

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

THURSTON COUNTY,

Petitioner,

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-250345

ORDER 01

GRANTING PETITION TO INSTALL
EXEMPT SIGNS AT A HIGHWAY-
RAIL GRADE CROSSING AT MAYES
ROAD SOUTHEAST

USDOT: 085246H

BACKGROUND

- 1 On May 15, 2025, Thurston County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to install Exempt (R15-3P) signs at a public railroad-highway grade crossing located at the intersection of Mayes Road SE and a BNSF Railway Company (BNSF or Respondent) spur track near Lacey, identified as USDOT 085246H.
- 2 BNSF consented to entry of an Order by the Commission without further notice or hearing.
- 3 Mayes Road SE 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 1,114 vehicles. Mayes Road SE is part of an established school bus route with 20 school buses using the crossing each school day. Mayes Road SE is not part of an established commercial vehicle route.
- 4 Warning devices at the Mayes Road SE crossing consist of advance warning signs, roadway markings, reflectorized crossbucks, Emergency Notification System signs, a pedestrian warning bell, gates, and mast-mounted warning lights. The BNSF spur track at Mayes Road SE is severed from the rail network and no trains operate at this location.
- 5 By law, all commercial motor vehicles transporting passengers or hazardous materials must stop at all highway-railroad grade crossings, even when crossing signals are not

activated, with few exceptions.¹ The purpose of the stop is for the driver to look in both directions and listen for trains. The stopping requirement does not apply at a crossing where the Commission has approved the installation of an Exempt sign in accordance with RCW 81.53.060.

- 6 According to the County's Petition, Mayes Road SE is one of the roadways school buses use to access Seven Oaks Elementary School. Bus drivers are required to make a stop at the railroad crossing, but the lack of containment space puts the rear of the bus within the limits of Union Mills Rd SE. This increases the potential for collisions. The railroad tracks dead-end 3,000 feet to the west and are severed from the rail network at Marvin Road, approximately 1,500 feet to the east. There is no rail activity at this crossing and school buses are stopping unnecessarily. The County proposes to install Exempt signs at this crossing, which the County believes will improve safety, mobility, and convenience for crossing users by allowing school buses to proceed through the crossing without making unnecessary stops in the roadway.
- 7 Pursuant to the procedure specified in RCW 81.53.060, Commission Staff (Staff) arranged for publication of a legal notice in the Daily Olympian, a newspaper of general circulation in the Thurston County area. The notice directed any person wishing to comment on the Petition to respond in writing to the Commission. The Commission did not receive comments or objections regarding the proposed crossing modifications within the comment period.
- 8 According to the Petition, the parties have reached an agreement related to apportionment of costs.
- 9 Commission 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 County must install the signs within 90 days, and (3) upon completion of the project authorized herein, the County must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

¹ RCW 46.61.350.

DISCUSSION

- 10 RCW 81.53.060 requires that the Commission grant approval prior to alteration in the method and manner of an existing public railroad-highway grade crossing within the state of Washington. We find that the installation of Exempt signs will improve safety, mobility, and convenience for crossing users. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 11 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 12 (2) The Mayes Road SE crossing, identified as USDOT 085246H, is a public railroad-highway grade crossing within the state of Washington.
- 13 (3) RCW 81.53.060 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.
- 14 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 9, above.
- 15 (5) This matter came before the Commission at its regularly scheduled open meeting on June 12, 2025.
- 16 (6) After examination of the Petition filed by the County on May 15, 2025, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 17 (1) Thurston County's Petition to install Exempt signs at a public railroad-highway crossing located at the intersection of Mayes Road SE and BNSF Railway Company's spur track near Lacey is granted. Approval of the Petition is subject to the following conditions:

- (a) The project must conform to the description in the Petition.
 - (b) Thurston County must complete the proposed modifications within 90 days.
 - (c) Upon completion of the project authorized herein, Thurston County must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.
- 18 (2) 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 12, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP,
Executive Director and Secretary