

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-250178
BNSF RAILWAY COMPANY,	ORDER 02
Petitioner,	GRANTING PETITION TO MODIFY WARNING DEVICES AT A PUBLIC HIGHWAY-RAIL GRADE CROSSING AT OREGON WAY, LONGVIEW
CITY OF LONGVIEW,	
Respondent.	USDOT: 101805A

BACKGROUND

- 1 In April 2023, Washington Utilities and Transportation Commission (Commission) staff (Staff) informed BNSF Railway Company (BNSF or Petitioner) that it must file a petition (Petition) with the Commission for approval to modify highway-rail grade crossings prior to any modifications being made. Staff later learned that BNSF completed modifications to warning devices at the Oregon Way highway-rail grade crossing, located in Longview and identified as USDOT 101805A, without approval from the Commission.
- 2 On March 18, 2025, BNSF filed with the Commission a Petition to Modify Highway-Rail Grade Crossing Warning Devices at the Oregon Way crossing. Respondent, the City of Longview (City) did not sign the Petition to indicate consent for a decision by the Commission without a hearing.
- 3 On May 9, 2025, the Commission issued a Notice of Virtual Prehearing Conference, scheduled for May 28, 2025, at 1:30 p.m.
- 4 At the May 28, 2025 Prehearing Conference, the City indicated that it did not oppose BNSF's Petition or have any concerns with any of the proposed modifications, but did not understand that the City's signature was required to waive the hearing or avert any further adjudicatory processes. Based on this response, the parties requested that the Presiding Officer continue the prehearing conference to allow the City time to review and sign Section 12 – Cost Apportionment, and Section 13 – Waiver of Hearing if the City indeed supported and agreed to all the terms set forth in the Petition.

- 5 On June 2, 2025, the parties submitted an Amended Petition, signed and dated May 28, 2025, which included the City's waiver of hearing and agreement to the cost apportionment under Sections 12 and 13 of the Petition.
- 6 On June 6, 2025, the Commission issued Order 01, dismissing the adjudicative proceeding.
- 7 Oregon Way is a four-lane roadway with a posted vehicle speed limit of 35 miles per hour that crosses a single industrial track. The average annual daily traffic at this location is estimated at 32,000 vehicles. Oregon Way is part of an established truck route with approximately five percent daily commercial vehicle traffic. Oregon Way is not part of an established school bus route. One freight train operates through this crossing daily at up to 10 miles per hour. No passenger trains operate through this crossing.
- 8 Warning devices at the Oregon Way crossing previously consisted of advance warning signs, pavement markings, reflectorized crossbucks, Emergency Notification System signs, bells, articulated vehicle gates, and mast and cantilever-mounted flashing warning lights.
- 9 In its Petition, BNSF states the modifications to the warning devices included replacement of the existing articulated vehicle gates with all new warning device components, including median and shoulder-mounted gates, a signal bungalow, and cantilevers. BNSF states that these changes will improve warning device reliability, reduce maintenance requirements, and generally increase safety for BNSF maintenance employees and crossing users.
- 10 Although the public service laws require the Commission's approval prior to a petitioner making any such modification,¹ Staff recommends the belated authorization of BNSF's efforts to improve safety at the crossing for its employees and to keep the public highway safe for traveling.
- 11 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.

¹ RCW 81.53.060, .261.

DISCUSSION

- 12 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 BNSF did not seek approval before modifying this crossing, we find that the proposed modifications will improve safety. 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 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

- 13 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 14 (2) The Oregon Way crossing, identified as USDOT 101805A, is a public railroad-highway grade crossing within the state of Washington.
- 15 (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 WAC 480-62-150.
- 16 (4) Staff investigated the Petition and recommends it be granted with the conditions set out in paragraph 11, above.
- 17 (5) After examining the amended Petition filed by BNSF on June 2, 2025, and considering all relevant matters and for good cause shown, the Commission grants the Petition.

² See RCW 81.53.261–.295.

ORDER

THE COMMISSION ORDERS:

- 18 BNSF Railway Company's Petition to modify warning devices at a railroad-highway grade crossing located at Oregon Way 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.
- 19 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 June 20, 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.