

RESOLUTION NO. R-3048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF KIRKLAND, A DEPARTMENT OF TRANSPORTATION CITY/COUNTY AGREEMENT FOR GRANT APPLICATION FOR RAILROAD CROSSING IMPROVEMENTS TO CERTAIN BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY CROSSINGS WITHIN THE NORTHEAST 124TH STREET IMPROVEMENT PROJECT.

Whereas, certain improvements within railroad right-of-way street crossings have been included within the approved design for the Northeast 124th Street improvement project; and

Whereas, there are available certain grant in aid funds allocable to the City of Kirkland for construction of such improvements in conjunction with said street improvement project; and

Whereas, the City of Kirkland desires to submit application for such a grant by way of a Washington State Department of Transportation City/County Agreement for grant application, now, therefore,

.Be it resolved by the City Council of the City of Kirkland as follows:

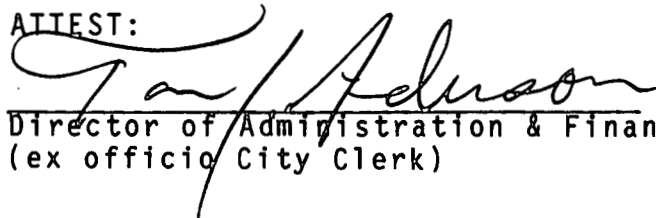
Section 1. The City Manager of the City of Kirkland is hereby authorized and directed to sign on behalf of the City of Kirkland, a Washington State Department of Transportation City/County Grant Application Agreement (or supplement thereto) to provide funding for railroad right-of-way crossing improvements in conjunction with the Northeast 124th Street improvement project. The City Manager is further authorized to sign on behalf of the City, any petitions or other documents that may be required to be filed with the Washington Utilities and Transportation Commission, seeking said Commission's authorization to perform such railroad crossing right-of-way improvements.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 6th day of September, 1983.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

  
MAYOR

ATTEST:

  
Director of Administration & Finance  
(ex officio City Clerk)

AGENCY City of Kirkland	WASHINGTON STATE DEPARTMENT OF TRANSPORTATION CITY/COUNTY AGREEMENT	FEDERAL AID PROJECT NUMBER
DATE 9/6/83		AGREEMENT NUMBER

The Local Agency having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) Office of Management and Budget Circular A-102, (4) the policies and procedures promulgated by the Washington State Department of Transportation and, (5) the Federal-aid Project Agreement entered into between the State and Federal Government, relative to the above project, the Washington State Department of Transportation will authorize the Local Agency to proceed on the project by a separate notification. Federal funds which are to be obligated for the project may not exceed the amount shown herein on line p., column (3) without written authority by the State, subject to the approval of the Federal Highway Administrator. All project costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.

**PROJECT DESCRIPTION**

Name NE 124th Railroad Crossing Length .2 miles

Termini 124th Ave. NE & 120th Ave. NE  
 Concurrent PE and construction request

Description of Work to rehabilitate existing grade crossings on NE 124th St. and

Kingsgate Way NE by improving signalization, and relocating signal due to

improved & widened crossing approaches related to the

NE 124th St. Improvement Project. (10%) (90%)

TYPE OF WORK	ESTIMATE OF FUNDING		
	(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated Federal Funds
<b>P.E. a. Agency Work</b> .....			
b. State Services .....			
c. Other <u>BNRR</u> .....	4,368	437	3,931
d. Total Prelim. Eng. Cost Estimate .....	4,368	437	3,931
<b>Right-of-Way e. Agency Work</b> .....			
f. State Services .....			
g. Other .....			
h. Total R/W Cost Estimate .....	-0-	-0-	-0-
<b>Construction i. Contract</b> .....			
Engineering {			
<u>15</u> % { i. Agency Force .....	11,970	1,197	10,773
k. State Force .....			
l. Audit .....			
m. Other <u>BNRR</u> .....	75,429	7,543	67,886
n. Other .....			
o. Total Construction Cost Estimate .....			
p. TOTAL COST ESTIMATE OF THE PROJECT	91,767	9,177	82,590

W.S.D.O.T. USE ONLY		
Work Order Accounting Plan		
Prog.	F.C.	C.S.
FHWA Appl. Date		
WOAP No.		
Auth By		
Date		
WOAP AMOUNT		AUTH. CODE

The Federal-aid participation rate in this project will be determined by the Federal Government. The parties expect that it will be \_\_\_\_\_ %, however, it is understood that the rate may vary. The Local Agency agrees that this agreement is entered without relying upon any representation by the State made outside of this contract, or contained herein, as to what the Federal participation rate will be. It further agrees that it will not condition any future actions with respect to the project covered by this agreement upon past, current, or future representations as to the Federal participation rate. The dollar amount of Federal participation cannot exceed the amount shown in line p., column (3). All costs not reimbursed by the Federal Government will be the responsibility of the Local Agency.

**CONSTRUCTION METHOD OF FINANCING**

(Check Method Selected)

STATE AD & AWARD

METHOD A \_\_\_\_\_ Advance Payment - Agency Share of Total Construction Cost (Based on Contract Award) .....

METHOD B \_\_\_\_\_ Withhold From Gas Tax the Agency's Share of Total Construction Cost (line o., col 2)  
 in the amount of \$ \_\_\_\_\_ at \$ \_\_\_\_\_ per month for \_\_\_\_\_ months .....

LOCAL FORCE OR LOCAL AD & AWARD

METHOD C \_\_\_\_\_ Agency Cost Incurred with Partial Reimbursement .....

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the Federal funds obligated, it accepts and will comply with the applicable provisions set forth on the reverse hereof. Adopted by official action on \_\_\_\_\_, 19 \_\_\_\_\_, Resolution/Ordinance No. \_\_\_\_\_.

AGENCY OFFICIAL

By: \_\_\_\_\_  
 CHAIRMAN, County Commissioners/Mayor

WASHINGTON STATE  
 DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
 State Aid Engineer

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

City of Kirkland

Petitioner

vs.

Burlington Northern RR Co.

Respondent

No. \_\_\_\_\_

PETITION

Roadway Name 124th Ave. N.E.

W.U.T.C. Crossing No. 1F19.9

D.O.T. Crossing No. 091-790G

Application is hereby made to the Washington Utilities and Transportation Commission for an order (check one or more of the following)

directing the reconstruction  
(construction—reconstruction—relocation)  
of a grade crossing;

directing installation of automatic grade crossing signal or other warning device (other than crossbucks) at a new crossing;

directing \_\_\_\_\_ the method and manner of  
(replacing—changing—upgrading)  
warning devices at an existing crossing;

allocating funds from the "grade crossing protective fund" for \_\_\_\_\_  
(installation and/or  
maintenance) of active warning devices;

authorizing the construction of the project, funding to be pursuant to the Surface Transportation Assistance Act in cooperation with the Washington State Department of Transportation State Aid Division,

at the railroad grade crossing described in the following interrogatories and answers which are hereby made a part of this petition. The application filed herein seeks the relief(s) specified above by (check one of the following)

hearing and order.  order without hearing.

Yes  No Has application for funding, pursuant to Surface Transportation Assistance Act been made to the State Aid Office for this project?

Yes  No If answer is yes to the question above, has the funding requested under the Surface Transportation Assistance Act been denied?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Petitioner)  
\_\_\_\_\_  
(Street Address)  
\_\_\_\_\_  
(City—State—Zip Code)

(See instructions on page 7)

INTERROGATORIES

State name of highway and railway at crossing intersection:

Existing or proposed highway 124th Ave. N.E. mile post \_\_\_\_\_  
 Existing or proposed railway B.N. RR Co. mile post 19 + 4350  
 Located in NE ¼ of the SW ¼ of Sec. 28, Twp. 26N, Range 5E W.M.  
 WUTC crossing number 1F19.9 DOT crossing number 091-790G  
 Street 124th Ave. N.E. Town Kirkland County King  
 (if applicable) (if applicable)

2.

Character of crossing (indicate with X or numbers where applicable):

- (a) Common Carrier ( X ) Logging or Industrial ( )
- (b) Main Line ( ) Branch Line ( X ) Siding or Spur ( )
- (c) Total number of tracks at crossing ( 1 )  
 (Note: A track separated 100 feet or more from another track constitutes a separate crossing.)
- (d) Operating maximum train speed \_\_\_\_\_ Legal maximum train speed \_\_\_\_\_  
 Passenger ( -- ) MPH Passenger ( -- ) MPH  
 Freight ( 25 ) MPH Freight ( 25 ) MPH
- (e) Actual or estimated train traffic in each 24 hours.  
 Passenger Trains ( -- ) Freight Trains ( 4 )  
 (Note: Round trip counted as two trains.  
 Include number of switch movements, if any.)

3.

Character of Roadway:

- (a) State Highway—Classification \_\_\_\_\_
- (b) County Highway—Classification \_\_\_\_\_
- (c) City Street—Classification \_\_\_\_\_
- (d) Number of traffic lanes existing in each direction ( )  
 Number of additional traffic lanes proposed ( )
- (e) Posted vehicle speed limit  
 Automobiles \_\_\_\_\_ MPH Trucks \_\_\_\_\_ MPH
- (f) Estimated vehicle traffic in each 24 hours:  
 Current total \_\_\_\_\_, including \_\_\_\_\_ trucks and \_\_\_\_\_ school bus trips.  
 Projected total in \_\_\_\_\_ years \_\_\_\_\_, including \_\_\_\_\_ trucks and  
 \_\_\_\_\_ school bus trips.

4.

- (a) If temporary, state for what purpose crossing is to be used and for how long.

N/A

- (b) If temporary grade crossing, will you remove the crossing at completion of operations?

N/A

5.

Attach one or more prints showing a vicinity map and a layout of railway and highway as well as profiles of each, showing in addition to profile, per cent of grade, for 500 feet, of highway and railway when approaching crossing from all four directions. On this print spot and identify obstructions of view located in all four quadrants. Provide a traffic control layout showing the location of the existing and proposed signing of the intersection.

6.

- (a) State whether or not a safer location for a grade crossing exists within a reasonable distance in either direction from the proposed point of crossing and if so, what reason, if any, why such safer location should not be adopted, even though it be necessary to relocate a portion of the highway—or railway if proposed new construction.

N/A

- (b) Are there any hillsides, earth, or other embankments, buildings, trees, orchards, side tracks (on which cars might be spotted), loading platforms, etc., in the near vicinity not practicable to move, which will obstruct view and which can be avoided by locating proposed crossing a reasonable distance therefrom by diverting the highway (or railway alignment if proposed construction), and would it be practicable to do so?

N/A

7.

- (a) Is it practicable to construct and use an over or under crossing at the intersection of said railway and highway? If not, state why.

No. Economically infeasible.

- (b) Does the railway line at any point in the vicinity of the proposed crossing pass over a fill or trestle or through a cut where it is practicable to construct an under or over crossing, even though it be necessary to relocate a portion of the highway to reach such point?

No

- (c) If a suitable place for an under or over crossing exists in the vicinity of the proposed crossing, state the distance and direction from the proposed crossing and approximate cost of construction, and what, if any, reason exists why same should not be constructed.

N/A

8.

- (a) State approximate distance to nearest public or private crossing in each direction of railroad involved herein.

132nd Ave. N.E. (1F20.4) at 0.5 miles east

N.E. 124th Street (1F19.8) at 0.1 miles west

- (b) If an existing crossing in near vicinity, or more than one crossing is proposed, is it practicable to divert highways served and to be served by existing and proposed crossings thus eliminating necessity for more than one crossing?

N/A

- (c) If so, state approximate cost of highway relocation to effect such changes.

N/A

- (d) Will the proposed crossing eliminate the need for an existing crossing or crossings in the vicinity? If so, state direction and approximate distance to such crossing or crossings.

N/A

- (e) If this crossing is authorized, do you propose to close the existing crossing or crossings as indicated in item "d" above?

N/A

9.

- (a) Is it practicable to provide a 25 foot level grade crossing on both sides from center line of railway at point of crossing?

Existing grades will not change.

- (b) If not, state in feet level grade practicable to obtain.

N/A

- (c) Is it practicable to obtain an approach grade to such level grade of not to exceed five per cent? If not, state why and percent approach grade possible.

N/A

10.

Do you know of any reason not appearing in any of the answers to these interrogatories why the proposed crossing should not be made at grade or at the point proposed by you? If so, please state same fully.

No.

*Interrogatories 11 and 12 are to be completed only if this petition involves installation, replacement or changing of automatic grade crossing signal or other warning device, other than sawbucks.*

11.

- (a) State, in detail, the number and type of automatic signals or other warning devices (other than sawbucks) proposed to be installed. (This portion should be filled in only after conference between the railroad and the petitioning local governmental agency.

Existing automatic flashing light traffic control device on the south side of crossing will be relocated.

- (b) State an estimate of the cost for installing the signals or other devices proposed, as obtained from the respondent railroad company ..... \$ \_\_\_\_\_

- (c) State a cost estimate for maintaining the signals or devices for 12 months, as obtained from the respondent railroad company ..... \$ \_\_\_\_\_

- (d) If this is an existing crossing, what will the proposed protection replace in the way of existing devices?

N/A

- (e) As the petitioner, are you prepared to pay or will you promise to pay to the respondent railroad company, your share of the cost of installing the warning devices proposed as provided by law?

Yes   X  

No \_\_\_\_\_

12.

Furnish a brief statement of why the Public Safety requires the installation of the automatic signals or other devices as proposed.

Changes for the benefit of the motoring public.

WAIVER OF HEARING BY RESPONDENT

Having investigated the conditions existing at and in the vicinity of the point where it is proposed (check one or more, as appropriate)

to reconstruct the grade crossing described within,  
(construct-reconstruct-relocate)  
and being satisfied that such conditions are substantially as described in the within  
interrogatories and answers thereto, and that the application should be granted,

to \_\_\_\_\_ automatic grade crossing signals or other  
(install new-upgrade-replace)  
warning devices described herein, and being satisfied that conditions are sub-  
stantially as related within the interrogatories and answers thereto, and that signals  
or devices described in interrogatory 11(a) should be installed, and the cost of  
installation should be ..... \$ \_\_\_\_\_

subject to approval of an apportionment pursuant to the Surface Transportation  
Assistance Act by the Washington State Department of Transportation State Aid  
Division,

(other; specify)  
Per agreement between the parties hereto.

hearing in this proceeding is hereby waived and an agreed order may be entered by the  
Washington Utilities and Transportation Commission without further notice.

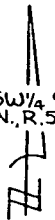
Dated at \_\_\_\_\_, Washington, on the \_\_\_ day of \_\_\_\_\_,  
19\_\_

\_\_\_\_\_  
Respondent

By \_\_\_\_\_



NE 1/4 SW 1/4 SEC 28  
T.26N., R.5E., WM



226+88 = E XING =  
MP 19+4165 (19.79)

224+97 L XING =  
MP 19+4356 (19.83)

Existing 84'  
EASEMENT

Existing 80'  
EASEMENT

WORK by BNRR

RELOCATE - Existing Signal  
(Cantilever Type) in  
NEly Quadrant as shown

NOTE: Signals at both NE  
124TH St. and 124th Ave.  
NE. will operate together  
and both will be  
intertied to traffic lights  
at intersection of NE 124th  
St. and 124th Ave. NE.

EXTEND - Existing, Asphalt  
Crossing to 66' (Paving  
by Others)

EXTEND - flange railing  
12'

REHABILITATE - with new ties,  
fastenings ballast for  
crossing extension

EXHIBIT A

BN RAILROAD CO.

SEA-PORT REG. - WOODINVILLE-RENTON

REHABILITATE  
124TH AVE. NE. XING

KIRKLAND, WA.  
CHIEF ENGINEER REGION - SEATTLE 12-2-82

SCALE 1" = 50'

DOT# BN 91-790 G

268+222  
19

## INSTRUCTIONS

### General

Petition forms with the interrogatories fully and correctly answered should be filed with the Washington Utilities and Transportation Commission, Highways—Licenses Building, Olympia, Washington 98504. Blank forms may be obtained from the same address. All pleadings herein shall conform with section 5 (WAC 480-08-050) of the Commission's Rules of Practice and Procedure.

### Number of Copies

File the original and one copy if the "Waiver of Hearing by Respondent" is filled out. If petitioner intends that the Commission serve the respondent, the original and two copies should be filed. If the petitioner makes service upon the respondent, an affidavit of service in conformity with the requirements of section 6.5 (WAC 480-08-060(5)) of the Commission's Rules of Practice and Procedure must be filed.

### Parties Who May Petition

In general, the following may file or respond to a petition: The highway authorities (city, county or state), the railroad companies, and some state agencies with lawful authority to construct and maintain public highways (RCW 81.53.030). In situations where there may be more than one party of interest as either a petitioner or a respondent, all parties should be joined. Petitions submitted by counties must be signed by at least two members of the Board of County Commissioners.

### Waiver of Hearing by Respondent

The proceeding can usually be expedited by submitting the application to the respondent and securing the execution of the "Waiver of Hearing by Respondent" at the bottom of the form. As an alternative, respondent may file a separate "Answer". If the pleadings show that the respondent has no objection, an order may be entered without hearing at the discretion of the Commission, unless the public interest appears to require hearing and unless hearing is required under the terms of section 81.53.060 RCW. In all other cases, the petition will be set for hearing.

### Crossing Construction

Applications for crossing over state highways should be submitted in duplicate to the District Highway Engineer in the locality for his recommendation to be attached and forwarded to the State Department of Transportation Secretary, Olympia.

Petitioner, after having been granted authority by the Commission to construct a crossing, must acquire right of way or easement from respondent inasmuch as the order of the Commission merely relates to public safety and grants only the right to cross, subject to acquiring a right of way or easement from respondent.

### Time for Replying to a Petition

A petition not answered within 20 days of the date of service, shall be deemed denied and will be set for hearing. If a qualified or conditional answer is filed by the respondent, the petitioner may file a "Reply" within 10 days of the date the "Answer" is served.

(PLEASE DISCARD THIS SHEET BEFORE FILING PETITION)

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

City of Kirkland

Petitioner

vs.

Burlington Northern Railroad Co.

Respondent

No. \_\_\_\_\_

PETITION

Roadway Name N.E. 124th Street

W.U.T.C. Crossing No. 1F19.8

D.O.T. Crossing No. 091-789M

Application is hereby made to the Washington Utilities and Transportation Commission for an order (check one or more of the following)

directing the reconstruction  
(construction-reconstruction-relocation)  
of a grade crossing;

directing installation of automatic grade crossing signal or other warning device (other than crossbucks) at a new crossing;

directing upgrading the method and manner of  
(replacing-changing-upgrading)  
warning devices at an existing crossing;

allocating funds from the "grade crossing protective fund" for \_\_\_\_\_  
(installation and/or  
maintenance) of active warning devices;

authorizing the construction of the project, funding to be pursuant to the Surface Transportation Assistance Act in cooperation with the Washington State Department of Transportation State Aid Division,

at the railroad grade crossing described in the following interrogatories and answers which are hereby made a part of this petition. The application filed herein seeks the relief(s) specified above by (check one of the following)

hearing and order.  order without hearing.

Yes  No Has application for funding, pursuant to Surface Transportation Assistance Act been made to the State Aid Office for this project?

Yes  No If answer is yes to the question above, has the funding requested under the Surface Transportation Assistance Act been denied?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Petitioner)  
\_\_\_\_\_  
(Street Address)  
\_\_\_\_\_  
(City-State-Zip Code)

(See instructions on page 7)

**INTERROGATORIES**

State name of highway and railway at crossing intersection:

Existing or proposed highway N.E. 124th Street mile post \_\_\_\_\_  
 Existing or proposed railway B.N. RR Co. mile post 19 + 4165  
 Located in NE ¼ of the SW ¼ of Sec. 28, Twp. 26N, Range 5E W.M.  
 WUTC crossing number 1F19.8 DOT crossing number 091-789M  
 Street N.E. 124th Street Town Kirkland County King  
 (if applicable) (if applicable)

**2.**

Character of crossing (indicate with X or numbers where applicable):

- (a) Common Carrier (  ) Logging or Industrial ( )
- (b) Main Line ( ) Branch Line (  ) Siding or Spur ( )
- (c) Total number of tracks at crossing ( 1 )  
 (Note: A track separated 100 feet or more from another track constitutes a separate crossing.)
- (d) Operating maximum train speed Legal maximum train speed  
 Passenger ( -- ) MPH Passenger ( -- ) MPH  
 Freight ( 25 ) MPH Freight ( 25 ) MPH
- (e) Actual or estimated train traffic in each 24 hours.  
 Passenger Trains ( --- ) Freight Trains ( 4 )  
 (Note: Round trip counted as two trains.  
 Include number of switch movements, if any.)

**3.**

Character of Roadway:

- (a) State Highway—Classification \_\_\_\_\_
- (b) County Highway—Classification \_\_\_\_\_
- (c) City Street—Classification \_\_\_\_\_
- (d) Number of traffic lanes existing in each direction ( )  
 Number of additional traffic lanes proposed ( )
- (e) Posted vehicle speed limit  
 Automobiles \_\_\_\_\_ MPH Trucks \_\_\_\_\_ MPH
- (f) Estimated vehicle traffic in each 24 hours:  
 Current total \_\_\_\_\_, including \_\_\_\_\_ trucks and \_\_\_\_\_ school bus trips.  
 Projected total in \_\_\_\_\_ years \_\_\_\_\_, including \_\_\_\_\_ trucks and  
 \_\_\_\_\_ school bus trips.

4.

- (a) If temporary, state for what purpose crossing is to be used and for how long.

N/A

- (b) If temporary grade crossing, will you remove the crossing at completion of operations?

N/A

5.

Attach one or more prints showing a vicinity map and a layout of railway and highway as well as profiles of each, showing in addition to profile, per cent of grade, for 500 feet, of highway and railway when approaching crossing from all four directions. On this print spot and identify obstructions of view located in all four quadrants. Provide a traffic control layout showing the location of the existing and proposed signing of the intersection.

6.

- (a) State whether or not a safer location for a grade crossing exists within a reasonable distance in either direction from the proposed point of crossing and if so, what reason, if any, why such safer location should not be adopted, even though it be necessary to relocate a portion of the highway—or railway if proposed new construction.

N/A

- (b) Are there any hillsides, earth, or other embankments, buildings, trees, orchards, side tracks (on which cars might be spotted), loading platforms, etc., in the near vicinity not practicable to move, which will obstruct view and which can be avoided by locating proposed crossing a reasonable distance therefrom by diverting the highway (or railway alignment if proposed construction), and would it be practicable to do so?

N/A

7.

- (a) Is it practicable to construct and use an over or under crossing at the intersection of said railway and highway? If not, state why.

No. Economically infeasible.

- (b) Does the railway line at any point in the vicinity of the proposed crossing pass over a fill or trestle or through a cut where it is practicable to construct an under or over crossing, even though it be necessary to relocate a portion of the highway to reach such point?

No.

- (c) If a suitable place for an under or over crossing exists in the vicinity of the proposed crossing, state the distance and direction from the proposed crossing and approximate cost of construction, and what, if any, reason exists why same should not be constructed.

N/A

8.

- (a) State approximate distance to nearest public or private crossing in each direction of railroad involved herein.

124th Ave. N.E. (1F19.9) at 0.1 miles east.

SR 405 N. OC (1F19.71A) at 0.1 miles west.

- (b) If an existing crossing in near vicinity, or more than one crossing is proposed, is it practicable to divert highways served and to be served by existing and proposed crossings thus eliminating necessity for more than one crossing?

N/A

- (c) If so, state approximate cost of highway relocation to effect such changes.

N/A

- (d) Will the proposed crossing eliminate the need for an existing crossing or crossings in the vicinity? If so, state direction and approximate distance to such crossing or crossings.

N/A

- (e) If this crossing is authorized, do you propose to close the existing crossing or crossings as indicated in item "d" above?

N/A

9.

- (a) Is it practicable to provide a 25 foot level grade crossing on both sides from center line of railway at point of crossing?

Existing grades will not change.

- (b) If not, state in feet level grade practicable to obtain.

N/A

- (c) Is it practicable to obtain an approach grade to such level grade of not to exceed five per cent? If not, state why and percent approach grade possible.

N/A

10.

Do you know of any reason not appearing in any of the answers to these interrogatories why the proposed crossing should not be made at grade or at the point proposed by you? If so, please state same fully.

No.

*Interrogatories 11 and 12 are to be completed only if this petition involves installation, replacement or changing of automatic grade crossing signal or other warning device, other than sawbucks.*

11.

- (a) State, in detail, the number and type of automatic signals or other warning devices (other than sawbucks) proposed to be installed. (This portion should be filled in only after conference between the railroad and the petitioning local governmental agency.

Two automatic flashing light traffic control devices, cantilever type, with motion-sensing equipment.

- (b) State an estimate of the cost for installing the signals or other devices proposed, as obtained from the respondent railroad company ..... \$ \_\_\_\_\_

- (c) State a cost estimate for maintaining the signals or devices for 12 months, as obtained from the respondent railroad company ..... \$ \_\_\_\_\_

- (d) If this is an existing crossing, what will the proposed protection replace in the way of existing devices?

Two automatic flashing light traffic control devices, cantilever type.

- (e) As the petitioner, are you prepared to pay or will you promise to pay to the respondent railroad company, your share of the cost of installing the warning devices proposed as provided by law?

Yes   X  

No \_\_\_\_\_

12.

Furnish a brief statement of why the Public Safety requires the installation of the automatic signals or other devices as proposed.

Installation will provide greater safety for the benefit of the motoring public.

WAIVER OF HEARING BY RESPONDENT

Having investigated the conditions existing at and in the vicinity of the point where it is proposed (check one or more, as appropriate)

to reconstruct the grade crossing described within,  
(construct—reconstruct—relocate)  
and being satisfied that such conditions are substantially as described in the within  
interrogatories and answers thereto, and that the application should be granted,

to upgrade automatic grade crossing signals or other  
(install new—upgrade—replace)  
warning devices described herein, and being satisfied that conditions are sub-  
stantially as related within the interrogatories and answers thereto, and that signals  
or devices described in interrogatory 11(a) should be installed, and the cost of  
installation should be ..... \$ \_\_\_\_\_

subject to approval of an apportionment pursuant to the Surface Transportation  
Assistance Act by the Washington State Department of Transportation State Aid  
Division,

(other; specify)  
Per agreement between the parties hereto.

hearing in this proceeding is hereby waived and an agreed order may be entered by the  
Washington Utilities and Transportation Commission without further notice.

Dated at \_\_\_\_\_, Washington, on the \_\_\_ day of \_\_\_\_\_,  
19\_\_.

\_\_\_\_\_  
Respondent

By \_\_\_\_\_



## INSTRUCTIONS

### General

Petition forms with the interrogatories fully and correctly answered should be filed with the Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington 98504. Blank forms may be obtained from the same address. All pleadings herein shall conform with section 5 (WAC 480-08-050) of the Commission's Rules of Practice and Procedure.

### Number of Copies

File the original and one copy if the "Waiver of Hearing by Respondent" is filled out. If petitioner intends that the Commission serve the respondent, the original and two copies should be filed. If the petitioner makes service upon the respondent, an affidavit of service in conformity with the requirements of section 6.5 (WAC 480-08-060(5)) of the Commission's Rules of Practice and Procedure must be filed.

### Parties Who May Petition

In general, the following may file or respond to a petition: The highway authorities (city, county or state), the railroad companies, and some state agencies with lawful authority to construct and maintain public highways (RCW 81.53.030). In situations where there may be more than one party of interest as either a petitioner or a respondent, all parties should be joined. Petitions submitted by counties must be signed by at least two members of the Board of County Commissioners.

### Waiver of Hearing by Respondent

The proceeding can usually be expedited by submitting the application to the respondent and securing the execution of the "Waiver of Hearing by Respondent" at the bottom of the form. As an alternative, respondent may file a separate "Answer". If the pleadings show that the respondent has no objection, an order may be entered without hearing at the discretion of the Commission, unless the public interest appears to require hearing and unless hearing is required under the terms of section 81.53.060 RCW. In all other cases, the petition will be set for hearing.

### Crossing Construction

Applications for crossing over state highways should be submitted in duplicate to the District Highway Engineer in the locality for his recommendation to be attached and forwarded to the State Department of Transportation Secretary, Olympia.

Petitioner, after having been granted authority by the Commission to construct a crossing, must acquire right of way or easement from respondent inasmuch as the order of the Commission merely relates to public safety and grants only the right to cross, subject to acquiring a right of way or easement from respondent.

### Time for Replying to a Petition

A petition not answered within 20 days of the date of service, shall be deemed denied and will be set for hearing. If a qualified or conditional answer is filed by the respondent, the petitioner may file a "Reply" within 10 days of the date the "Answer" is served.

(PLEASE DISCARD THIS SHEET BEFORE FILING PETITION)