

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-220668
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION,	ORDER 01
Petitioner,	GRANTING PETITION TO CONSTRUCT OR RECONSTRUCT A RAILROAD HIGHWAY GRADE SEPARATION (OVERCROSSING OR UNDERCROSSING)
BNSF RAILWAY COMPANY, INC.,	
Respondent.	USDOT: 980598G

BACKGROUND

- 1 On September 1, 2022, the Washington State Department of Transportation (WSDOT or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to construct a temporary overcrossing at the intersection of Interstate 90 (I-90) and the BNSF Railway Company (BNSF) tracks in Cle Elum, Kittitas County, identified as USDOT 980598G. WSDOT filed an addendum to the Petition on January 27, 2023. The temporary overcrossing will be located between the existing westbound (USDOT 928198C) and eastbound (USDOT 928199J) overcrossings of I-90 and will be used to detour traffic from the regular lanes during resurfacing. The resurfacing will continue through 2024 and the temporary overcrossing will be dismantled upon completion.
- 2 Respondent BNSF consented to entry of an Order by the Commission without further notice or hearing.
- 3 I-90 is a four-lane divided limited-access freeway with a speed limit of 60 miles per hour. On average, 40,000 vehicles use the overcrossings daily. The overcrossings are located on a designated truck route with approximately 10 percent commercial vehicle traffic. The overcrossings are not located on an established school bus route.
- 4 BNSF operates eight freight trains daily on its single-track mainline in this area at up to 49 miles per hour. No passenger trains operate on this line.

5 Because the temporary overcrossing will not intersect the railroad track at grade, no
railroad warning signs or signals are necessary.

6 According to the Petition, the parties have reached an agreement related to 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) WSDOT must complete construction of the proposed temporary
overcrossing within three years, (3) upon completion of the project authorized herein,
WSDOT must notify the Commission within 60 days, and (4) WSDOT must notify the
Commission within 60 days of removing the temporary overcrossing. Acceptance is
subject to inspection by Staff verifying that the temporary 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
temporary public overcrossing within the state of Washington. We find that the proposed
temporary overcrossing will provide 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 overcrossings within the state of Washington.

10 (2) The proposed temporary I-90 overcrossing, identified as USDOT 980598G, is a
public overcrossing within the state of Washington.

11 (3) RCW 81.53.060 requires that the Commission grant approval prior to constructing
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) After examination of the Petition filed by WSDOT on September 1, 2022, and the addendum to the Petition filed on January 27, 2023, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 14 Washington State Department of Transportation's Petition to construct a temporary public overcrossing located at the intersection of I-90 and 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) WSDOT must complete construction of the proposed temporary overcrossing within three years.
- (3) Upon completion of the project authorized herein, WSDOT must notify the Commission within 60 days. Acceptance is subject to inspection by Staff verifying that the overcrossing is in compliance with applicable laws, regulations, and the conditions specified herein.
- (4) WSDOT must notify the Commission within 60 days of removal of the temporary overcrossing.

- 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 March 9, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
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.