

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:

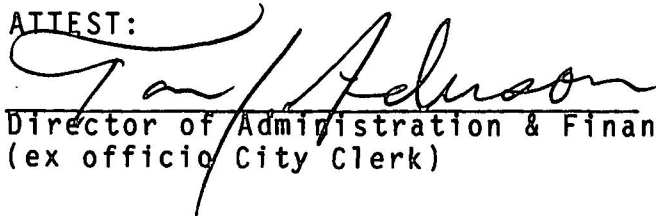
Section 1. The City Manager of the City of Kirkland is hereby authorized and directed to sign on behalf of the City of Kirkland, a Washington State Department of Transportation City/County Grant Application Agreement (or supplement thereto) to provide funding for railroad right-of-way crossing improvements 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)

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 () 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.

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.

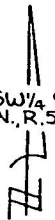
hearing in this proceeding is hereby waived and an agreed order may be entered by the
Washington Utilities and Transportation Commission without further notice.

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)

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

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