

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

BNSF RAILWAY CO.,	)	DOCKET TR-143170
)	
Petitioner,	)	ORDER 01
)	
	)	ORDER GRANTING PETITION TO
CITY OF BURLINGTON,	)	RECONSTRUCT AND INSTALL
	)	ACTIVE WARNING DEVICES AT A
Respondent.	)	PUBLIC HIGHWAY-RAIL GRADE
	)	CROSSING AT SPRUCE STREET IN
	)	BURLINGTON
)	
.....	)	USDOT: 092260V

BACKGROUND

- 1 On August 20, 2014, BNSF Railway Co., (BNSF or Petitioner) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to reconstruct a railroad-highway grade crossing at Spruce Street in the city of Burlington. BNSF proposes to realign the track through the existing crossing and install active warning devices.
- 2 The City of Burlington (City) consented to entry of an Order by the Commission without further notice or hearing.
- 3 Spruce Street is a two-lane city street with one lane in each direction. The City estimates average daily vehicle traffic over the crossing at 5,969 vehicles. Spruce Street is not a designated truck or school bus route. The posted legal speed limit is 25 miles per hour.
- 4 BNSF maintains a spur track at this location, the Anacortes spur. The Anacortes spur serves the Anacortes area. Up to six trains per day traveling ten miles per hour operate over the spur tracks.
- 5 Railroad warning devices at the Spruce Street crossing consist of crossbucks, yield signs and advance warning signs.
- 6 BNSF proposes to realign the track by six feet to reduce the curvature of the track, install shoulder mounted lights and gates with predictor circuitry and install a new concrete crossing surface. The lights installed will be LED type. The footprint of the crossing will be adjusted slightly to accommodate the realignment of the tracks. The realignment will enable BNSF to increase the train speed to 20 miles per hour on the Anacortes spur line. Installing

new track materials, crossing surface and active warning devices with predictor circuitry all contribute to improving safety at the Spruce Street crossing.

7 The proposed upgrades are in the interest of improving safety and convenience for roadway 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 proposed reconstruction of a crossing involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.

10 (3) RCW 81.53.261 and WAC 480-62-150 require that the Commission grant approval prior to reconstructing a public railroad-highway grade crossing within the state of Washington.

11 (4) Commission staff investigated the petition and recommends that it be granted. All traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices.*

12 (5) After examination of the petition filed by BNSF Railway Co., on August 20, 2014, 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 BNSF Railway Co., to reconstruct a railroad-highway grade crossing at Spruce Street and the Respondents' tracks in Burlington is granted, as follows:

- (1) The modifications must conform to those described in the petition.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *2009 Manual on Uniform Traffic Control Devices.*

- (3) Active warning devices must be installed by September 1, 2015.
- (4) Petitioner must notify Commission Staff within 30 days upon completion of this modification project.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 03 in Docket A-090485. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective October 15, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).