

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET TR-081150
	)	
PIERCE COUNTY,	)	ORDER 01
	)	
Petitioner.	)	ORDER GRANTING PETITION TO
	)	CONSTRUCT A PEDESTRIAN-ONLY
	)	OVER-CROSSING AT CHAMBERS
BNSF RAILWAY COMPANY,	)	CREEK PROPERTIES IN PIERCE
	)	COUNTY
Respondent.	)	
	)	USDOT: 929005E
	)	UTC: 1K 13.50A
.....	)	

**BACKGROUND**

- 1 On June 20, 2008, Pierce County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to construct a pedestrian over-crossing at the Chambers Creek Properties in Pierce County. The crossing will be identified as USDOT 929005E. It will be located between a two-mile beach area and the Chambers Creek Properties, and over the BNSF Railway Company's tracks.
- 2 The Chambers Creek Properties is 950 acres of land which is being developed into a regional recreation destination by Pierce County. The land was previously used as a gravel mine and is now being converted into a golf course, paved bicycle and pedestrian trails, soccer fields, public open spaces, with more public facilities being added in the next decade. The property is also home to a wastewater treatment facility, administrative offices, maintenance facilities and other related facilities. The public facilities are separated by the railroad tracks from a two-mile beach owned by Pierce County and the State of Washington.
- 3 The decision to construct an over-crossing at this location results from the need to provide safe, grade-separated access to the beach from the Chambers Creek Properties for park visitors. The over crossing is part of the County's Phase 1 plan to build a 500 foot structure over the railroad tracks. Phase 2 will add additional sidewalks and stairs to the beach and Phase 3 will involve construction of a pier over the water.
- 4 Because the Chambers Creek Properties crossing will be an over-crossing, it does not intersect the railroad tracks at grade. As a result, no traditional railroad warning signs or

signals are necessary at the crossing. Existing trails will lead pedestrians to the access point to the pedestrian-only over-crossing and will be appropriately signed. The over-crossing will also accommodate small motorized vehicles for County staff to access the beach area.

5 It is unknown at this time how many pedestrians will use the crossing once it is constructed.

6 Approximately 50 freight trains per day travel the tracks at 50 miles per hour. In addition, several passenger trains travel the tracks daily at speeds up to 79 miles per hour.

7 On June 16, 2008, the Respondent consented to entry of an Order by the Commission without further notice or hearing.

#### **FINDINGS AND CONCLUSIONS**

8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *RCW 81.53*

9 (2) The proposed over-crossing at Chambers Creek Properties, which will be identified as USDOT 929005E, is a public railroad-highway over-crossing within the state of Washington.

10 (3) *RCW 81.53.030* requires that the Commission grant approval prior to the construction of public railroad-highway grade crossings within the state of Washington.

11 (4) Commission Staff investigated the petition and recommended that it be granted, provided that upon completion of the construction, the Petitioner must notify the Commission. The crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws and regulations.

12 (5) After reviewing the petition filed on June 20, 2008, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

**ORDER**

**THE COMMISSION ORDERS:**

- 13* Pierce County's petition to construct a pedestrian-only over-crossing, located at Chambers Creek Properties, between the beach area and over BNSF Railway Company's tracks is granted.
- 14* The Petitioner must notify the Commission upon completion of the construction. The crossing is subject to inspection by Commission Staff, to verify that it is in full compliance with applicable laws and regulations.

The Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective August 28, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER,  
Executive Director and Secretary