

ORDER NO. 51336

ODOT CROSSING NO. 10B-002.50  
U.S. DOT NO. TO BE ASSIGNED  
Brett Way (Proposed New Crossing)

ODOT CROSSING NO. 10B-002.40  
U.S. DOT NO. 066883L  
Summers Lane (Crossing to be Closed)

**BEFORE THE OREGON DEPARTMENT  
OF TRANSPORTATION**

**RX 1910**

**RX 1910: In the Matter of the Closure of the  
Railroad-Highway Grade Crossing at Summers  
Lane and Construction of a New Railroad-Highway  
Grade Crossing at Brett Way and the BNSF  
RAILROAD COMANPANY, Gateway District, in the  
City of Klamath Falls, Klamath County, Oregon.**

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**FINAL ORDER**

Pursuant to ORS 824.202, the Oregon Department of Transportation, Commerce and Compliance Division (Department) has authority over the construction, alteration and protection of railroad-highway crossings in the State of Oregon. On May 17, 2020, the City of Klamath Falls (Applicant) made application under ORS 824.204 and ORS 824.206 seeking authority to construct and close the subject railroad-highway grade crossings (hereafter "crossing" or "crossings"). The affected railroad is the Burlington Northern Santa Fe Corp. (BNSF). The affected public authorities in interest are the City of Klamath Falls and ODOT Highway.

The Appendix to this Order depicts the scope of the proposed crossing project. The average daily traffic (ADT) volume at the new crossing is estimated at  $\approx$  8,400 vehicles. The posted speed limit for vehicles will be 35 miles per hour (mph). The roadway will intersect the track at an angle of  $\approx$  75 degrees. There will be a weekly average of eight freight trains over the crossing. The maximum authorized speed on this track is 20 mph.

Applicant proposes to construct a new grade crossing, No. 10B-002.50, replacing the existing grade crossing, No. 10B-002.40. The new crossing will provide access to Kingsley Field at the Klamath Falls Airport, providing a safer route than the previous Summers Lane crossing route.

Applicant proposes that the new crossing be equipped with new automatic signals, consisting of two flashing-light signals, two automatic gates and two 10-foot multi-use paths.

Before opening of the new grade crossing to public use, the existing grade crossing No. 10B-002.40 will be barricaded and the crossing surfacing materials removed.

From the foregoing, the Department finds the proposed grade crossing is required by the public safety, public convenience and general welfare. It is neither practical nor necessary to construct a grade separated crossing at this location. The Department further finds the existing grade crossing No. 10B-002.40 will no longer be required by the public safety, necessity, convenience and general welfare and shall be closed before opening the new grade crossing. The Department proposes that the application be granted upon the following terms.

1. Construction of crossing No. 10B-002.50 shall be substantially in progress within **two years** from the entered date of the Final Order. Otherwise, the authority expires on that date. Before opening the new grade crossing, crossing No. 10B-002.40 shall be permanently closed and removed from the Department's Catalog of Public Railroad-Highway Crossings. No authority to establish a Quiet Zone will be granted by the Final Order.
2. The new grade crossing shall not be opened to public use until the ordered automatic signals and circuitry are installed and operational.
3. Applicant shall:
  - a. Construct and maintain that portion of the crossing lying outside lines drawn perpendicular to the end of ties to accommodate the roadway configuration and sidewalks depicted in the Appendix to this Order, and bear all the costs. The roadway approaches shall comply with OAR 741-120-0020 (1), (2), (3), and (4), and the multi-use paths shall comply with OAR 741-120-0025 (1), (2), and (3).
  - b. Furnish, install, and maintain guardrails adjacent to the ordered automatic signals at the crossing, as depicted in the Appendix to this Order, and bear all the costs. Guardrails shall be installed according to OAR 741-110-0040 (6).
  - c. Furnish, install, and maintain tactile warning strips on the pathway approaches to the crossing, and bear all the costs. The tactile strips shall have a minimum width of two feet and be placed a minimum of 12 feet 8 inches from the nearest rail per ODOT Standard Drawing No. RD 759, and as depicted in the Appendix to this Order.
  - d. Furnish, install, and maintain two stop clearance lines at the crossing according to OAR 741-110-0030 (2) (b), and bear all the costs. Locate the devices as depicted in the Appendix to this Order, and in accordance with OAR 741-110-0040 (3).
  - e. Furnish, install, and maintain one grade crossing advance warning (W10-4) sign on the side roadway approach to the crossing according to OAR 741-110-0030 (1), and bear all the costs. Locate the device as depicted in the Appendix to this Order, and in accordance with OAR 741-110-0040.
  - f. Furnish, install, and maintain two grade crossing advance warning (W10-1) signs and two grade crossing advance warning pavement markings on the roadway approaches to the crossing according to OAR 741-110-0030 (1), and bear all the

costs. Locate the devices and markings as depicted in the Appendix to this Order, and in accordance with OAR 741-110-0040 (4).

- g. Comply with all requirements of OAR 741-120-0050 (1) and (4) at closed crossing No. 10B-002.40, and bear all the costs. Type III barricades shall be installed and shall be in place for at least two years.
- h. Bear all the cost of work items ordered in paragraphs 4.a., 4.b., and 4.c. below.

4. BNSF shall:

- a. Subject to reimbursement by applicant, construct portion of the crossing lying between lines drawn perpendicular to the end of ties to accommodate the roadway configuration and sidewalks depicted in the Appendix to this Order. The roadway shall comply with OAR 741-120-0020 (1), (2), (3), and (4), and the multi-use paths shall comply with OAR 741-120-0025 (1), (2), and (3).
- b. Subject to reimbursement by applicant, furnish and install two flashing-light cantilevered signals and two automatic gates at the crossing according to OAR 741-110-0030 (3) (a) and OAR 741-110-0030 (3) (d), respectively. Locate the devices as depicted in the Appendix to this Order. Activate the devices in accordance with OAR 741-110-0070.
- c. Subject to reimbursement by applicant, comply with all requirements of OAR 741-120-0050 (2) and (4) at closed crossing No. 10B-002.40.
- d. Maintain the ordered items in paragraph 4.a. and 4.b., and bear all the costs.
- e. Notify the Department in writing not less than five working days prior to the date that the ordered automatic signals will be activated and placed in service.

5. Each party shall notify the Department in writing upon completion of its portion of the project.

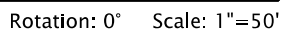
Made, entered, and effective this 10 day of September, 2020.

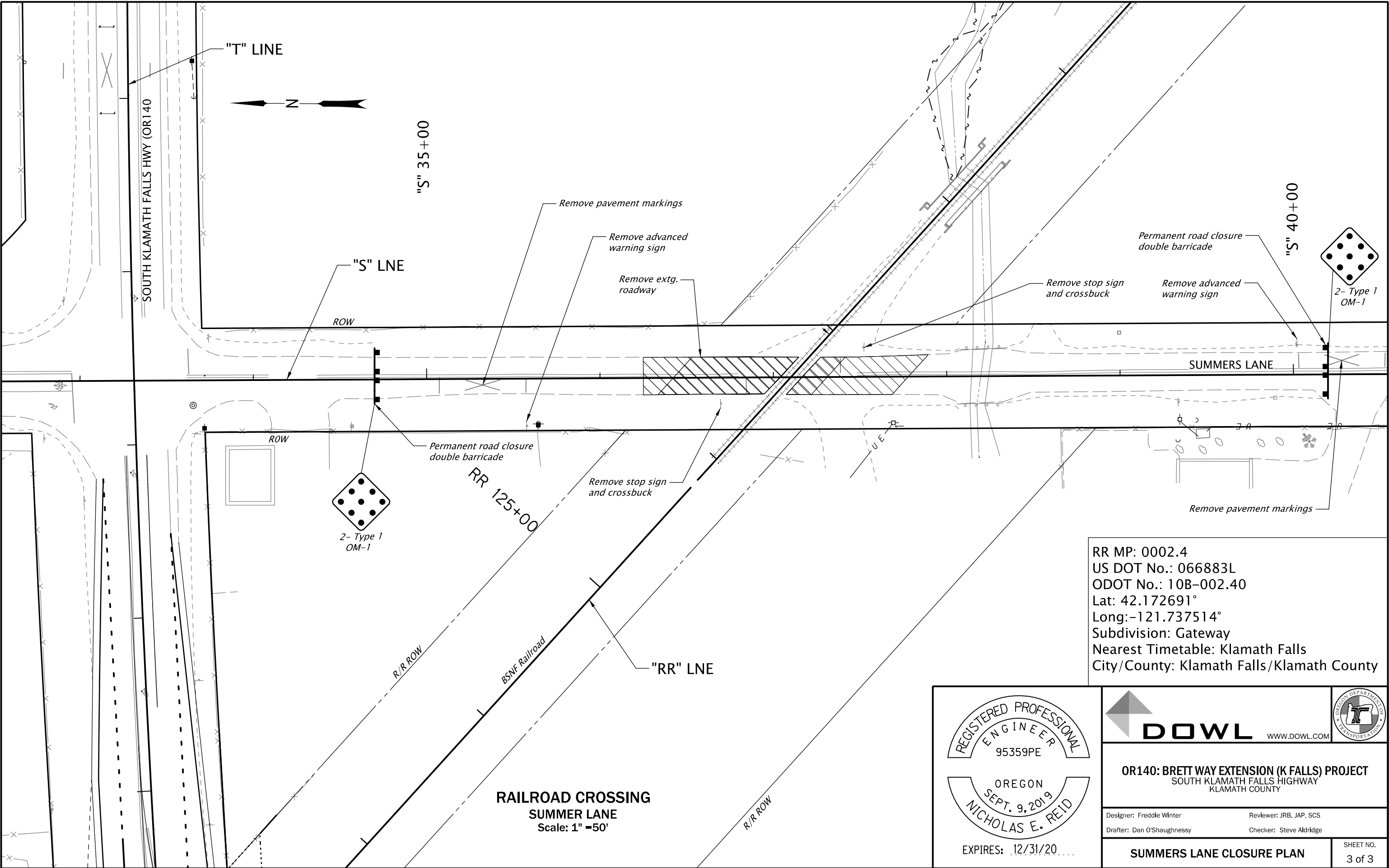
Oregon Department of Transportation  
Commerce and Compliance Division  
Manager, Business Operations Manager

  
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Elisha Brackett

### **RIGHT TO APPEAL**

Parties to this Order have the right to appeal this Order to the Oregon Court of Appeals pursuant to OAR 183.482. To appeal you must file a petition for judicial review with the Court of Appeals within 60 days from the day this Order was served on you. The date of service is the day this Order was mailed. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.







RR MP: 0002.4  
US DOT No.: 066883L  
ODOT No.: 10B-002.40  
Lat: 42.172691°  
Long: -121.737514°  
Subdivision: Gateway  
Nearest Timetable: Klamath Falls  
City/County: Klamath Falls/Klamath County

REGISTERED PROFESSIONAL  
ENGINEER  
95359PE

OREGON  
SEPT. 9, 2019  
NICHOLAS E. REID

EXPIRES: 12/31/20...

**DOWL**  
www.dowl.com



OR140: BRETT WAY EXTENSION (K FALLS) PROJECT  
SOUTH KLAMATH FALLS HIGHWAY  
KLAMATH COUNTY

Designer: Freddie Winter  
Drafter: Dan O'Shaughnessy

Reviewer: JRB, JAP, SCS  
Checker: Steve Aldridge

SUMMERS LANE CLOSURE PLAN

SHEET NO.  
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