

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-220534
BNSF RAILWAY COMPANY,	ORDER 01
Petitioner,	GRANTING PETITION TO RECONSTRUCT A GRADE SEPARATION (UNDERCROSSING)
BENTON COUNTY,	
Respondent.	USDOT: 089927Y

**BACKGROUND**

- 1 On July 14, 2022, BNSF Railway Company (BNSF or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to reconstruct an undercrossing at the intersection of McNary Road and the BNSF Railway Company (BNSF) tracks near Plymouth, Benton County, identified as USDOT 089927Y.
- 2 Respondent Benton County consented to entry of an Order by the Commission without further notice or hearing.
- 3 McNary Road is a two-lane roadway with a speed limit of 50 miles per hour. An average of 10 vehicles use the undercrossing daily. The undercrossing is not located on a designated truck or school bus route.
- 4 BNSF operates 30 freight trains daily on its single-track mainline in this area at up to 60 miles per hour. In addition, two passenger trains operate daily at up to 79 miles per hour.
- 5 BNSF proposes to construct a siding parallel to and on the north side of the existing mainline track and will construct an additional bridge (undercrossing) to carry the new siding. In its Petition, BNSF states this grade-separated crossing will provide the safest path for rail and vehicle traffic.
- 6 Because the undercrossing does not intersect the railroad tracks at grade, no railroad warning signs or signals are necessary.

7 According to the Petition, the parties have reached an agreement related to apportionment of costs.

8 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the project must conform to the description in the Petition, (2) BNSF must complete the proposed modifications within five years, and (3) upon completion of the project authorized herein, BNSF must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the under crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

### **DISCUSSION**

9 RCW 81.53.060 requires that the Commission grant approval prior to reconstruction of a public undercrossing within the state of Washington. We find that the proposed undercrossing will improve overall public safety, mobility, and convenience for roadway users. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

### **FINDINGS AND CONCLUSIONS**

10 (1) The Commission is an agency of the State of Washington having jurisdiction over public undercrossings within the state of Washington.

11 (2) The McNary Road undercrossing, identified as USDOT 089927Y, is a public undercrossing within the state of Washington.

12 (3) RCW 81.53.060 requires that the Commission grant approval prior to modifying a public undercrossing within the state of Washington. See also WAC 480-62-150.

13 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 8, above.

14 (5) After examination of the Petition filed by BNSF on July 14, 2022, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

**ORDER**

**THE COMMISSION ORDERS:**

15 BNSF Railway Company's Petition to reconstruct a public undercrossing located at the intersection of McNary Road and BNSF's tracks is granted. Approval of the Petition is subject to the following conditions:

- (1) The project must conform to the description in the Petition.
- (2) BNSF must complete the proposed modifications within five years.
- (3) Upon completion of the project authorized herein, BNSF must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the undercrossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

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 Lacey, Washington, and effective July 21, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL, Executive Director and Secretary

**NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.**