

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-111147
)	
CITY OF MARYSVILLE,)	ORDER 01
)	
Petitioner,)	ORDER GRANTING PETITION TO
)	CONSTRUCT A PUBLIC
)	RAILROAD-HIGHWAY GRADE
)	CROSSING AT 84 th STREET
)	NORTHEAST IN MARYSVILLE
To Construct a Public Railroad-Highway)	
Grade Crossing.)	USDOT: 929057W
.....)	
	.	

BACKGROUND

- 1 On June 22, 2011, the City of Marysville (City or Petitioner) filed a petition with the Washington Utilities and Transportation Commission (Commission) seeking approval to construct a public railroad-highway grade crossing at 84th Street Northeast. The crossing will be identified as USDOT 929057W. The crossing will be located at milepost 40.09 along BNSF Railway Company's (BNSF Railway) line in Marysville. The railroad tracks, which are classified as main line, will cross 84th Street Northeast at this location.
- 2 The decision to construct an at-grade crossing at this location results from the City's plan to eliminate two passively protected private crossings and provide access via a new public crossing equipped with active warning devices. The two private crossings are both located within 377 feet of the proposed crossing. Also as part of the project, the City will install and interconnect a new traffic light at the nearby intersection of 84th Street Northeast and State Street. The proposed interconnection of the railroad crossing signals and traffic light will ensure that all vehicles clear the tracks when a train approaches.
- 3 Construction of a grade separation is not practicable at this location because of established developed properties nearby and unfavorable grades.
- 4 On June 30, 2011, BNSF Railway consented to entry of an Order by the Commission without further notice or hearing.
- 5 84th Street Northeast will be classified as an arterial road with a speed limit of 30 miles per hour. The roadway will have one westbound and two eastbound lanes. The

Petitioner estimates average annual daily traffic at 2,400 with no commercial motor vehicles or school buses traveling over the crossing.

- 6 Eleven freight and four passenger trains traveling up to 50 miles per hour will travel over this crossing per day.
- 7 The crossing will be protected by cantilever-mounted lights and a gate for eastbound traffic. Shoulder-mounted lights and a gate will be installed on the southbound approach. In addition, the City will install a new traffic light at the intersection of 84th Street Northeast and State Street. The traffic light will be interconnected with the railroad warning devices and advance pre-emption will be established. The exact advance pre-emption time will be determined during the final design stage of the project. The City will also install a “No Right Turn” blank out sign for traffic turning right onto 84th Street Northeast. Sidewalks will be installed on both sides of the crossing and will be maintained by the City.
- 8 The City, as State Environmental Policy Act (SEPA) lead agency for the proposal has issued a Determination of Non-significance thereby completing the SEPA procedures for opening of a new railroad-highway grade crossing.
- 9 Examination of the petition and consideration of relevant facts support granting the petition.

FINDINGS AND CONCLUSIONS

- 10 (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*.
- 11 (2) The proposed construction of a crossing involves a public railroad-highway grade crossing, as defined in *RCW 81.53.010*.
- 12 (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.
- 13 (4) It is not practicable to construct the crossing above or below grade because of established developed properties and unfavorable grades at this location.

14 (5) Commission Staff conducted an investigation and recommended that the petition be granted.

15 (6) After examination of the petition filed by City on June 22, 2011, and giving consideration to all relevant matters, the Commission has determined that construction of a public railroad-highway grade crossing at 84th Street Northeast is reasonable and the petition of City should be granted.

O R D E R

THE COMMISSION ORDERS:

16 (1) The petition of City of Marysville to construct a public railroad-highway grade crossing at 84th Street Northeast, Washington, is granted, subject to the following conditions:

(1) All construction and installation must substantially conform to the petition and engineering design plans filed in this Docket.

(2) The City of Marysville must provide final design and advance pre-emption calculations to the Commission at least 60 days prior to starting construction of the new railroad-highway grade crossing.

(3) Traffic control devices, advance warning signs, and pavement markings must comply with applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.

(4) Upon completion of the authorized construction, Petitioner must notify the Commission within 30 days. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the 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 July 28, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary