

- 4 As proposed, the grade crossing closure will occur before the construction of the grade separated crossing. In the interim period, SR-524 traffic will be redirected to Broadway Avenue, which will serve as a bypass of the project area. The detour route requires less than ¼ mile of extra travel, including crossing the BNSF tracks at the 91st Avenue grade crossing, located approximately 1500 feet north of the SR-524 grade crossing. Prior to the closure of the SR-524 grade crossing, the 91st Avenue crossing is to be relocated approximately 200 feet south of its existing location per TR-030966.
- 5 Pursuant to the procedure specified in RCW 81.53.060, Commission Staff posted notice of the filing of the petition at the SR-524 railroad-highway grade crossing and caused the same notice to be published in the Woodinville Weekly, a newspaper of general circulation in the vicinity of the crossing, on January 26, 2004. The notice directed that any person having objection to the proposal should state such objections in writing to the Commission by February 16, 2004. No objections were received.
- 6 The Washington State Department of Transportation, as State Environmental Policy Act lead agency for the proposal, has issued a Documented Categorical Exemption, thereby satisfying state environmental requirements for the project.

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. *Chapter 81.53 RCW.*
- 8 (2) The SR-524 grade crossing, identified as USDOT 091814T, is a public railroad-highway grade crossing within the state of Washington.

- 9 (3) RCW 81.53.060 and WAC 480-62-150(1)(b) require that the Commission grant approval prior to the closure of a public railroad-highway grade crossings within the State of Washington.
- 10 (4) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 11 (5) This matter was brought before the Commission at its regularly scheduled meeting on March 12, 2004.
- 12 (6) After examination of the petition filed by the Washington State Department of Transportation on December 17, 2003, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 13 The petition of the Washington State Department of Transportation to close a railroad-highway grade crossing and replace it with a grade separated crossing at the intersection of SR-524/Maltby Road and the respondent's tracks, in Maltby, Washington, is granted, subject to the following conditions:
- (1) The project must conform to the plans filed in this proceeding.
 - (2) Closure of the SR-524 grade crossing is subject to the establishment of a detour route for traffic at the SR-524/SR-522 interchange via Broadway Avenue, as well as the relocation of the 91st Avenue grade crossing, as approved in TR-030966.
 - (3) The Washington State Department of Transportation must notify the Washington Utilities and Transportation Commission, in writing, when the SR-524 at-grade crossing has been closed to the public.

- (4) Upon closure of the crossing, the Burlington Northern Santa Fe Railway Company must remove the crossing surface and warning devices at the crossing.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.060, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 12th day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary