

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION,

Petitioner.

SOUND TRANSIT,
BNSF RAILWAY COMPANY,
TACOMA RAIL, and,
CITY OF LAKEWOOD,

Respondents.

DOCKET TR-190038

ORDER 01

ORDER GRANTING PETITION TO
CLOSE AN AT-GRADE HIGHWAY-
RAIL CROSSING AND REPLACE IT
WITH AN OVER-CROSSING AT
BERKELEY STREET SW IN
LAKEWOOD

USDOT: 085829U

BACKGROUND

- 1 On January 22, 2019, the Washington State Department of Transportation (WSDOT or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to close an at-grade highway-railroad grade crossing and replace it with an over-crossing connecting to Interstate 5 (I-5). The crossing is identified as USDOT 085829U and is located at the intersection of Berkeley St. SW and the Respondents' tracks in Lakewood. The USDOT number of the new over-crossing will be assigned by the Federal Railroad Administration when the federal government shutdown ends.
- 2 Respondents Sound Transit, BNSF Railway Company (BNSF), Tacoma Rail, and the City of Lakewood consented to entry of an Order by the Commission without further notice or hearing.
- 3 Berkeley Street SW is a three-lane urban collector roadway with a posted vehicle speed limit of 25 miles per hour. Average annual daily vehicle traffic through the crossing is estimated at 8,700 vehicles, which includes three percent commercial motor vehicles. Up to 16 school buses travel over this crossing on weekdays. There is one mainline track at this location. Approximately one freight train per day travels over the existing crossing at up to 40 miles per hour. Once passenger service resumes on the line, an estimated 14 passenger trains will travel over the crossing at up to 79 miles per hour.

- 4 Current railroad warning devices at the Berkeley St. SW crossing consist of wayside horns, cantilever-mounted flashing lights, gates, advance warning signs, pavement markings, and crossbucks.
- 5 The new over-crossing is part of WSDOT's I-5 widening project and will improve traffic flows onto and from I-5. Because the over-crossing will not intersect the railroad tracks at grade, no warning signs or signals are necessary at the crossing. The over-crossing will provide motorists with safe passage over the tracks because of the separation between the railroad tracks and users.
- 6 The construction of the over-crossing will take place south of the existing at-grade crossing. Traffic and workers will continue to use the existing crossing until the over-crossing is complete. Once the over-crossing is complete, traffic will be re-routed to the new over-crossing and access to the existing at-grade crossing will be removed. At that time, the existing crossing surface and signal equipment at the at-grade crossing will be removed by Sound Transit.

FINDINGS AND CONCLUSIONS

- 7 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *RCW 81.53*.
- 8 (2) The railroad-highway grade crossing at the intersection of Berkeley St. SW and the Respondents' tracks in Lakewood, Washington, identified as USDOT 085829U, is a public railroad-highway grade crossing within the state of Washington.
- 9 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington in non-first class cities. *See also WAC 480-62-150*.
- 10 (4) Commission staff investigated the petition and recommended that it be granted, provided that upon completion of the construction, the Petitioner must notify the Commission. The over-crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws and regulations.

- 11 (5) After reviewing WSDOT's petition filed on January 22, 2019, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

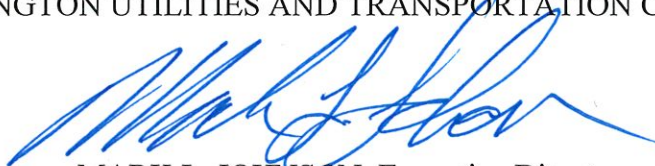
- 12 The Washington State Department of Transportation's petition to close an at-grade railroad-highway grade crossing and construct an over-crossing near the intersection of Berkeley St. SW and the Respondents' tracks in Lakewood, Washington, is granted. Approval of the petition is subject to the following condition:

- (1) The Petitioner must notify the Commission upon completion of the construction. The over-crossing is subject to inspection by Commission staff, to verify that it is in full compliance with applicable laws and regulations.

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 Olympia, Washington, and effective February 4, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARK L. JOHNSON, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its website for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's website. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).