

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

In the Matter of the Petition of	)	DOCKET TR-081172
	)	
WASHINGTON STATE PARKS	)	ORDER 01
AND RECREATION COMMISSION,	)	
	)	ORDER GRANTING PETITION TO
Petitioner.	)	CONSTRUCT A PEDESTRIAN-ONLY
	)	OVER-CROSSING AT LARRABEE
	)	STATE PARK
	)	
BNSF RAILWAY COMPANY,	)	
	)	USDOT: 929003R
Respondent.	)	UTC: 2B 86.513
.....	)	

**BACKGROUND**

- 1     On June 23, 2008, Washington State Parks and Recreation Commission (State Parks or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to construct a pedestrian over-crossing at Larrabee State Park. The crossing will be identified as USDOT 929003R and located west of the Clayton Beach parking area, between and the beach area and over the BNSF Railway Company's (BNSF's or the Respondent's) tracks.
- 2     Commission staff was contacted in February 2007, by State Parks with concerns about frequent trespassing at this location. Hikers are parking at the Clayton Beach parking area and hiking down primitive trails to reach the beach. Before they reach the water, they must cross BNSF's tracks. Stakeholders met on-site several times to determine the most effective manner to accommodate park users, while still providing safe passage to the beach area. Nearby trails will be sealed off and a single main trail will take hikers to the pedestrian over-crossing. This will allow for safe access to the water.
- 3     The decision to construct an over-crossing at this location is a result of cooperative work among State Parks, BNSF and the Commission. The Commission has previously approved two Grade Crossing Protective Fund grants, totaling \$70,000 to support this project. BNSF has also demonstrated support of the project by waiving several permitting fees and expediting the review of key documents during the process.
- 4     Because the Larrabee State Park 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. The Clayton Beach trailhead will be appropriately signed

to lead hikers to the over-crossing. The over-crossing will also accommodate small motorized vehicles for State Parks' staff to access the beach area.

5 From May to September, State Parks anticipates that about 200 pedestrians will use the crossing on a daily basis.

6 Approximately 11 freight trains per day travel the tracks at 45 miles per hour. In addition, 4 passenger trains travel the tracks daily, also at 45 miles per hour.

7 On June 3, 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 Larrabee State Park, which will be identified as USDOT 929003R, 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 23, 2008, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

**O R D E R**

**THE COMMISSION ORDERS:**

- 13 (1) Washington State Parks and Recreation Commission's petition to construct a pedestrian over-crossing, located at Larrabee State Park west of the Clayton Beach parking area, between and the beach area and over BNSF Railway Company's tracks, is granted.
- 14 (2) 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