

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Petition of</p> <p>WASHINGTON EASTERN RAILROAD, LLC,</p> <p style="text-align: center;">Petitioner,</p> <p>Seeking Approval to Modify Active Warning Devices at a Highway-Rail Grade Crossing and Requesting Disbursement from the Grade Crossing Protective Fund</p>	<p>DOCKET TR-220653</p> <p>ORDER 01</p> <p>GRANTING PETITION TO MODIFY ACTIVE WARNING DEVICES AT A PUBLIC HIGHWAY-RAIL GRADE CROSSING AT BETZ ROAD AND AUTHORIZING EXPENDITURE FROM THE GRADE CROSSING PROTECTIVE FUND</p> <p>USDOT: 066318H</p>
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BACKGROUND

- 1 On August 31, 2022, the Washington Eastern Railroad, LLC, (Washington Eastern or Petitioner), filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify active warning devices at a highway-rail grade crossing identified as USDOT 066318H. The crossing is located at the intersection of Betz Road and the Petitioner’s tracks in Cheney, Spokane County. The Petitioner further requests the Commission authorize an expenditure of \$20,000 from the Grade Crossing Protective Fund (GCPF) to partially pay for the modifications.
- 2 Respondents, the City of Cheney and the Washington State Department of Transportation (track owner), consented to entry of an Order by the Commission without further notice or hearing.
- 3 Betz Road is a five-lane city street with a posted speed limit of 35 miles per hour. Estimated average annual daily vehicle traffic through the crossing is 15,100 vehicles. Betz Road is part of an established truck route with approximately 2 percent commercial vehicle traffic and is part of an established school bus route carrying 40 school buses each school day. One daily freight train operates over this crossing, not exceeding 10 miles per hour. No passenger trains operate over the crossing.
- 4 Railroad warning devices at the Betz Road crossing consist of advance warning signs, pavement markings, crossbucks, ENS signs, warning bells, mast and cantilever-mounted flashing warning lights, and gates. The Petitioner proposes to upgrade all warning lights

at the crossing to LEDs and to update the signal system drawings. These upgrades will improve visibility, reliability, and serviceability of the signals, thereby increasing safety for roadway users of the crossing. The total cost of the materials and contract labor is \$22,214.51. GCPF funds are available for this project. The Petitioner will pay the balance that exceeds \$20,000, or \$2,214.51.

- 5 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) expenditure from the GCPF must not exceed \$20,000, (2) payment will be made upon presentation of claim for reimbursement for materials and verification by Staff that the work has been satisfactorily completed, (3) the Petitioner must sign and return the attached project agreement, (4) the project must be completed by June 15, 2023, (5) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*, and, (6) the Petitioner must notify the Commission immediately upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

DISCUSSION

- 6 RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. RCW 81.53.271 authorizes the Commission to disburse funds from the GCPF to pay for improvements to highway-rail grade crossings. We find that the proposed modifications will improve overall safety for roadway users. Accordingly, the Commission grants the Petition subject to the conditions Staff recommends.

FINDINGS AND CONCLUSIONS

- 7 (1) The Commission is an agency of the state of Washington having jurisdiction over public highway-rail grade crossings within the state of Washington, and authority to approve and administer disbursements from the GCPF.
- 8 (2) The grade crossing at Betz Road, identified as USDOT 066318H, is a public highway-rail grade crossing within the state of Washington.
- 9 (3) RCW 81.53.261 requires the Commission to grant approval prior to any changes to public highway-rail grade crossings within the state of Washington.¹

¹ See also WAC 480-62-150.

- 10 (4) RCW 81.53.271 allows the Commission to disburse funds from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device without requiring the Petitioner to share the cost.
- 11 (5) Commission Staff investigated the Petition and recommends that it be granted subject to the conditions set out in paragraph 5, above.
- 12 (6) After reviewing the Petition filed by Washington Eastern on August 31, 2022, and giving due consideration to all relevant matters and for good cause shown, the Commission should grant the Petition and request for disbursement of funds, subject to the conditions set out in paragraph 5 of this Order.

ORDER

THE COMMISSION ORDERS:

- 13 Washington Eastern Railroad, LLC's Petition to upgrade warning devices at the highway-rail grade crossing located at Betz Road in Cheney is granted subject to the conditions specified below. The cost of the materials for this upgrade shall be paid from the Grade Crossing Protective Fund. Approval of the Petition is subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
 - (2) Payment will be made upon presentation of claim for reimbursement for materials and verification by Commission Staff that the work has been satisfactorily completed.
 - (3) Washington Eastern Railroad, LLC, must sign and return the attached project agreement.
 - (4) The project must be completed no later than June 15, 2023.
 - (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*; and,
 - (6) Washington Eastern Railroad, LLC, must notify the Commission immediately of the completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-180762. The Secretary finds this Order to be consistent with the public interest.

DATED at Lacey, Washington, and effective October 27, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL,
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904, you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.