

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-180725
EASTERN WASHINGTON GATEWAY RAILROAD,	ORDER 01
Petitioner,	ORDER GRANTING PETITION TO CONSTRUCT A PUBLIC RAILROAD-HIGHWAY GRADE CROSSING AT SOUTH CRAIG ROAD
To Construct a Public Railroad-Highway Grade Crossing	USDOT: 971870F

BACKGROUND

- 1 On August 29, 2018, Eastern Washington Gateway Railroad (EWGR or Petitioner) filed a petition with the Washington Utilities and Transportation Commission (Commission) seeking approval to construct a public railroad-highway grade crossing at S. Craig Road in Spokane County (Petition). The crossing will be identified as USDOT 971870F. The crossing will be located at an approximate GPS location of Latitude 47.625021; Longitude -117.604027. The railroad tracks, which are classified as a spur line, will cross S. Craig Road at or near this location.
- 2 The decision to construct an at-grade crossing at this location is due to the Spokane International Airport's Trunk Rail Extension Project, which is partially funded by the Washington State Department of Transportation. The new crossing will allow extension of the tracks to the east side of S. Craig Road where the airport hopes to attract industrial development. According to the Petition, expanding the rail infrastructure and service will promote and support industrial growth in the Spokane/Airway Heights area by providing industrial facilities with access to the existing Geiger Spur and connections to regional railroads.
- 3 Respondent Spokane County consented to entry of an Order by the Commission without further notice or hearing.
- 4 S. Craig Road is a two-lane rural collector arterial roadway with a speed limit of 45 miles per hour. The average annual daily traffic is 3,200 vehicles, including 42 percent commercial motor vehicles. Up to 20 school buses use S. Craig Road daily.

- 5 Crossing construction involves one spur track. Once the crossing is constructed and in use, the estimated average train traffic to be two freight trains per day. The operating train speed will be 10 miles per hour. No passenger trains will use this crossing.
- 6 Establishment of the new rail line across S. Craig Road will take place in two phases. Phase One involves construction of the spur line across S. Craig Road and installation of concrete crossing panels, pavement markings, and “Tracks Out of Service” and advance warning signage on both approaches to the crossing. The new spur track will not be placed into service and an earthen bumper will be installed west of the crossing to prevent any trains from accessing the crossing. Estimated completion of Phase One is the end of 2018.
- 7 Phase Two of the project will be completed before the spur track becomes active, following development of adjacent property by industries requiring freight transportation. Phase Two involves installation of active warning devices, including shoulder-mounted lights and gates, and removal of “Tracks Out of Service” signs and the earthen bumper. No trains will operate over the crossing until the active warning devices are installed and functioning.
- 8 Commission staff (Staff) understands from the parties that a new rail operator has been selected to operate over the CW Branch of the Palouse River & Coulee City Rail System. Details regarding the successor operator, including start date, have not been formally announced.
- 9 The Spokane Airport Board, as State Environmental Policy Act (SEPA) lead agency for the proposal, issued a Determination of Non-significance, thereby completing the SEPA procedures for the opening of a grade crossing.
- 10 The Petitioner conducted a feasibility study, utilizing the Federal Highway Administration’s Grade Separation Guidelines, and determined that constructing a grade separation at S. Craig Road does not meet minimum thresholds, is not economically feasible, and is impractical due to the relatively flat terrain, limited space, and projected low train volume and speed.
- 11 Staff investigated EWGR’s petition to construct the S. Craig Road crossing at-grade. Staff recommends that the Commission find grade separation impracticable at this location.

- 12 Staff recommends the Commission grant the Petition subject to the following conditions:
- (a) All construction and engineering for Phase One must substantially conform to the Petition and engineering design plans filed in this Docket.
 - (b) EWGR, or any successor railroad operator, must provide a report to the commission annually, beginning September 13, 2019, and continuing until construction officially begins, regarding the status of Phase Two of the project. The report should include, at a minimum, information regarding development of the adjacent property requiring freight transportation.
 - (c) Active warning devices must be installed prior to the crossing being put into service. Sixty days prior to installation of the active warning devices, EWGR, or any successor railroad operator, must provide final engineering plans of the crossing to Commission Staff for final review and approval.
 - (d) EWGR, or any successor railroad operator, must remove the “Tracks Out of Service” signage prior to the crossing being put into service.
 - (e) Traffic control devices must comply with all applicable standards specified in the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD).
 - (f) The Petitioner, or any successor railroad operator, must notify the Commission within 30 days after completion of each phase. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and conditions set forth in this order.

DISCUSSION

- 13 We agree with Staff’s recommendation. RCW 81.53.020 requires that all new highway-railroad grade crossings be grade separated where practicable. Highway-railroad crossings may be authorized at-grade by the Commission but only upon finding that grade separation is impracticable. Based on the results of the feasibility study conducted by the Petitioner, we find that grade separation is impracticable. Accordingly, we grant the Petition to construct a public railroad-highway grade crossing at S. Craig Road in Spokane County subject to the conditions set out in paragraph 12, above.

FINDINGS AND CONCLUSIONS

- 14 (1) The 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.
- 15 (2) The proposed construction of a crossing involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.
- 16 (3) RCW 81.53.030 and WAC 480-62-150(1)(a) require the Commission grant approval prior to constructing a public railroad-highway grade crossing within the State of Washington.
- 17 (4) RCW 81.53.020 requires all new highway-railroad crossings to be grade separated where practicable. The Commission finds that it is not practicable to grade separate the S. Craig Road crossing.
- 18 (5) The Petition should be granted, subject to the following conditions:
- (a) All construction and engineering for Phase One must substantially conform to the Petition and engineering design plans filed in this Docket.
 - (b) EWGR, or any successor railroad operator, must provide a report to the commission annually, beginning September 13, 2019, and continuing until construction officially begins, regarding the status of Phase Two of the project. The report should include, at a minimum, information regarding development of the adjacent property requiring freight transportation.
 - (c) Active warning devices must be installed prior to the crossing being put into service. Sixty days prior to installation of the active warning devices, EWGR, or any successor railroad operator, must provide final engineering plans of the crossing to Commission Staff for final review and approval.
 - (d) EWGR, or any successor railroad operator, must remove the “Tracks Out of Service” signage prior to the crossing being put into service.
 - (e) Traffic control devices must comply with all applicable standards specified in the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD).

- (f) The Petitioner, or any successor railroad operator, must notify the Commission within 30 days after completion of each phase. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and conditions set forth in this order.
- 19 (6) After examination of the Petition filed by EWGR on August 29, 2018, and giving consideration to all relevant matters, the Commission has determined that construction of a public railroad-highway grade crossing at S. Craig Road is consistent with RCW 81.53.020, and the Petition should be granted.

ORDER

THE COMMISSION ORDERS:

- 20 (1) Eastern Washington Gateway Railroad's Petition to construct a public railroad-highway grade crossing at S. Craig Road in Spokane county, Washington, is granted, subject to the following conditions:
- (a) All construction and engineering for Phase One must substantially conform to the Petition and engineering design plans filed in this Docket.
- (b) Eastern Washington Gateway Railroad, or any successor railroad operator, must provide a report to the commission annually, beginning September 13, 2019, and continuing until construction officially begins, regarding the status of Phase Two of the project. The report should include, at a minimum, information regarding development of the adjacent property requiring freight transportation.
- (c) Active warning devices must be installed prior to the crossing being put into service. Sixty days prior to installation of the active warning devices, Eastern Washington Gateway Railroad, or any successor railroad operator, must provide final engineering plans of the crossing to Commission Staff for final review and approval
- (d) Eastern Washington Gateway Railroad, or any successor railroad operator, must remove the "Tracks Out of Service" signage prior to the crossing being put into service.

- (e) Traffic control devices must comply with all applicable standards specified in the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD).
- (f) Eastern Washington Gateway Railroad, or any successor railroad operator, must notify the Commission within 30 days after completion of each phase. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and conditions set forth in this order.

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 September 13, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary