

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of
CITY OF SPOKANE VALLEY,

Petitioner,

BNSF RAILWAY COMPANY,
WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION,

Respondents.

DOCKET TR-240844

ORDER 01

GRANTING PETITION TO
CONSTRUCT A RAILROAD-
HIGHWAY GRADE SEPARATION
(UNDERCROSSING) AT PINES
ROAD, SPOKANE VALLEY

USDOT: 982823D

BACKGROUND

- 1 On November 4, 2024, the City of Spokane Valley, (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to construct a railroad-highway grade separation (undercrossing), identified as USDOT 982823D, at the intersection of Pines Road, also known as State Route 27, and respondent BNSF Railway Co.'s (BNSF) tracks in Spokane Valley.
- 2 Respondents BNSF and Washington State Department of Transportation (WSDOT) consented to entry of an Order by the Commission without further notice or hearing.
- 3 The new undercrossing will consist of two northbound and two southbound traffic lanes and a multi-use path. The undercrossing will replace the existing at-grade crossing of Pines Road, identified as USDOT 066367E, which currently carries approximately 16,000 vehicles per day. Pines Road is an established truck route with 6 percent commercial vehicle traffic and is part of an established school bus route with 40 school buses using the crossing each school day.
- 4 Currently 46 freight trains and two passenger trains use the crossing daily at up to 40 miles per hour. Once completed, BNSF plans to construct a second main track over Pines Road which is expected to increase rail traffic.

5 Because the undercrossing will not intersect the railroad tracks at grade, no warning signs
or signals are necessary. The undercrossing will provide roadway users with safe passage
below the tracks because of the separation between the railroad tracks and roadway.

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 City must complete the proposed modifications within five years, and (3)
upon completion of the project authorized herein, the City must notify the Commission
within 60 days. Acceptance is subject to inspection by Staff, verifying that the
undercrossing 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
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

- 9 (1) The Commission is an agency of the State of Washington having jurisdiction over
public highway-rail undercrossings within the state of Washington.
- 10 (2) Once constructed, the Pines Road undercrossing, identified as USDOT 982823D,
will be considered a public undercrossing within the state of Washington.
- 11 (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.
- 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 December 5, 2024.
- 14 (6) After review of the Petition filed by the City on November 4, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 15 The City of Spokane Valley's Petition to construct a public undercrossing located at Pines Road and the BNSF Railway Co.'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 City of Spokane Valley must complete the proposed modifications within five years.
 - (3) Upon completion of the project authorized herein, the City of Spokane Valley must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the undercrossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

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 December 5, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary