

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF PUYALLUP,

Petitioner,

BNSF RAILWAY COMPANY,
CENTRAL PUGET SOUND
TRANSPORTATION AUTHORITY
(SOUND TRANSIT),

Respondents.

DOCKET TR-250052

ORDER 01

GRANTING PETITION TO MODIFY
WARNING DEVICES AT A PUBLIC
HIGHWAY-RAIL GRADE
CROSSING AT 5TH STREET NW,
PUYALLUP

USDOT: 085699A

BACKGROUND

- 1 In April 2022, Commission staff (Staff) informed the City of Puyallup (City or Petitioner) that it must file a petition (Petition) with the Washington Utilities and Transportation Commission (Commission) for approval to modify highway-rail grade crossings prior to any modifications being made. Staff later learned that modifications were completed at the 5th Street NW highway-rail grade crossing, identified as USDOT 085699A, without approval from the Commission.
- 2 On January 24, 2025, the City filed with the Commission its Petition seeking belated approval to modify warning devices at the 5th Street NW crossing.
- 3 Respondents BNSF Railway Co. (BNSF) and Central Puget Sound Transportation Authority (Sound Transit) consented to entry of a Commission order without hearing.
- 4 5th Street NW is a two-lane roadway with a posted vehicle speed limit of 30 miles per hour that crosses two BNSF mainline tracks. The average annual daily traffic at this location is estimated at 9,364 vehicles. 5th Street NW is not part of an established truck route but has approximately 10 percent daily commercial traffic. 5th Street NW is part of an established school bus route with 15 buses using the crossing on school days. Approximately 26 freight trains operate over this crossing daily at up to 50 miles per hour. Fifteen passenger trains operate over this crossing daily at up to 79 miles per hour.
- 5 In its Petition, the City describes the modifications to warning devices at the 5th Street NW crossing, including additional warning signs in each quadrant of the crossing, installation of detectable warning surfaces on existing sidewalks, extension of a crossing

panel and replacement of a gate arm in the northwest quadrant, installation of a traffic signal for northbound traffic, supplemental crossbucks and mast-mounted flashing lights in the northeast and southwest quadrants, and replacement of the signal house. In addition, the project included interconnection of the railroad crossing signals with the adjacent intersection traffic signals with 19 seconds of advance preemption.

6 The City states that the new Sound Transit parking garage, constructed on the south side of the BNSF tracks between 5th and 7th Street NW, created the public safety need for an improved interconnected signal at 5th Street NW and West Stewart Street. The parking garage includes a pedestrian overpass that obstructed a clear sight path to crossing warning devices. Signal heads were installed on the northbound pedestrian overpass to mitigate this.

7 Although the public service laws require the Commission's approval prior to a petitioner making any such modification,¹ Staff recommends belated authorization of the City's efforts to keep the public highways safe for traveling.

8 According to the Petition, the City and the Respondents reached an agreement related to the apportionment of costs for the upgrades.

9 Staff has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the modifications must conform to those described in and attached to the Petition, (2) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, and (3) acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with the conditions specified herein.

DISCUSSION

10 Revised Code of Washington (RCW) 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. Although the City did not seek approval before modifying this crossing, we find that the proposed modifications will improve overall safety for drivers. When the Commission directs the installation of warning devices, it will apportion installation and maintenance costs in accordance with the applicable statutes.² RCW 81.53.261 provides that the parties may enter into an agreement providing for the installation of signals or other warning devices or for the apportionment of the cost of installation and

¹ RCW 81.53.060, .261.

² See RCW 81.53.261-.295.

maintenance. The parties to this Petition confirmed that they have reached an agreement related to cost apportionment. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 11 (1) The Commission is an agency of the state of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 12 (2) The 5th Street NW grade crossing, identified as USDOT 085699A, is a public railroad-highway grade crossing within the state of Washington.
- 13 (3) RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. See also Washington Administrative Code (WAC) 480-62-150.
- 14 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 9 above.
- 15 (5) After examining the Petition filed by the City on January 24, 2025, and considering all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 16 The City of Puyallup's Petition to modify warning devices at a railroad-highway grade crossing located at 5th Street NW is granted, subject to the following conditions:
- (1) The modifications must conform to those described in and attached to the Petition.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- (3) Acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with the conditions specified herein.
- 17 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 12, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
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.