

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of  
  
WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION,  
  
Petitioner,  
  
KET LLC,  
  
Respondent.

DOCKET TR-200074  
  
ORDER 01  
  
GRANTING PETITION TO MODIFY  
WARNING DEVICES AT A PUBLIC  
HIGHWAY-RAIL GRADE  
CROSSING AT STATE ROUTE 397  
IN KENNEWICK  
  
USDOT: 808925X

**BACKGROUND**

- 1 On February 3, 2020, the Washington State Department of Transportation (WSDOT or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify warning devices at a railroad-highway grade crossing located at State Route 397 (SR-397) in Kennewick, identified as USDOT 808925X.
- 2 On February 18, 2020, respondent KET LLC, d/b/a Kennewick Terminal Railway (KET), filed a revised petition with minor corrections and consented to entry of a Commission order without further notice or hearing.
- 3 SR-397 is a five-lane roadway with a posted vehicle speed limit of 35 miles per hour. Average annual daily traffic through the crossing is estimated at 16,000 vehicles. SR-397 is part of an established school bus route with approximately 10 school buses traveling over the crossing daily. SR-397 is also part of an established truck route with approximately six percent commercial vehicle traffic.
- 4 Warning devices at the SR-397 crossing consist of advance warning signs and crossbucks. KET operates up to six freight trains per week over this single track crossing at approximately seven miles per hour. No passenger trains travel over the crossing.
- 5 As part of this project, WSDOT will:
  - Install cantilever and mast-mounted flashing lights.
  - Install a bungalow.

- Install island circuit train detection, requiring train movements to stop and proceed after signals activate.
- Install new track and crossing surface to support new track circuitry.
- Modify the sidewalk in the northwest quadrant to direct pedestrians behind the cantilever foundation.
- Install updated warning signs on all approaches to the crossing.

6 These improvements are funded by the United States Department of Transportation, Federal Highway Administration, Railway-Highway Crossings (Section 130) program.

7 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the modifications must conform to those described in and attached to the Petition, (2) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, and (3) WSDOT must notify the Commission within 60 days upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

### DISCUSSION

8 RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. We find that the proposed modifications will improve overall safety for roadway users. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

### FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 10 (2) The SR-397 grade crossing, identified as USDOT 808925X, is a public railroad-highway grade crossing within the state of Washington.
- 11 (3) RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. See also 480-62-150.
- 12 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 7, above.

- 13 (5) After examining the Petition filed by WSDOT on February 3, 2020, and the revised Petition filed by KET LLC on February 18, 2020, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

**ORDER**

**THE COMMISSION ORDERS:**

- 14 The Washington State Department of Transportation's Petition to modify warning devices at a railroad-highway grade crossing located at SR-397 is granted, subject to the following conditions:

- (1) The modifications must conform to those described in and attached to the Petition.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- (3) The Washington State Department of Transportation must notify the Commission within 60 days upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

- 15 The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-180762. The Secretary finds this Order to be consistent with the public interest.

DATED at Lacey, Washington, and effective February 26, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON,  
Executive Director and Secretary

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.**