

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-130367
)	
PEND OREILLE COUNTY,)	ORDER 01
)	
Petitioner,)	
)	ORDER GRANTING PETITION TO
v.)	RECLASSIFY A RAILROAD-
)	HIGHWAY GRADE CROSSING AT
PEND OREILLE VALLEY)	LOST CREEK DRIVE FROM PRIVATE
RAILROAD,)	TO PUBLIC
)	
Respondent.)	USDOT: 934805B
.....)	

BACKGROUND

- 1 On March 7, 2013, Pend Oreille County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to reclassify a railroad-highway grade crossing from private to public. The crossing is identified as USDOT 934805B and is located at the intersection of Lost Creek Drive and the Respondent’s tracks in Pend Oreille county.

- 2 Current railroad warning devices at the crossing consist of cross-bucks and yield signs. Trains operate over the single main line track crossing intermittently, with train traffic limited to less than one train per day. Trains travel at a maximum speed of up to 20 miles per hour.

- 3 The private railroad crossing located on Lost Creek Drive currently provides access to a proposed subdivision development along the Pend Oreille River. The developer proposes to construct up to 28 homes at this location. Pend Oreille County is assuming ownership and responsibility for Lost Creek Drive, thus changing the classification of the roadway to public. In addition, the roadway and crossing will be open, accessible and in use to the public.

- 4 The County anticipates up to 50 vehicles per day will use the crossing, which includes ten commercial motor vehicles. The posted vehicle speed limit is 25 miles per hour. School buses may travel over the crossing once the homes are constructed.

- 5 Pend Oreille County proposes to maintain the current warning devices. Commission Staff recommends and Pend Oreille Valley Railroad agrees to remove vegetation in the

southeast and southwest quadrants to ensure adequate sight distance is maintained. In addition, Pend Oreille Valley Railroad will install I-13 emergency notification signs per applicable standards in the U.S. Department of Transportation 2009 Manual on Uniform Traffic Control Devices. Current characteristics at the Lost Creek Drive crossing do not warrant active warning devices.

6 The crossing meets the statutory criteria for a public crossing. The crossing is located at the intersection of railroad tracks and a highway, as defined in RCW 81.53.010. The railroad tracks are owned and maintained by Pend Oreille Valley Railroad, a railroad company regulated by the Commission. Further, the highway will be owned and maintained by a public road authority. By reclassifying the crossing, the safety oversight of the crossing falls under the jurisdiction of the Commission. The designation should be changed from a private crossing to a public crossing.

7 Pend Oreille Valley Railroad consented to entry of an Order by the Commission without further notice or hearing.

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. RCW 81.53.

9 (2) The grade crossing at Lost Creek Drive, identified as USDOT 934805B, is a private railroad-highway grade crossing within the state of Washington.

10 (3) RCW 81.53.060 requires the Commission grant approval prior to a change to the manner of a railroad-highway grade crossing within the state of Washington. Reclassifying the designation of a crossing from private to public is a change to the manner of a crossing.

11 (4) Commission Staff investigated the petition and recommended that it be granted with conditions:

A. Pend Oreille Valley Railroad must remove the vegetation in the southeast and southwest quadrants of the crossing.

- B. Pend Oreille Valley Railroad must install I-13 emergency notification signage at the crossing, per applicable standards in the U.S. Department of Transportation 2009 Manual on Uniform Traffic Control Devices.
- 12 (5) After reviewing the petition filed on March 7, 2013, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

O R D E R

THE COMMISSION ORDERS:

- 13 The Pend Oreille County petition to reclassify a railroad-highway grade crossing, located at the intersection of Lost Creek Drive and Pend Oreille Valley Railroad tracks, from a private crossing to a public crossing, is granted, subject to the following conditions:
- (1) Pend Oreille Valley Railroad must remove the vegetation in the southeast and southwest quadrants of the crossing by June 1, 2013.
 - (2) Pend Oreille Valley Railroad must install emergency notification signage, I-13 at the crossing, per applicable standards in the U.S. Department of Transportation 2009 Manual on Uniform Traffic Control Devices by June 1, 2013.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective April 25, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Acting Executive Director and Secretary