

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF KENT,

Petitioner.

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-180536

ORDER 01

ORDER GRANTING PETITION TO  
CLOSE AN AT-GRADE HIGHWAY-  
RAIL CROSSING AND REPLACE IT  
WITH AN OVERCROSSING AT  
SOUTH 288<sup>TH</sup> STREET IN KENT

USDOT: 085627W

**BACKGROUND**

- 1 On June 19, 2019, the City of Kent (City 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 S. 228<sup>th</sup> Street and the Respondent's tracks in Kent. Based on information provided by the City with the petition, the grade separation was constructed in 2009, without submitting a petition to and receiving approval from the commission.
- 2 Respondent BNSF Railway Company (BNSF) consented to entry of an Order by the Commission without further notice or hearing.
- 3 S. 228<sup>th</sup> Street is a is a four-lane urban minor arterial roadway. The average annual daily vehicle traffic on the overcrossing is estimated at 14,285, which includes eight percent commercial motor vehicles. S. 228<sup>th</sup> Street is not an established school bus route. The posted vehicle speed limit is 40 miles per hour. There are two main line tracks and one siding track at this location. Approximately 64 trains per day, both passenger and freight, travel under the crossing at up to 79 miles per hour.

**FINDINGS AND CONCLUSIONS**

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

- 5 (2) The railroad-highway overcrossing at S. 228<sup>th</sup> Street and the Respondent's tracks  
in Kent, Washington, identified as USDOT 085627W, is a public railroad-  
highway crossing within the state of Washington.
- 6 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to  
public railroad-highway crossings within the state of Washington in non-first class  
cities. *See also WAC 480-62-150.*
- 7 (4) Commission staff investigated the petition and recommends that it be granted.  
The overcrossing provides motorists with safe passage over the tracks because of  
the separation between the railroad tracks and users.
- 8 (5) After reviewing the City's petition filed on June 19, 2018, and giving due  
consideration to all relevant matters and for good cause shown, the Commission  
grants the petition.

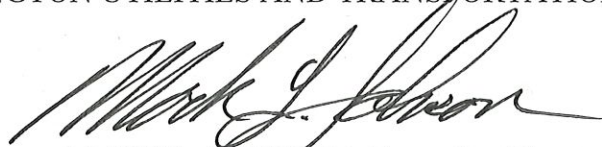
## ORDER

### THE COMMISSION ORDERS:

- 9 The City of Kent's petition to close an at-grade railroad-highway grade crossing and  
construct an overcrossing at the intersection of S. 228<sup>th</sup> Street and the Respondent's  
tracks in Kent, Washington, is granted.
- 10 The Secretary of the Commission has delegated authority over this matter pursuant to  
Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the  
public interest.

DATED at Olympia, Washington, and effective June 27, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARK L. JOHNSON, 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 website 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 website. 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 website.

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