

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION,

Petitioner,

CENTRAL PUGET SOUND
REGIONAL TRANSIT AUTHORITY,
BNSF RAILWAY COMPANY,
TACOMA RAIL, and,
CITY OF DUPONT,

Respondents.

DOCKET TR-240208

ORDER 01

GRANTING PETITION TO
CONSTRUCT A RAILROAD-
HIGHWAY GRADE SEPARATION
(OVERCROSSING OR
UNDERCROSSING) AT
STEILACOOM-DUPONT ROAD

USDOT: 981263V

BACKGROUND

- 1 On March 25, 2024, 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 railroad-highway grade separation (overcrossing), identified as USDOT 981263V, at the intersection of Steilacoom-Dupont Road and respondent Central Puget Sound Regional Transit Authority's (Sound Transit) tracks in Dupont. On May 8, 2024, WSDOT supplemented its petition with an additional respondent's signature.
- 2 Respondents Sound Transit (track owner), Tacoma Rail (railroad operator), and the City of Dupont consented to entry of an Order by the Commission without further notice or hearing. BNSF Railway Company (railroad operator) indicated to Commission Staff (Staff) that it does not object to the grade separation.
- 3 The new overcrossing is part of WSDOT's Interstate 5 (I-5) Mounts Road to Thorne Lane Interchange-Corridor Improvements project, a \$495 million dollar project funded by the Washington State Legislature's Connecting Washington transportation revenue package. In its Petition, WSDOT explains that the overcrossing will improve traffic flows onto and from the state highway. Construction of the overcrossing also includes the closure of the existing at-grade crossing at Barksdale Avenue, identified as USDOT 085836E. The overcrossing will be constructed approximately 1,000 feet east of the Barksdale crossing at mile post 17.31. Traffic will continue to use the Barksdale crossing

until the overcrossing is complete. At that time, traffic will be re-routed to the overcrossing, the Barksdale crossing will be closed, and signal equipment will be removed by Sound Transit.

- 4 The overcrossing will consist of five 12-foot-wide lanes and a shared use path on the west side. It is expected to carry 10,600 vehicles daily, including up to 10 percent commercial vehicle traffic. The overcrossing will not be part of an established school bus route. Up to two freight trains will travel under the overcrossing per week at up to 40 miles per hour, and fourteen passenger trains will travel under the overcrossing daily at up to 79 miles per hour.
- 5 Because the overcrossing will not intersect the railroad tracks at grade, no warning signs or signals are necessary. The overcrossing will provide motorists with safe passage over the tracks because of the separation between the railroad tracks and motorists.
- 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) WSDOT must complete the proposed modifications within five years, and (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 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 overcrossing within the state of Washington. We find that the proposed overcrossing 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 overcrossings within the state of Washington.

- 10 (2) Once constructed, the Steilacoom-Dupont Road overcrossing, identified as USDOT 981263V, will be considered a public overcrossing within the state of Washington.
- 11 (3) RCW 81.53.060 requires that the Commission grant approval prior to establishing 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) This matter came before the Commission at its regularly scheduled meeting on June 13, 2024.
- 14 (6) After review of the Petition filed by WSDOT on March 25, 2024, and the supplemental respondent information filed on May 8, 2024, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 15 The Washington State Department of Transportation's Petition to construct a public overcrossing located at Steilacoom-Dupont Road and Central Puget Sound Regional Transit Authority tracks is granted. Approval of the Petition is subject to the following conditions:
- 16 (1) The project must conform to the description in the Petition.
- 17 (2) WSDOT must complete the proposed modifications within five years.
- 18 (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 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 June 13, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary