

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-230483
CITY OF BINGEN,	ORDER 02
Petitioner,	
BNSF RAILWAY COMPANY,	GRANTING PETITION TO CONSTRUCT A RAILROAD- HIGHWAY GRADE SEPARATION (OVERTHROWING OR UNDERCROSSING) AT JUNIPER STREET
Respondent.	USDOT: 980875N

BACKGROUND

- 1 On June 15, 2023, the City of Bingen (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) at the intersection of a new roadway and respondent BNSF Railway Company's (BNSF) tracks in Bingen. Respondent BNSF did not sign the Petition to indicate that it consented to a decision by the Commission based on a review of the documents filed in the docket.
- 2 On July 10, 2023, the Commission issued a Notice of Prehearing Conference scheduling a virtual prehearing conference on August 2, 2023, at 1:30 p.m.
- 3 On July 31, 2023, the Commission issued a Notice Continuing Prehearing Conference, that rescheduled the prehearing conference to August 23, 2023, at 10:30 a.m.
- 4 On August 21, 2023, the Commission issued a Notice Continuing Prehearing Conference, that rescheduled the prehearing conference to February 15, 2024, at 10:30 a.m.
- 5 On February 13, 2024, the Commission issued a Notice Continuing Prehearing Conference, that rescheduled the prehearing conference to June 18, 2024, at 10:30 a.m.
- 6 On June 17, 2024, the Commission issued a Notice Continuing Prehearing Conference, that rescheduled the prehearing conference to August 16, 2024, at 10:30 a.m.

- 7 On July 2, 2024, the City submitted to the presiding officer an amended Petition (Amended Petition) that included BNSF's consent to a decision by the Commission based on a review of the documents filed in the docket. On July 8, 2024, the City submitted updated Petition attachments.
- 8 On July 18, 2024, the Commission issued Order 01 Dismissing Adjudicative Proceeding as there remained no dispute before the Commission that required adjudication.
- 9 In the Petition and its attachments, the City explains that the State Route 14 (SR-14)/E of Bingen - Port of Klickitat Access Improvements Project proposes to construct a new grade separated crossing of BNSF's tracks between SR-14 and the Port of Klickitat's (Port) property at BNSF milepost 75.99. Currently the public and emergency responders use an at-grade railroad crossing to access the Port and Bingen Point from SR-14. The public safety needs identified in the project were to reduce congestion along SR-14 due to train traffic, to increase safety, and to improve connectivity between Bingen Point, the Port, and SR-14 in Klickitat county.
- 10 In 2016, the Washington State Legislature authorized the Washington State Department of Transportation, on behalf of the City, to design and construct the grade separated crossing. Using Connecting Washington funds, \$22.9 million was originally appropriated for this project with additional increases of \$3.1 million, \$2 million, and \$6.25 million to reach the current budget of \$34.25 million.
- 11 Juniper Street¹ will be constructed as a two-lane roadway with a sidewalk and bicycle lanes and a speed limit of 25 miles per hour. Average annual daily vehicle traffic on Juniper Street is estimated at 2,030 vehicles, including up to 20 percent commercial vehicle traffic. The undercrossing will not be part of an established school bus route. Up to 32 freight trains will travel over the undercrossing per week at up to 45 miles per hour, and two passenger trains will travel over the undercrossing daily at up to 45 miles per hour. The USDOT number for the new undercrossing is 980875N.
- 12 Because the undercrossing will not intersect the railroad tracks at grade, no warning signs or signals are necessary. The undercrossing will provide motorists with safe passage under the tracks because of the separation between the railroad tracks and motorists.
- 13 According to the Amended Petition, the parties have reached an agreement related to the apportionment of costs.

¹ The City's June 2023 Petition identified the new roadway under the grade separation as Elm Street; however, based on the amended Petition, the name of the roadway will be Juniper Street.

14 Commission Staff (Staff) has investigated the Amended Petition and recommends that it be granted subject to the following conditions: (1) the project must conform to the description in the amended 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

15 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 Amended Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 16 (1) The Commission is an agency of the State of Washington having jurisdiction over public undercrossings within the state of Washington.
- 17 (2) Once constructed, the Juniper Street undercrossing, identified as USDOT 980875N, will be considered a public undercrossing within the state of Washington.
- 18 (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.
- 19 (4) Staff investigated the original Petition and Amended Petition and recommends that the Amended Petition be granted with the conditions set out in paragraph 14, above.
- 20 (5) This matter came before the Commission at its regularly scheduled meeting on August 8, 2024.
- 21 (6) After review of the Petition filed by the City on June 15, 2023, the Amended Petition filed on July 2, 2024, and the updated Petition attachments filed on July 8, 2024, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

22 The City of Bingen's Amended Petition to construct a public undercrossing located at Juniper Street and BNSF Railway Company's tracks is granted. Approval of the Amended Petition is subject to the following conditions:

- (1) The project must conform to the description in the Amended Petition.
- (2) The City of Bingen must complete the proposed modifications within five years.
- (3) Upon completion of the project authorized herein, the City of Bingen 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 August 8, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary