

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Petition of</p> <p>PIERCE COUNTY,</p> <p style="padding-left: 40px;">Petitioner,</p> <p>TACOMA RAIL,</p> <p style="padding-left: 40px;">Respondent.</p>	<p>DOCKET TR-220821</p> <p>ORDER 01</p> <p>GRANTING PETITION TO CONSTRUCT OR RECONSTRUCT A RAILROAD-HIGHWAY GRADE SEPARATION (OVERCROSSING OR UNDERCROSSING)</p> <p>USDOT: 971876W</p>
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**BACKGROUND**

- 1 On November 10, 2022, Pierce County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to construct an undercrossing at the intersection of 192<sup>nd</sup> Street East and the Tacoma Rail (Tacoma Rail) tracks at Frederickson, Pierce County, identified as USDOT 971876W. On January 13, 2023, the County filed an amended Petition.
- 2 Respondent Tacoma Rail consented to entry of an Order by the Commission without further notice or hearing.
- 3 Pierce County proposes to connect 192<sup>nd</sup> Street East between Canyon Road East and 70<sup>th</sup> Avenue East. In its Petition, the County states that construction of the undercrossing will allow further development of commercial property and provide access to four proposed commercial buildings, secondary access to the existing Boeing facility, and access from east to west across the development without requiring vehicles to cross the Tacoma Rail tracks at grade.
- 4 According to the Petition, this new public roadway will cross beneath the Tacoma Rail tracks at the location of an existing private at-grade crossing, identified as USDOT 932825F. The new roadway will consist of three 12-foot-wide lanes, four-foot-wide paved shoulders, and six-foot wide sidewalks on both sides. The new roadway is expected to carry 6,900 vehicles daily, 12 percent of which will be commercial vehicles. The new roadway will not be part of an established school bus route.

5 Because the undercrossing does not intersect the railroad tracks at grade, no railroad  
warning signs or signals are necessary.

6 Tacoma Rail operates two freight trains daily on its single-track mainline in this area at  
up to 10 miles per hour. No passenger trains operate in this area.

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

8 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  
amended Petition, (2) the County must complete the proposed modifications within five  
years, and (3) upon completion of the project authorized herein, the County must notify  
the Commission within 60 days. Acceptance is subject to inspection by Staff verifying  
that the undercrossing is in compliance with applicable laws, regulations, and the  
conditions specified herein.

### **DISCUSSION**

9 RCW 81.53.060 requires that the Commission grant approval prior to construction of a  
public undercrossing within the state of Washington. We find that the proposed  
undercrossing 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**

- 10 (1) The Commission is an agency of the State of Washington having jurisdiction over  
public undercrossings within the state of Washington.
- 11 (2) Once constructed, the 192<sup>nd</sup> Street East undercrossing, identified as USDOT  
971876W, will be considered a public undercrossing within the state of  
Washington.
- 12 (3) RCW 81.53.060 requires that the Commission grant approval prior to establishing  
a public undercrossing within the state of Washington. See also WAC 480-62-  
150.

- 13 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 8, above.
- 14 (5) After examining the Petition filed by the County on November 10, 2022, as amended on January 13, 2023, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

**ORDER**

**THE COMMISSION ORDERS:**

- 15 Pierce County's Petition to construct a public undercrossing located at the intersection of 192<sup>nd</sup> Street East and Tacoma Rail's tracks is granted. Approval of the Petition is subject to the following conditions:
- (1) The project must conform to the description in the amended Petition.
  - (2) Pierce County must complete the proposed modifications within five years.
  - (3) Upon completion of the project authorized herein, Pierce County must notify the Commission within 60 days. Acceptance is subject to inspection by Staff verifying that the undercrossing is in compliance with applicable laws, regulations, and the conditions specified herein.
- 16 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.**