

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

SKAGIT COUNTY,

Petitioner.

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-180846

ORDER 01

ORDER GRANTING PETITION TO  
RECONSTRUCT AN OVERCROSSING  
AT OLD HIGHWAY 99 NORTH IN  
SKAGIT COUNTY

USDOT: 084776U

**BACKGROUND**

- 1 On October 8, 2018, Skagit County (County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to reconstruct an overcrossing. The crossing is identified as USDOT 084776U and is located at the intersection of Old Highway 99 North and the Respondent's tracks in Skagit county.
- 2 Respondent BNSF Railway Company (BNSF) consented to entry of an Order by the Commission without further notice or hearing.
- 3 Old Highway 99 North is a two-lane roadway. The average annual daily vehicle traffic on the overcrossing is estimated at 6,000, which includes 11-16 percent commercial motor vehicles. Old Highway 99 North is an established school bus route, with four buses traveling over the crossing daily. The posted vehicle speed limit is 35 miles per hour. There is one main line track at this location. Approximately 18 freight trains per day travel under the crossing at up to 50 miles per hour. Two passenger trains per day 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 Old Highway 99 North and the  
Respondent's tracks in Skagit county, Washington, identified as USDOT  
084776U, is a public railroad-highway crossing within the state of Washington.
- 6 (3) RCW 81.53.261 requires the Commission to 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 existing 1,183-foot structure was built in 1936, is comprised mostly of timber  
with steel girders, and is considered structurally deficient. The reconstructed  
overcrossing will improve public safety and provide motorists with safe passage  
over the railroad tracks due to the separation of the tracks and the roadway.
- 8 (5) After reviewing the County's petition filed on October 8, 2018, and giving due  
consideration to all relevant matters and for good cause shown, the Commission  
grants the petition.

**ORDER**

**THE COMMISSION ORDERS:**

- 9 Skagit County's petition to reconstruct an overcrossing at the intersection of Old  
Highway 99 North and the Respondent's tracks in Skagit county, Washington, is granted.
- 10 The Secretary of the Commission has delegated authority over this matter pursuant to  
Order 01 in Docket A-180762. The Secretary finds this Order to be consistent with the  
public interest.

DATED at Olympia, Washington, and effective October 16, 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).