

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-032086
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION,	ORDER 02
Petitioner,	ORDER RESCINDING APPROVAL TO GRADE SEPARATE RAILROAD-HIGHWAY GRADE CROSSING
To Grade Separate a Railroad-Highway Grade Crossing	USDOT: 091814T

BACKGROUND

- 1 On December 17, 2003, the Washington State Department of Transportation (WSDOT or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to close a railroad-highway grade crossing and replace it with a grade separated railroad crossing. The crossing, identified as USDOT 091814T, is located at the intersection of SR-524/Maltby Road and BNSF Railway Railway Co. (BNSF) tracks in Snohomish County, Washington.
- 2 On March 12, 2004, the Commission entered Order 01 granting the petition to grade separate the crossing.
- 3 On June 4, 2019, WSDOT submitted a request to withdraw its petition, indicating that the grade separation project was not funded and thus never completed. Ownership of the tracks has also changed hands several times since 2004. In 2017, WSDOT reached an agreement with the current track owner, Snohomish County, to update the existing crossing by adding active protection and train detection. WSDOT will file a new petition requesting approval of those upgrades.
- 4 Commission staff (Staff) recommends that the Commission rescind the approval for grade separation of the crossing in Order 01 because the petitioner no longer seeks grade separation.

DISCUSSION

5 We agree with Staff's recommendation and rescind the authority granted to WSDOT in Order 01. Because WSDOT no longer plans to grade separate the crossing, the underlying issue that gave rise to the petition is now moot. Our decision here does not impact WSDOT's ability to file another petition in the future to modify this crossing.

ORDER

THE COMMISSION ORDERS:

- 6 (1) The Commission rescinds the approval in Order 01 for the Washington State Department of Transportation to grade separate a railroad-highway grade crossing at SR-524/Maltby Road in Snohomish County, Washington.
- 7 (2) If the Washington State Department of Transportation wishes to modify this crossing in the future, it must submit a new petition for Commission approval.
- 8 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 15, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary