

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of  
  
CITY OF OLYMPIA,  
  
Petitioner,  
  
UNION PACIFIC RAILROAD  
COMPANY,  
  
Respondent.

DOCKET TR-240793

ORDER 04

GRANTING PETITION TO MODIFY  
WARNING DEVICES AT OLYMPIA  
AVENUE AT ADAMS STREET,  
OLYMPIA

USDOT 807853T

**BACKGROUND**

- 1 On October 21, 2024, the City of Olympia (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition to modify a highway-rail grade crossing, USDOT Crossing Number 807857V. The matter was filed under Docket TR-240783. On October 23, 2024, the City of Olympia filed with the Commission a petition to modify a highway-rail grade crossing, USDOT Crossing Number 807853T (Petition). The matter was filed under Docket TR-240793. On November 12, 2024, Union Pacific Railroad Company (UPRR) filed with the Commission two letters opposing the petitions filed in Dockets TR-240783 and TR-240793.
- 2 The Commission convened a virtual prehearing conference on February 25, 2025, before Administrative Law Judge Harry Fukano. On March 17, 2025, The Commission issued Order 02 Prehearing Conference Order; Notice of Hearing, which among other things, established a procedural schedule and set an evidentiary hearing for Wednesday, June 11, 2025.
- 3 On June 10, 2025, the Commission issued a notice cancelling the hearing and suspending the procedural schedule in order to afford the parties additional time to negotiate a potential settlement and requiring the parties to file either a settlement or a status update by July 11, 2025. On July 10, 2025, the City and UPRR filed a status update regarding

settlement. On July 17, 2025, the Commission further continued the deadline for filing a settlement or status update to August 11, 2025.

- 4 On August 11, 2025, UPRR filed a Stipulated Motion to Withdraw Opposition (Stipulated Motion).<sup>1</sup> UPRR's Stipulated Motion requests that the Commission allow UPRR to withdraw its opposition to the two petitions filed by the City based upon an agreement between the City and UPRR.<sup>2</sup>
- 5 On September 18, 2025, the Commission held a hearing regarding the Stipulated Motion. At the hearing, the City and UPRR agreed to file additional materials regarding the agreement discussed in the Stipulated Motion by October 17, 2025. The parties agreed that the update would include amended petitions to reflect the actions that have been taken since the initiation of these proceedings, an updated waiver of hearing, updated settlement, a discussion of allocation of maintenance costs, and a proposal regarding how the Commission should proceed to resolve this matter. Additionally, Commission staff (Staff) suggested that the matter could be resolved through the Commission's delegated order process if the City filed updated petitions and UPRR was willing to waive its right to a hearing on the petitions.<sup>3</sup>
- 6 On October 10, 2025, the Commission issued a notice establishing a deadline to file additional materials or a status update by October 17, 2025. On October 16, 2025, the City and UPRR filed a status report, requesting that the Commission continue the deadline to file additional materials or a status report to November 17, 2025. On November 4, 2025, the Commission filed a notice extending the deadline to file additional materials or a status update to November 17, 2025.
- 7 On November 17, 2025, the City and UPRR filed a Stipulated Response. As part of the Stipulated Response, the City and UPRR filed updated versions of the two petitions originally filed by the City regarding crossings USDOT 807857V and USDOT 807853T.<sup>4</sup> The Stipulated Response also included a settlement agreement between the City and UPRR regarding the crossings that are the subject of the City's petitions, as well as minutes from a diagnostic meeting held pursuant to that agreement.<sup>5</sup> The Stipulated Response further provided that UPRR waived its right to a hearing to contest the petitions

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<sup>1</sup> On August 15, 2025, UPRR filed a revised version of the Stipulated Motion to Withdraw that included an Exhibit A that was originally omitted from the filing August 11, 2025.

<sup>2</sup> Stipulated Motion at 1.

<sup>3</sup> Young, TR 10:13 – 11:17.

<sup>4</sup> Stipulated Response at 1, 4-21.

<sup>5</sup> Stipulated Response at 33-37.

filed by the City pursuant to the terms and conditions set forth in other documents submitted in the Stipulated Response and requested that the Commission accept the City and UPRR's stipulated approval of the amended petitions.<sup>6</sup>

- 8 On February 19, 2026, the Commission entered Order 03 Granting Motion to Withdraw Opposition; Transferring Docket Subject to Condition. The Commission granted the Stipulated Motion to Withdraw Opposition, as updated by the Stipulated Response, and transferred the matter for resolution by the executive director pursuant to the delegated order process, subject to the condition that the City and UPRR file further amendments to the amended petitions concerning crossings USDOT 807857V and USDOT 807853T to reflect the parties' agreement concerning the apportionment of costs and UPRR's waiver of hearing, as well as the petitioner's signature for section 1 of the Petition concerning crossing USDOT 807857V, within 30 days from the effective date of the Order.
- 9 On March 23, 2026, the City filed a revised Petition that contains the parties' updated signatures regarding the agreement concerning the apportionment of costs and UPRR's waiver of hearing.
- 10 UPRR consented to entry of an Order by the Commission without further notice or hearing.
- 11 Olympia Avenue at Adams Street (Olympia Avenue) is a two-lane urban local roadway with a posted vehicle speed limit of 25 miles per hour. Average annual daily traffic through the crossing is 1,000 vehicles. Olympia Avenue is neither part of an established commercial vehicle route nor an established school bus route.
- 12 Warning devices at the Olympia Avenue crossing previously consisted of advance warning signs, pavement markings, reflectorized crossbucks, Yield signs on the east and west approaches, Stop signs on the north and south approaches, and Emergency Notification System signs.
- 13 The City's Petition indicates that the conflicting Yield and Stop sign conditions at the crossing posed a significant safety risk, causing driver confusion about the right-of-way when approaching the intersection, and were in direct conflict with several Manual on Uniform Traffic Control Devices (MUTCD) sections. The City stated that because the four legs at Olympia Avenue crossing have crossbuck assemblies, the only traffic control device that complies with MUTCD standards for these intersections is an all-way stop.

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<sup>6</sup> Stipulated Response at 1-2.

Prior to submitting its Petition, the City replaced the Yield signs on the east and west approaches with Stop signs.

- 14 Although the public service laws require the Commission's approval prior to a petitioner making any such modification,<sup>7</sup> Staff recommends the belated authorization of the City's efforts to improve safety at the crossing and to keep the public highway safe for traveling.
- 15 According to the Petition, the parties have reached an agreement related to the apportionment of costs for the proposed modifications.
- 16 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 is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

#### DISCUSSION

- 17 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 the warning devices at this crossing, we find that the proposed modifications improve safety. When the Commission directs the installation of warning devices, it will apportion installation and maintenance costs in accordance with the applicable statutes.<sup>8</sup> 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

- 18 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.

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<sup>7</sup> RCW 81.53.261.

<sup>8</sup> See RCW 81.53.261–295.

- 19 (2) The Olympia Avenue crossing, identified as USDOT 807853T, is a public  
railroad-highway grade crossing within the state of Washington.
- 20 (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.
- 21 (4) Staff investigated the Petition and recommends that it be granted with the  
conditions set out in paragraph 16, above.
- 22 (5) After examination of the Petition filed by the City on March 23, 2026, and giving  
consideration to all relevant matters and for good cause shown, the Commission  
grants the Petition.

**O R D E R**

**THE COMMISSION ORDERS:**

- 23 The City of Olympia's Petition to modify warning devices at a public railroad-highway  
grade crossing located at the intersection of Olympia Avenue at Adams Street and Union  
Pacific Railway's tracks in Olympia is granted. Approval of the Petition is subject to the  
following conditions:
- 24 (1) The project must conform to the description in the Petition.
- 25 (2) Traffic control devices must comply with all applicable standards specified in the  
U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- 26 (3) Acceptance is subject to inspection by Staff, verifying that the crossing is in full  
compliance with applicable laws, regulations, and the conditions specified herein.
- 27 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 May 6, 2026.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Jeff Killip  
Executive Director and Secretary

By: /s/ Evan Gaffey  
Operations Director  
Executive Director's Designee