

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF PASCO,

Petitioner,

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-240849

ORDER 01

GRANTING PETITION TO
CONSTRUCT A RAILROAD-
HIGHWAY GRADE SEPARATION
(OVERCROSSING) AT LEWIS
STREET, PASCO

USDOT: 089709S

BACKGROUND

- 1 On November 7, 2024, the City of Pasco, (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to construct a railroad-highway grade separation (overcrossing), identified as USDOT 089709S, at the intersection of Lewis Street and respondent BNSF Railway Co.'s (BNSF) tracks in Pasco.
- 2 Respondent BNSF consented to entry of an Order by the Commission without further notice or hearing.
- 3 The new overcrossing will consist of one eastbound and one westbound lane with ADA-compliant sidewalks and will replace the functionally obsolete existing Lewis Street undercrossing of the BNSF tracks. Lewis Street is expected to carry 13,320 vehicles daily and is not an established commercial vehicle or school bus route.
- 4 Seven BNSF mainline and yard tracks intersect with Lewis Street. Thirty-three freight trains and two passenger trains use the crossing daily at up to 25 miles per hour.
- 5 Because the overcrossing will not intersect the railroad tracks at grade, no warning signs or signals are necessary. The overcrossing will provide roadway users with safe passage above the tracks because of the separation between the railroad tracks and roadway. The City will demolish the existing undercrossing upon completion of the project.

6 According to the Petition, the parties have reached an agreement related to the apportionment of costs.

7 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the project must conform to the description in the Petition, (2) the City must complete the proposed modifications within five years, and (3) upon completion of the project authorized herein, the City must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the overcrossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

DISCUSSION

8 RCW 81.53.060 requires that the Commission grant approval prior to construction of a public overcrossing within the state of Washington. We find that the proposed overcrossing will improve overall public safety, mobility, and convenience 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 highway-rail overcrossings within the state of Washington.

10 (2) Once constructed, the Lewis Street overcrossing, identified as USDOT 089709S, will be considered a public overcrossing within the state of Washington.

11 (3) RCW 81.53.060 requires that the Commission grant approval prior to establishing a public overcrossing within the state of Washington. See also WAC 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) This matter came before the Commission at its regularly scheduled meeting on December 5, 2024.

14 (6) After review of the Petition filed by the City on November 7, 2024, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

15 The City of Pasco's Petition to construct a public overcrossing located at Lewis Street and the BNSF Railway Co.'s tracks is granted. Approval of the Petition is subject to the following conditions:

- (1) The project must conform to the description in the Petition.
- (2) The City of Pasco must complete the proposed modifications within five years.
- (3) Upon completion of the project authorized herein, the City of Pasco must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the overcrossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective December 5, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary