

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PORT OF KALAMA,

Petitioner,

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-250472

ORDER 01

GRANTING PETITION TO
RECONSTRUCT PEDESTRIAN
OVERCROSSING AT PORT OF
KALAMA

USDOT: 092447R

BACKGROUND

- 1 On June 16, 2025, the Port of Kalama (Port or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to reconstruct a pedestrian overcrossing in Kalama, identified as USDOT 092447R. This pedestrian overcrossing is located near Elm Street in Kalama at milepost 107.6 on the BNSF Railway Company's (BNSF or Respondent) Seattle Subdivision.
- 2 BNSF consented to entry of an Order by the Commission without further notice or hearing.
- 3 According to the Port's Petition, the existing 1973 pedestrian overcrossing will be deconstructed, removed, and replaced with an Americans with Disabilities Act compliant pedestrian overcrossing in the same location. The new overcrossing will be 140 feet long and designed with hydraulic elevators and site civil improvements. The Port is responsible for the construction and long-term maintenance of the new overcrossing.
- 4 Four BNSF mainline and siding tracks exist at this location, with 50 freight trains and 12 passenger trains using these tracks daily.
- 5 Because the overcrossing will not intersect the railroad tracks at grade, no warning signs or signals are necessary. The overcrossing will provide users with continued safe passage above the railroad tracks because of the separation between the tracks and pathway. The Port will demolish the existing overcrossing before beginning construction of the new overcrossing.

- 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 Port must complete the proposed modifications within three years, and (3) upon completion of the project authorized herein, the Port 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 modification of a public overcrossing within the state of Washington. We find that the proposed modifications will improve overall public safety, mobility, and convenience for pathway 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 pedestrian overcrossings within the state of Washington.
- 10 (2) The Port of Kalama pedestrian overcrossing, identified as USDOT 089709S, is a public overcrossing within the state of Washington.
- 11 (3) RCW 81.53.060 requires that the Commission grant approval prior to modifying 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 July 10, 2025.
- 14 (6) After review of the Petition filed by the Port on June 16, 2025, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 15 The Port of Kalama's Petition to reconstruct a public pedestrian overcrossing located in Kalama over the BNSF Railway Company'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 Port of Kalama must complete the proposed modifications within three years.
 - (3) Upon completion of the project authorized herein, the Port of Kalama must notify the Commission within 60 days. Acceptance is subject to inspection by Commission Staff, verifying that the overcrossing is in full compliance with applicable laws, regulations, and the conditions specified herein.
- 16 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 July 10, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary