

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

In the Matter of the Petition of)	DOCKET TR-120526
)	
BNSF RAILWAY CO.,)	ORDER 01
)	
Petitioner.)	ORDER GRANTING PETITION TO
)	CLOSE AN AT GRADE HIGHWAY-
)	RAIL CROSSING AND REPLACE IT
)	WITH AN UNDER-CROSSING AT M
)	STREET SOUTHEAST IN AUBURN
CITY OF AUBURN,)	
)	
Respondent.)	USDOT: 085157R
.....)	

BACKGROUND

1. On April 17, 2012, 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 crossing and replace it with an under-crossing. The crossing is identified as USDOT 085167R and is located at the intersection of M Street Southeast and the Petitioner’s tracks in the City of Auburn in King county.
2. M Street Southeast is a two lane road with one lane in each direction. The City of Auburn estimates average daily vehicle traffic over the crossing at 17,000, which includes two percent commercial motor vehicles and 53 school busses. The posted vehicle speed is 35 miles per hour. There are two tracks at this location, one main line and one siding. Two freight trains per day travel the tracks at 20 miles per hour and no passenger trains.
3. Current railroad warning devices at the intersection of M Street Southeast and the Petitioner’s tracks consist of advance warning signs, pavement markings, cross-bucks, and shoulder mounted 12” flashing lights and gates.
4. The proposed under-crossing will expand the number of vehicle travel lanes to five and sidewalks and bike lanes will be added to both sides of the under-crossing. Because the M Street Southeast crossing will be an under-crossing, it will not intersect the railroad tracks at grade. As a result, no warning signs or signals are necessary at the crossing. The under-crossing will improve traffic flow and provide both vehicle and pedestrian users with safe passage under the tracks because of the separation between the railroad tracks and users.

- 5 Once construction of the under-crossing begins, the City of Auburn will close access to M Street Southeast and traffic will be rerouted to nearby alternate routes. Construction of the under-crossing is anticipated to take at least one year.
- 6 On April 17, 2012, the City of Auburn 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 M Street Southeast and the Petitioner's tracks in Auburn, Washington, identified as USDOT 085157R, 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*.
- 10 (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.
- 11 (5) After reviewing BNSF Railway Co.'s petition filed on April 17, 2012, 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 under-crossing in its place, located at the intersection of M Street Southeast and the petitioner's tracks in Auburn, 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 April 25, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).