BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)	DOCKET TR-081206
)	
BNSF RAILWAY CO.,)	ORDER 01
)	
Petitioner.)	ORDER GRANTING PETITION TO
)	CLOSE AN AT GRADE HIGHWAY-
)	RAIL CROSSING AND REPLACE IT
)	WITH AN OVER-CROSSING AT 228 TH
)	STREET SOUTH IN KENT
CITY OF KENT,)	
)	
Respondent.)	USDOT: 085627W
-)	UTC: 1E15.18

BACKGROUND

- On June 30, 2008, BNSF Railway Co. (BNSF or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to close an at grade highway-railroad grade crossing and replace it with an overcrossing. The crossing is identified as USDOT 085627W and is located at the intersection of 228th Street South and the Petitioner's tracks in the city of Kent in King county.
- 2 228th Street South is a four lane road with two lanes in each direction. The City of Kent estimates average daily vehicle traffic over the crossing at 6900, which includes eight percent commercial motor vehicles and no school busses. The posted vehicle speed is 30 miles per hour. There are three tracks at this location, two main lines and one siding. Approximately 34 freight trains per day travel the tracks at 50 miles per hour. In addition, 17 passenger trains travel the tracks daily also at 50 miles per hour.
- 3 Current railroad warning devices at the intersection of 228th Street South and the Petitioner's tracks consist of advance warning signs, pavement markings on both approaches, cross-bucks, and cantilever mounted 12" flashing lights and gates.
- The proposed over-crossing will retain the same number of vehicle travel lanes and sidewalks will be added to both sides of the over-crossing. Because the 228th Street South crossing will be an over-crossing, it will not intersect the railroad tracks at grade. As a result, no warning signs or signals are necessary at the crossing. The over-crossing

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will provide both vehicle and pedestrian users with safe passage over the tracks because of the separation between the railroad tracks and users.

- 5 Once construction of the over-crossing begins, the City of Kent will close access to 228th Street South and traffic will be rerouted to nearby alternate routes. BNSF will construct a secured temporary crossing once the existing signals are removed. The temporary crossing will be gated and locked during non-construction time and a flagger will be present during construction to ensure safe passage for workers.
- 6 On June 30, 2008, the City of Kent consented to entry of an Order by the Commission without further notice or hearing.

FINDINGS AND CONCLUSIONS

- 7 (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.
- 8 (2) The railroad-highway grade crossing at the intersection of 228th Street South and the Petitioner's tracks in Kent, Washington, identified as USDOT 085627W, is a public railroad-highway grade crossing within the state of Washington.
- 9 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington in non-first class cities. *See also WAC 480-62-150*.
- (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.
- (5) After reviewing BNSF Railway Co.'s petition filed on June 30, 2008, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 12 BNSF Railway Co.'s petition to close an at grade railroad-highway grade crossing and construct an over-crossing in its place, located at the intersection of 228th Street South and the petitioners's tracks in Kent, Washington, is granted. Approval of the petition is subject to the following conditions:
 - (1) 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 September 17, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary