

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF RIDGEFIELD,

Petitioner.

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-210802

ORDER 01

GRANTING PETITION TO CLOSE A  
HIGHWAY-RAIL GRADE CROSSING  
AT MILL STREET IN RIDGEFIELD

USDOT: 092426X

**BACKGROUND**

- 1 On October 21, 2021, the City of Ridgefield (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to close an at-grade highway-railroad grade crossing. The crossing is identified as USDOT 092426X and is located at the intersection of Mill Street and the BNSF Railway Company's (BNSF or Respondent) tracks in Ridgefield.
- 2 The Respondent consented to entry of an Order by the Commission without further notice or hearing.
- 3 Mill Street is a two-lane local roadway with a posted vehicle speed limit of 25 miles per hour. Average annual daily vehicle traffic through the crossing is estimated at 312 vehicles. Mill Street is not part of an established school bus or commercial vehicle route. There are two mainline tracks at this location. Approximately 51 freight trains per day travel over the existing crossing at up to 50 miles per hour. Ten passenger trains per day travel over the crossing at up to 65 miles per hour.
- 4 Railroad warning devices at the Mill Street crossing consist of advance warning signs, pavement markings, reflectorized crossbucks, ENS signs, mast and cantilever-mounted warning lights, bell, and gates. Once the crossing closes, BNSF will remove these devices.
- 5 Pursuant to the procedure specified in RCW 81.53.060, Commission staff (Staff) posted notice of the proposed crossing closure at the crossing. Staff also arranged for publication

of a legal notice in the Columbian, the newspaper of general circulation in the Clark County area. Publication occurred on November 30, 2020. Both notices directed any person wishing to comment on the petition to respond by email or in writing to the Commission. The Commission received one objection from a city resident regarding the proposed crossing closure within the comment period. The commenter is concerned that conditions related to the construction of the nearby Pioneer Street overpass, approved by the Commission in Docket TR-200266, have not been met. Specifically, the commenter is concerned that the Division Street crossing has not yet been converted to a private crossing.

- 6 The City, as State Environmental Policy Act lead agency for the proposal, has issued a Determination of Non-Significance for the proposal, thereby satisfying state environmental requirements for the project.
- 7 Closing the Mill Street crossing is part the multi-faceted “Port of Ridgefield Pioneer Street Railroad Overpass” project, involving the City and the Port of Ridgefield (Port). According to the Petition, the purpose of the project is to provide safer, unobstructed, direct motorized and non-motorized access from the City to the Port of Ridgefield, the adjacent Lake River waterfront community, and the public boat launch. The project also involves two other facets: the Port’s construction of a new grade-separated crossing over the BNSF tracks in Ridgefield at Pioneer Street (USDOT 974393A),<sup>1</sup> which is now complete, and the City’s conversion of the nearby Division Street at-grade crossing (USDOT 092428L) to a private crossing.<sup>2</sup> Division Street will remain gated to all but emergency and BNSF maintenance vehicles.
- 8 Once closure of the Mill Street at-grade crossing is approved by the Commission, access to the crossing will end, and the existing crossing surface and signal equipment will be removed.
- 9 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 project described in the Petition within two years of the effective date of this order, and (3) upon completion of the project, the City must notify

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<sup>1</sup> The Commission approved the Port’s petition to construct the Pioneer Street overcrossing in April 2020 in Docket TR-200266.

<sup>2</sup> Conversion of a public crossing to a private crossing does not require Commission approval. Specifics related to the Division Street private crossing will be negotiated between the City and BNSF.

the Commission with 60 days. Acceptance is subject to inspection by Staff, verifying that the project is in full compliance with applicable laws, regulations, and the conditions specified herein.

- 10 The Commission received one comment from a community resident, Tim Frederickson, who initially characterized his comment as an objection. Frederickson expressed frustration that the Division Street crossing has not yet been converted to a private crossing. Following discussions with Staff, Frederickson stated at the Commission's January 13, 2022, regularly scheduled open meeting that he no longer objects to the Petition but requests that his concerns related to the delay in converting the Division Street crossing be noted for the record.

### **DISCUSSION**

- 11 RCW 81.53.060 requires that the Commission grant approval prior to closing a public railroad-highway grade crossing within the state of Washington. The statute further provides that the Commission may order the grade crossing closed without a hearing when certain conditions are met, and the Commission receives no objection to the petition that seeks to close the crossing. Here, the conditions have been met and no objections have been raised.
- 12 Overall, we find that the proposed closure will improve safety for roadway users. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends. We appreciate BNSF's commitment to continue working with the City to convert the Division Street crossing to a private crossing to address Frederickson's concerns.

### **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 Mill Street grade crossing, identified as USDOT 092426X, is a public railroad-highway grade crossing within the state of Washington.
- 15 (3) RCW 81.53.060 requires that the Commission grant approval prior to closing 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 that it be granted with the conditions set out in paragraph 9, above.
- 17 (5) This matter was brought before the Commission at its regularly scheduled meeting on January 13, 2022.
- 18 (6) After examination of the petition filed by the City of Ridgefield on October 21, 2021, and considering all relevant matters and for good cause shown, the Commission grants the petition.

**ORDER**

**THE COMMISSION ORDERS:**

- 19 The City of Ridgefield's Petition to close an at-grade railroad-highway grade crossing at the intersection of Mill Street and the Respondents' tracks in Ridgefield, Washington, 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 Ridgefield must complete the project described in the Petition within two years of the effective date of this order
  - (3) Upon completion of the project authorized herein, the City of Ridgefield must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the project is in full compliance with applicable laws, regulations, and the conditions specified herein.

DATED at Lacey, Washington, and effective January 13, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner