, Commission staff requests that the City complete the enclosed petition to "Construct a Highway-Rail Grade Crossing."

Prior to construction of the public roadway over the spur line, a petition to establish a new public crossing should have been filed with the Commission per Washington Administrative Code (WAC) 480-62-150(1)(a). A copy of WAC 480-62-150 is attached for your reference.

The Commission staff requests that the City of Auburn file a petition to "Construct a Highway-Rail Grade Crossing." If you have any questions, please contact Kathy Hunter at (360) 664-1257 or khunter@utc.wa.gov.

Sincerely,

DAVID W. DANNER
Executive Director and Secretary

Enclosures

cc: Megan McIntyre, BNSF Railway Co. (without enclosures)
William Gates, Gates, Gates, Gates LLC (without enclosures)
Rich Shaw, Mohawk Northern Plastics LLC dba AMPAC (without enclosures)

UTC
LITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

City of Auburn Petitioner, vs. Gates, Gates, Gates LLC; Mohawk Northern Plastics, LLC DBA Ampac; BNSF Railway Respondents.	)	DOCKET NO. TR- 120664 PETITION TO CHANGE A PRIVATE CROSSING TO A PUBLIC CROSSING USDOT Crossing No.: 945561A

The Petitioner asks the Washington Utilities and Transportation Commission to approve the change in designation of a private crossing to a public crossing.

Section 1 – Petitioner's Information

Petitioner:	City of Auburn
Street Address:	25 West Main Street
City, State and Zip Code:	Auburn, Washington 98001
Mailing Address:	Same as above
Contact Person Name:	Steven L. Gross, Assistant City Attorney
Contact Phone Number:	(253) 804-5027
Contact E-mail Address:	sgross@auburnwa.gov

Signature

Section 2 – Respondents' Information

Respondent #1:	Gates, Gates, Gates LLC (Owner)
Street Address:	24708 142nd Ave SE
City, State and Zip Code:	Kent, WA 98042
Mailing Address:	Same
Contact Person	William A. Gates
Contact Phone:	(253) 631-7771
Contact Email:	Williamgates4@me.com
Respondent #2:	Mohawk Northern Plastics, LLC DBA Ampac (Lessee)
Street Address:	701 A Street NE
City, State and Zip Code:	Auburn, WA 98002
Mailing Address:	Same as above
Contact Person:	Rich Shaw
Contact Phone:	(253) 939 8206
Contact Email:	rshaw@ampaconline.com
Respondent #3	BNSF Railway (Operator)
Street Address:	2454 Occidental Ave S; #2-D
City, State and Zip Code:	Seattle, WA 98134
Mailing Address:	Same as above
Contact Person:	Megan McIntyre
Contact Phone:	(206) 625- 6413
Contact Email:	Megan.McIntyre@bnsf.com

Section 3 – Crossing Location

1. Existing highway/roadway:	A Street Northwest (*See* Exhibit A)
2. Existing railroad:	BNSF operated over spur privately owned by Gates, Gates, Gates LLC, and leased by AMPAC
3. USDOT Crossing No.	945561A
4. Located in the:	NE 1/4 of the NE 1/4 of Sec. 13, Twp. 21, Range 04 W.M.
5. GPS location, if known:	n/a

7. Railroad mile post (nearest tenth): 21.14

8. City: Auburn County: King

Section 4 – Crossing Traffic

1. Type of public road at the crossing □ State □ County √ City

□ Port □ State Park □ Other _____

2. Average daily vehicle traffic over the tracks: 100 Vehicle speed limit: 30 mph

3. Trucks (commercial vehicles) are what percent of average daily traffic: 10%

4. Number of school buses over the crossing each day: 0

5. Name of railroad(s) operating at crossing: BNSF Railways

6. Type of railroad at crossing √ Common Carrier □ Logging □ Industrial

□ Passenger □ Excursion

7. Type of tracks at crossing □ Main Line √ Siding or Spur

8. Number of tracks at crossing One

9. Average daily train traffic, freight 0.57 (On average 3-4 train crossings per week)

Authorized freight train speed N/A Operated freight train speed: 4 mph or less

10. Average daily train traffic, passenger: 0

Authorized passenger train speed N/A Operated passenger train speed _____

Section 5 – Current Warning Devices

1. Provide a complete description of the warning devices currently located at the crossing, including signs, gates, lights, train detection circuitry and any other warning devices.

Cross buck assemblies, advance warning signs, and advance pavement markings are already in place at the crossing.

Section 6 – Justification of Proposed Changes

1. Describe in detail why the commission should approve changing the designation from a private to a public crossing.

The spur over which the road crosses is a private industrial spur track owned by Gates Gates Gates LLC, and leased to Mohawk Northwest Plastics LLC, a Delaware limited liability company, doing business as AMPAC. It was constructed in 1981 and has been in use ever since. At that time, there was no road crossing. In 1982, the property owner applied for a short plat, and designated the location of the future public roadway as Tract X. In 1986, the property owner conveyed Tract X to the City as public right of way. At that time, the property owner constructed a two-lane roadway from 7th Street NW (south of the property) up to the south side of the spur, but the roadway did **not** cross the spur until 2004, when the current public roadway was constructed. From 2004 until the present, the roadway was primarily used to access AMPAC and other businesses in its complex.

The City only recently became aware that WUTC had not received any formal request from the track owner or the City to designate this crossing as public.

BNSF Railway services the AMPAC facility, on average, twice a week with a total of three to four train movements crossing the roadway per week. Over the last 8 years that the road

crossing has existed these train movements have been in the early morning hours, around 2 am, and are not during heavy peak vehicle traffic times. AMPAC has indicated that it prefers to continue this service schedule.

The existing roadway at the crossing consists of one through lane in either direction and a center left turn lane. The roadway has been constructed to City standards for a minor arterial. It is relatively straight, the grade is flat, and it is well-lit, with street lights located within 80 feet in either direction from the crossing. *See* Exhibit B. This road is currently connected only to 3rd Street NW, which is located approximately four blocks to the south of the existing crossing. A Street NW currently acts as a local access road for two business complexes (AMPAC and the Gates Buildings) handling approximately 100 to 300 vehicles per day. In summer of 2012 this roadway will become a connected minor arterial public roadway extending to the north to 14th Street NW.

Per City of Auburn accident data, there have been no reported collisions at the crossing.

Sight distance is not currently hindered in either direction. Per the Railroad Highway Grade Crossing Handbook, the required sight distance for a 4 mph train speed and a vehicle speed of 30 mph is 40 feet. Sight distance obstructions are a minimum of 50 feet from the edge of the vehicle travel way in all directions and in most cases is greater than 50 feet. The spur line dead ends approximately 300 feet east of the road crossing.

It is the City's position that the existing cross buck assemblies, advance warning signs, and advance pavement markings, combined with the railroad's standard operating practices when trains operate over the crossing, provide adequate protection for this crossing.

The protective measures at this crossing are consistent with those used by BNSF Railway currently at the only other industrial spur crossing on an arterial roadway within Auburn which is located on C Street SW. *See* Exhibit C. C Street SW is a roadway with higher traffic volumes,

higher train volumes and higher road speeds. At that crossing, C Street SW is a four-lane roadway, with current volumes of approximately 11,800 vehicles per day, 2 train crossings per day, and a posted speed limit of 45 mph. *See* Exhibit D. In addition, BNSF and the track owner recently completed improvements to the C Street SW crossing that did not include adding active protection. Per City of Auburn accident data, there is no history of collisions between vehicles and trains at C Street SW.

Other similar crossings are located in adjacent cities including two industrial spur crossings on 76th Ave S in Kent. 76th Ave S is an existing three-lane industrial collector arterial similar in design to A Street NW handling approximately 5,200 vehicles per day. The maximum speed limit at the crossing is 35 mph. The two railroad spur crossings on 76th Ave. S are protected by passive protection cross bucks only. *See* Exhibit E.

After being opened to the north to 14th Street NW later this year, traffic on A Street NW is expected to gradually increase to handle a maximum traffic volume of approximately 13,500 vehicles per day at the crossing in 2020. The posted speed limit of the road will be 30 mph. The City estimates that traffic during the typical operating hours of the trains using this crossing will gradually increase over ten years up to an estimated maximum of 50 cars per hour between the hours of midnight and 4 am.

The City will regularly monitor the crossing and will coordinate with the WUTC and the respondents to conduct any future diagnostics as needed to evaluate the crossing for further improvement.

Section 7 – Additional Information

Supporting documentation is attached to this Petition.

Section 8 – Waiver of Hearing by Respondent

Waiver of Hearing

The undersigned represents **Respondent Gates Gates Gates, LLC** in the petition to change a private crossing to a public crossing at the following crossing:

USDOT Crossing No. 945561A

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree to the change in designation from a private to a public crossing and consent to a decision by the commission without a hearing.

Dated at _____, Washington on the _____ day of _____, 2012.

_____

Printed name of Respondent

_____

Signature of Respondent's Representative

_____

Title

_____

Name of Company

_____

Phone number and e-mail address

_____

_____

Mailing address

Waiver of Hearing

The undersigned represents **Respondent APMAC** in the petition to change a private crossing to a public crossing at the following crossing:

USDOT Crossing No. 945561A

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree to the change in designation from a private to a public crossing and consent to a decision by the commission without a hearing.

Dated at _____, Washington on the _____ day of _____, 2012.

_____

Printed name of Respondent

_____

Signature of Respondent's Representative

_____

Title

_____

Name of Company

_____

Phone number and e-mail address

_____

_____

Mailing address

Waiver of Hearing

The undersigned represents **Respondent BNSF Railways** in the petition to change a private crossing to a public crossing at the following crossing:

USDOT Crossing No. 945561A

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree to the change in designation from a private to a public crossing and consent to a decision by the commission without a hearing.

Dated at _____, Washington on the _____ day of _____, 2012.

_____

Printed name of Respondent

_____

Signature of Respondent's Representative

_____

Title

_____

Name of Company

_____

Phone number and e-mail address

_____

_____

Mailing address

WUTC Petition
A Street NW Vicinty Map

EXHIBIT A

EXHIBIT B-1

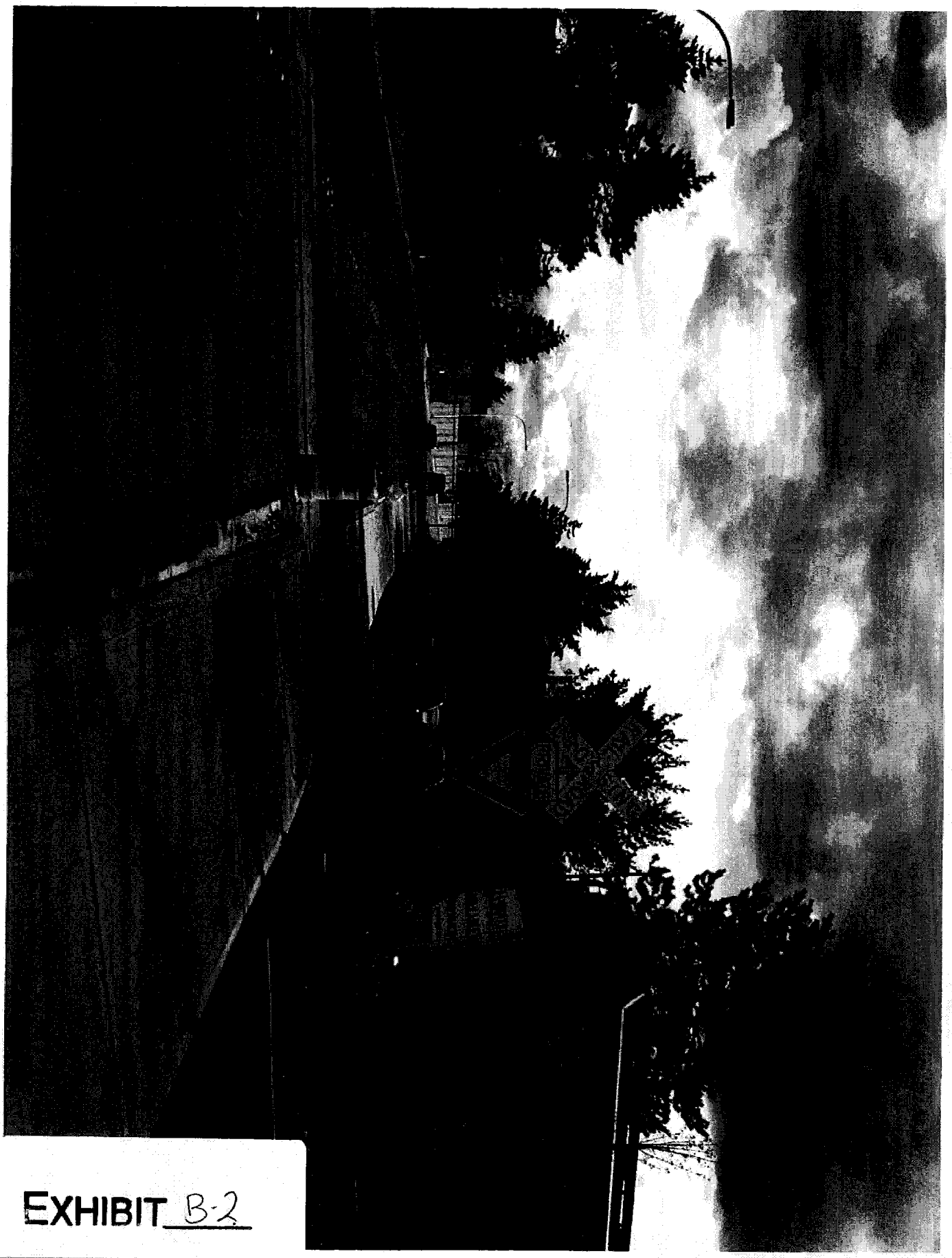

EXHIBIT B-2

EXHIBIT B3

Spur Locations with Passive Protection in Auburn

EXHIBIT C

Printed Date: 4/11/2012

Map Created by City of Auburn eGIS

Information shown is for general reference purposes only and does not necessarily represent exact geographic or cartographic data as mapped. The City of Auburn makes no warranty as to its accuracy.

04/24/2012
EXHIBIT D-1

04/24/2012
EXHIBIT D.2

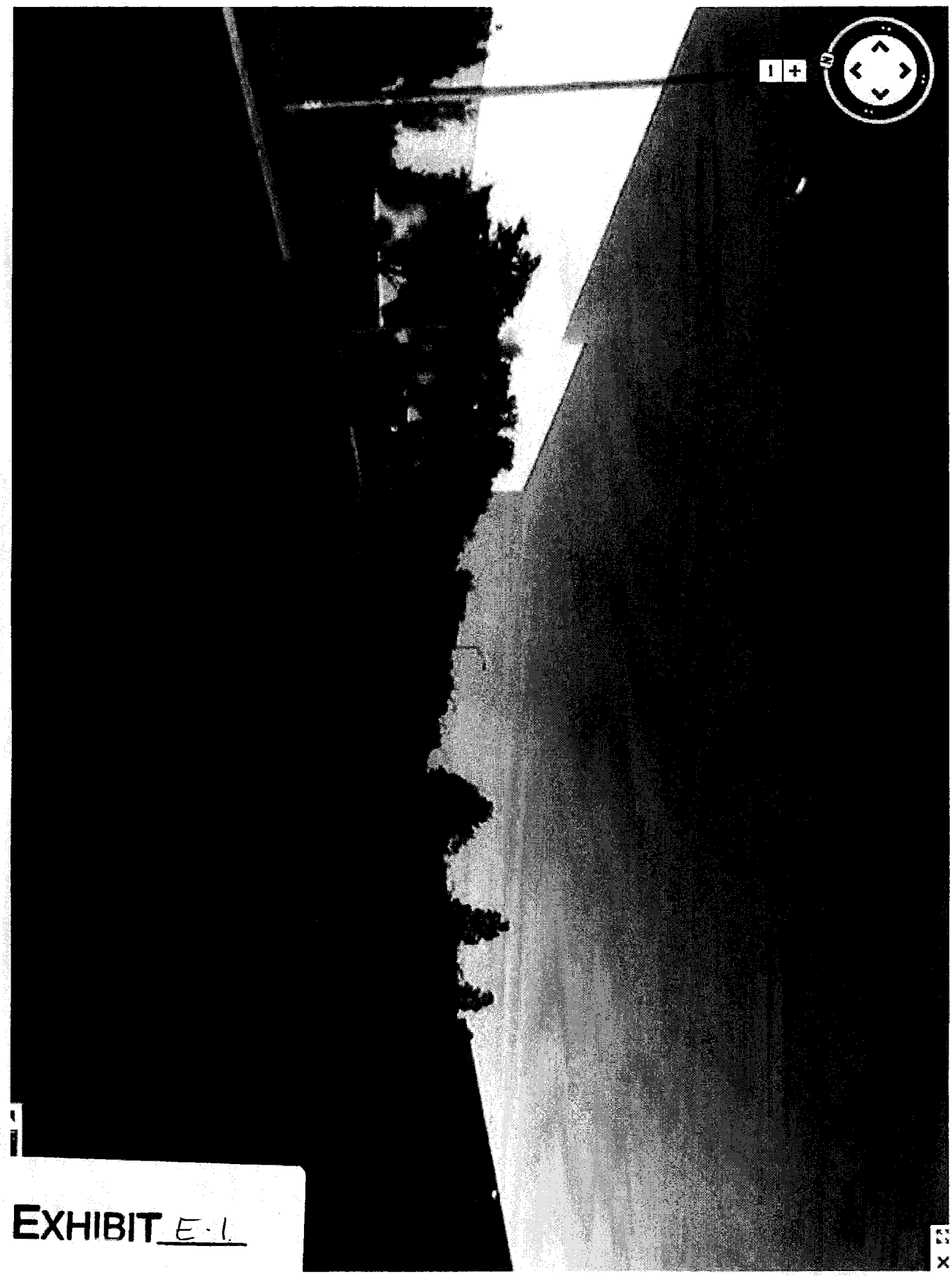

EXHIBIT E-1

EXHIBIT E.2

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

_____ Petitioner, vs. _____ Respondent	)))))))))))	DOCKET NO. TR- PETITION TO CONSTRUCT A HIGHWAY-RAIL GRADE CROSSING

Prior to submitting a Petition to Construct a Highway-Rail Grade Crossing to the Washington Utilities and Transportation Commission (UTC), State Environmental Protection Act (SEPA) requirements must be met. Washington Administrative Code (WAC) 197-11-865 (2) requires:

> **All actions of the utilities and transportation commission under statutes administered as of December 12, 1975, are exempted, except the following:**
>
> **(2) Authorization of the openings or closing of any highway/railroad grade crossing, or the direction of physical connection of the line of one railroad with that of another;**

Please attach sufficient documentation to demonstrate that the SEPA requirement has been fulfilled. For additional information on SEPA requirements contact the Department of Ecology.

The Petitioner asks the Washington Utilities and Transportation Commission to approve construction of a highway-rail grade crossing.

Section 1 – Petitioner's Information

_____
Petitioner

_____
Signature

_____
Street Address

_____

City, State and Zip Code

_____

Mailing Address, if different than the street address

_____

Contact Person Name

_____

Contact Phone Number and E-mail Address

Section 2 – Respondent's Information

_____

Respondent

_____

Street Address

_____

City, State and Zip Code

_____

Mailing Address, if different than the street address

_____

Contact Person Name

_____

Contact Phone Number and E-mail Address

Section 3 – Proposed Crossing Location

1. Existing highway/roadway _____

2. Existing railroad _____

3. Location of proposed crossing:
   Located in the____ 1/4 of the ____1/4 of Sec. ____ , Twp.____, Range _____W.M.

4. GPS location, if known _____

5. Railroad mile post (nearest tenth) _____

6. City _____ County _____

Section 4 – Proposed Crossing Information

1. Railroad company _____

2. Type of railroad at crossing ☐ Common Carrier ☐ Logging ☐ Industrial

☐ Passenger ☐ Excursion

3. Type of tracks at crossing ☐ Main Line ☐ Siding or Spur

4. Number of tracks at crossing _____

5. Average daily train traffic, freight _____

Authorized freight train speed _____ Operated freight train speed _____

6. Average daily train traffic, passenger _____

Authorized passenger train speed _____ Operated passenger train speed _____

7. Will the proposed crossing eliminate the need for one or more existing crossings?
Yes ____ No ____

8. If so, state the distance and direction from the proposed crossing.

_____

_____

_____

9. Does the petitioner propose to close any existing crossings?
Yes ____ No ____

Section 5 – Temporary Crossing

1. Is the crossing proposed to be temporary? Yes ____ No ____

2. If so, describe the purpose of the crossing and the estimated time it will be needed

_____

_____

_____

3. Will the petitioner remove the crossing at completion of the activity requiring the temporary crossing? Yes ____ No ____

Approximate date of removal _____

Section 6 – Current Highway Traffic Information

1. Name of roadway/highway _____

2. Roadway classification _____

3. Road authority _____

4. Estimated average annual daily traffic (AADT) _____

5. Estimated average pedestrian use per day _____

6. Number of lanes _____

7. Roadway speed _____

8. Is the crossing part of an established truck route? Yes _____ No _____

9. If so, trucks are what percent of total daily traffic? _____

10. Is the crossing part of an established school bus route? Yes _____ No _____

11. If so, how many school buses travel over the crossing each day? _____

12. Describe any changes to the information in 1 through 7, above, expected within ten years:

_____

_____

Section 7 – Alternatives to the Proposal

1. Does a safer location for a crossing exist within a reasonable distance of the proposed location?
   Yes ____ No ____

2. If a safer location exists, explain why the crossing should not be located at that site.

   _____

   _____

   _____

   _____

3. Are there any hillsides, embankments, buildings, trees, railroad loading platforms or other barriers in the vicinity which may obstruct a motorist's view of the crossing?
   Yes ____ No ____

4. If a barrier exists, describe:
   - ♦ Whether petitioner can relocate the crossing to avoid the obstruction and if not, why not.
   - ♦ How the barrier can be removed.
   - ♦ How the petitioner or another party can mitigate the hazard caused by the barrier.

   _____

   _____

   _____

   _____

5. Is it feasible to construct an over-crossing or under-crossing at the proposed location as an alternative to an at-grade crossing?
   Yes ____ No ____

6. If an over-crossing or under-crossing is not feasible, explain why.

   _____

   _____

   _____

   _____

7. Does the railway line, at any point in the vicinity of the proposed crossing, pass over a fill area or trestle or through a cut where it is feasible to construct an over-crossing or an under-crossing, even though it may be necessary to relocate a portion of the roadway to reach that point?

Yes ____ No ____

8. If such a location exists, state:
   - ♦ The distance and direction from the proposed crossing.
   - ♦ The approximate cost of construction.
   - ♦ Any reasons that exist to prevent locating the crossing at this site.

_____

_____

_____

_____

_____

_____

_____

_____

9. Is there an existing public or private crossing in the vicinity of the proposed crossing?

Yes ____ No ____

10. If a crossing exists, state:
   - ♦ The distance and direction from the proposed crossing.
   - ♦ Whether it is feasible to divert traffic from the proposed to the existing crossing.

_____

_____

_____

_____

_____

Section 8 – Sight Distance

1. Complete the following table, describing the sight distance for motorists when approaching the tracks from either direction.

a. Approaching the crossing from _____, the current approach provides an unobstructed view as follows: (North, South, East, West)

Direction of sight (left or right)	Number of feet from proposed crossing	Provides an unobstructed view for how many feet
Right		
Right		
Right		
Right		
Right		
Left		
Left		
Left		
Left		
Left		

b. Approaching the crossing from _____ , the current approach provides an unobstructed view as follows: (Opposite direction-North, South, East, West)

Direction of sight (left or right)	Number of feet from proposed crossing	Provides an unobstructed view for how many feet
Right		
Right		
Right		
Right		
Right		
Left		
Left		
Left		
Left		
Left		

2. Will the new crossing provide a level approach measuring 25 feet from the center of the railway on both approaches to the crossing?

Yes ____ No ____

3. If not, state in feet the length of level grade from the center of the railway on both approaches to the crossing. _____

4. Will the new crossing provide an approach grade of not more than five percent prior to the level grade?

Yes ____ No ____

5. If not, state the percentage of grade prior to the level grade and explain why the grade exceeds five percent.

_____

_____

_____

Section 9 – Illustration of Proposed Crossing Configuration

Attach a detailed diagram, drawing, map or other illustration showing the following:

- ♦ The vicinity of the proposed crossing.
- ♦ Layout of the railway and highway 500 feet adjacent to the crossing in all directions.
- ♦ Percent of grade.
- ♦ Obstructions of view as described in Section 7 or identified in Section 8.
- ♦ Traffic control layout showing the location of the existing and proposed signage.

Section 10 – Proposed Warning Signals or Devices

1. Explain in detail the number and type of automatic signals or other warning devices planned at the proposed crossing, including a cost estimate for each.

_____

_____

_____

_____

_____

_____

_____

_____

_____

2. Provide an estimate for maintaining the signals for 12 months. _____

3. Is the petitioner prepared to pay to the respondent railroad company its share of installing the warning devices as provided by law?

Yes ____ No ____

Section 11 – Additional Information

Provide any additional information supporting the proposal, including information such as the public benefits that would be derived from constructing a new crossing as proposed.

_____

_____

_____

_____

_____

_____

_____

_____

_____

Section 12 – Waiver of Hearing by Respondent

Waiver of Hearing

The undersigned represents the Respondent in the petition to construct a highway-railroad grade crossing.

USDOT Crossing No.: _____

We have investigated the conditions at the proposed or existing crossing site. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree that a crossing be installed or reconstructed and consent to a decision by the commission without a hearing.

Dated at _____ , Washington, on the _____ day of

_____, 20 ____.

_____
Printed name of Respondent

_____
Signature of Respondent's Representative

_____
Title

_____
Name of Company

_____
Phone number and e-mail address

_____

_____
Mailing address

WAC 480-62-150

Grade crossing petitions.

(1) Whenever a railroad company, city, county, the department of transportation, the parks and recreation commission, or the commission seeks to take any of the following actions at a railroad-highway grade crossing, it must file a petition with the commission seeking approval under RCW 81.53.020 and 81.53.060:

(a) Opening a railroad-highway crossing at-grade, or by constructing an overcrossing or undercrossing;

(b) Closing a railroad-highway crossing;

(c) Constructing supplemental safety measures under RCW 81.48.015(1), including, but not limited to, median barriers;

(d) Realigning highway or railroad tracks;

(e) Widening highways;

(f) Constructing multiple tracks; or

(g) Changes to crossing surfaces that alter:

- The dimensions of an existing surface;
- The angle at which the tracks intersect a highway; or
- The vertical alignment of a crossing (i.e., to accommodate track superelevation, or changes in railroad or roadway grade).

(2) Whenever a railroad company, city, county, the department of transportation, the parks and recreation commission, or the commission seeks to take any of the following actions at a railroad-highway grade crossing, it must file a petition with the commission seeking approval under RCW 81.53.261:

(a) Modifying or upgrading warning signals or devices;

(b) Adding a crossing signal;

(c) Adding gates to a crossing signal;

(d) Modifying or upgrading circuitry for a warning signal; or

(e) Installing an intertie between railroad crossing signals and highway traffic signals.

(3) This rule applies to all railroad companies, including logging and industrial railroads, however, it does not apply to crossings within the limits of first class cities, unless federal funding is used at the crossing.