

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

THE CITY OF TUKWILA)	DOCKET NO. TR-010210
)	
Petitioner,)	ORDER GRANTING PETITION
)	TO CLOSE A HIGHWAY-RAIL
v.)	GRADE CROSSING AT SOUTH
)	180th STREET AND CONSTRUCT
THE BURLINGTON NORTHERN)	AN UNDERCROSSING
SANTA FE RAILWAY COMPANY)	
)	D.O.T. 085613N
Respondent.)	
)	W.U.T.C. 1E 12.10
.....)	

BACKGROUND

- 1 On February 16, 2001, the City of Tukwila filed a petition with the Commission seeking authority to close a public highway-rail grade crossing. The crossing is located at the intersection of South 180th Street and the tracks of the Burlington Northern Santa Fe Railway Company, in the NE ¼ of the NW ¼ of Section 36, Township 23, Range 4 W.M., in Tukwila, Washington.
- 2 Respondent consented to an entry of an order by the Commission without further notice or hearing.

DISCUSSION

- 3 Commission Staff investigated the petition. The crossing is located about 100 feet east of an intersection of South 180th Street and tracks owned by the Union Pacific Railroad Company. The requested authority is part of a grade separation project that will replace both crossings with a highway under-pass. The Burlington Northern Santa Fe Railway crossing is one of the most dangerous in the state because of the number of accidents and deaths that have occurred there. Closure of both crossings and completion of the proposed highway under-pass will improve safety for the motoring public.
- 4 Commission Staff posted notice of the filing of the petition at the crossing pursuant to the procedure specified in RCW 81.53.060. The same notice was published in the South County Journal, which is a newspaper of general circulation in the area that encompasses the crossing. Both the posting of the notice and the newspaper publication took place on December 18, 2001, and directed that any person having objection to the closure of the crossing should state such objections, in writing, to the Commission by January 7, 2002. No objections were received.

- 5 The City of Tukwila, as SEPA lead agency for the proposal, issued a determination of non-significance (DNS) according to the procedure specified by the State Environmental Policy Act (SEPA). Accordingly, SEPA requirements for the closure of the grade crossing are fulfilled.
- 6 The proposal requires that the crossing, including the approaches, crossing surface, and warning signal system, be removed when the construction of the under-crossing begins. The Burlington Northern Santa Fe Railway Company may construct a temporary crossing adjacent to the site of the existing at-grade crossing for use by the contractor and associated construction personnel during the construction of the under-crossing. Use of this crossing should be regulated by applicable statutes and rules to ensure the safety of the public, construction workers and railroad personnel. The City should be required to ensure that the public does not use this temporary construction crossing.
- 7 Disposition of the existing signals is governed by statute, rule or contract. The Railroad should not remove the signals until Commission Staff determine the appropriate disposition.
- 8 Commission Staff recommended that the petition be granted, subject to specified conditions.
- 9 This matter was brought before the Commission at its regularly scheduled open meeting on January 30, 2002. The Commissioners reviewed the petition and have been advised in the matter. They believe that granting the petition, subject to the conditions set forth below, is in the public interest, and direct the Secretary to issue the order.

ORDER

- 10 THE COMMISSION GRANTS the petition of the City of Tukwila to close a highway-rail grade crossing and replace it with a highway under-pass at the intersection of South 180th Street and the tracks of the Burlington Northern Santa Fe Railway Company, in Tukwila, Washington, subject to the following conditions:
- (1) In the event that a temporary construction crossing is established through agreement between the parties for use by the contractor and associated personnel:
 - a. The City of Tukwila must ensure that members of the general public cannot use the temporary crossing. Its use must be limited to activities related to the construction of the grade separation.
 - b. Traffic control measures at the temporary crossing must comply with the provisions of RCW 81.53.400 and

81.53.410, and WAC 480-62-230 and WAC 480-62-235. A flagger must control all vehicular use of the crossing.

- (2) At least 30 days before the removal of any crossing signals, gates or circuitry, the Burlington Northern Santa Fe Railway Company must notify the Commission in writing of its intention to do so.
- (3) The City of Tukwila must notify the Commission in writing when the existing at-grade crossing is closed to all roadway traffic.

DATED at Olympia, Washington and effective this 30th day of January, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary