

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

BNSF RAILWAY COMPANY,

Petitioner,

CITY OF SEDRO-WOOLEY,

Respondent.

DOCKET TR-250540

ORDER 01

GRANTING PETITION TO
RECONSTRUCT RAILROAD-
HIGHWAY GRADE SEPARATION
(UNDERCROSSING) AT SAPP ROAD,
SEDRO-WOOLEY

USDOT: 085100P

BACKGROUND

- 1 On July 9, 2025, BNSF Railway Company, (BNSF or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to reconstruct a railroad-highway grade separation (undercrossing) at Sapp Road in Sedro-Wooley, identified as USDOT 085100P. This highway undercrossing is located at milepost 87.4 on the BNSF Sumas Subdivision.
- 2 The City of Sedro-Wooley consented to entry of an Order by the Commission without further notice or hearing.
- 3 Commission staff (Staff) visited the site on February 26, 2025, and observed that the new undercrossing structure had been constructed without approval from the Commission. During its March 2025 quarterly meeting with BNSF, Staff reminded BNSF of the requirement for filing a Petition with the Commission for approval prior to reconstructing an undercrossing. Although the public service laws require the Commission's approval prior to a petitioner making any such modification,¹ Staff recommends the belated authorization of BNSF's efforts to improve safety at the undercrossing.
- 4 The new undercrossing, constructed of steel, replaced the previous timber structure. The new undercrossing is 104 feet 6 inches long and provides 16 feet 4 inches of vertical clearance above the roadway surface. The previous structure provided 13 feet 4 inches of vertical clearance.

¹ RCW 81.53.060.

- 5 One BNSF mainline track exists at this location with two freight trains using this track daily.
- 6 Because the undercrossing does not intersect the railroad tracks at grade, no warning signs or signals are necessary. The reconstructed undercrossing provides roadway users with additional vertical clearance for safe passage below the railroad tracks.
- 7 According to the Petition, the parties have reached an agreement related to the apportionment of costs.
- 8 Staff has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the project must conform to those described in and attached to the Petition, (2) acceptance is subject to inspection by Staff, verifying that the undercrossing 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 railroad-highway undercrossing within the state of Washington. We find that the reconstructed 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 pedestrian undercrossings within the state of Washington.
- 11 (2) The Sapp Road undercrossing, identified as USDOT 085100P, is considered a public highway undercrossing within the state of Washington.
- 12 (3) RCW 81.53.060 requires that the Commission grant approval prior to reconstructing a public highway 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) This matter came before the Commission at its regularly scheduled meeting on August 7, 2025.

- 15 (6) After review of the Petition filed by BNSF on July 9, 2025, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 16 The BNSF Railway Company's Petition to reconstruct a public railroad-highway undercrossing located in Sedro-Wooley at Sapp Road is granted. Approval of the Petition is subject to the following conditions:
- (1) The project must conform to the description in the Petition.
 - (2) 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 Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective August 7, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary