

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

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| <p>In the Matter of the Petition of</p> <p>BNSF RAILWAY COMPANY,</p> <p>Petitioner,</p> <p>WASHINGTON STATE DEPARTMENT OF TRANSPORTATION,</p> <p>Respondent.</p> |
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DOCKET TR-250256

ORDER 01

GRANTING PETITION TO MODIFY
WARNING DEVICES AT A PUBLIC
HIGHWAY-RAIL GRADE
CROSSING AT STATE ROUTE 9,
NOOKSACK

USDOT: 084920J

BACKGROUND

- 1 On April 14, 2025, BNSF Railway Company (BNSF or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify warning devices at a highway-rail grade crossing of the petitioner’s tracks and State Route 9 (SR-9) in Nooksack, identified as USDOT 084920J.
- 2 Respondent Washington State Department of Transportation (WSDOT or Respondent) consented to entry of a Commission order without hearing.
- 3 SR-9 is a two-lane state highway with a posted vehicle speed limit of 35 miles per hour. The average annual daily traffic at this location is estimated at 6,000 vehicles. SR-9 is not part of an established truck route but is part of an established school bus route with six school buses using the crossing on school days. Two freight trains operate over the crossing daily at up to 25 miles per hour. No passenger trains operate over the crossing.
- 4 Warning devices at the crossing consist of advance warning signs, pavement markings, reflectorized cross bucks, Emergency Notification System signs, mast and cantilever-mounted flashing warning lights, gates, and a pedestrian warning bell.
- 5 In its Petition, BNSF proposes to upgrade the train detection circuitry from motion detection equipment to constant warning time train detection. In describing the public safety need, BNSF states that changing to constant warning time will reduce excess gate operation, thereby reducing unnecessary delays to highway traffic.

6 According to the Petition, BNSF and WSDOT have reached an agreement related to the apportionment of costs for the upgrades.

7 Staff has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the modifications must conform to those described in the Petition, (2) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, (3) BNSF must complete the proposed modifications within three years, (4) BNSF must notify the Commission within 60 days upon completion of the modifications authorized herein, and (5) acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with the conditions specified herein.

DISCUSSION

8 Revised Code of Washington (RCW) 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. We find that the proposed modification will improve overall safety for roadway users. When the Commission directs the installation of warning devices, it will apportion installation and maintenance costs in accordance with the applicable statutes.¹ RCW 81.53.261 provides that the parties may enter into an agreement providing for the installation of signals or other warning devices or for the apportionment of the cost of installation and maintenance. The parties to this Petition confirmed that they have reached an agreement related to cost apportionment. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 9 (1) The Commission is an agency of the state of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 10 (2) The SR-9 grade crossing, identified as USDOT 084920J, is a public highway-rail grade crossing within the state of Washington.
- 11 (3) RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. See also Washington Administrative Code (WAC) 480-62-150.
- 12 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 7 above.

¹ See RCW 81.53.261-.295.

- 13 (5) After examining the Petition filed by BNSF on April 14, 2025, and considering all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 14 BNSF Railway Company's Petition to modify warning devices at a highway-rail grade crossing located at SR-9 is granted, subject to the following conditions:
- (1) The modifications must conform to those described in and attached to the Petition.
 - (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
 - (3) BNSF must complete the proposed modifications within three years.
 - (4) BNSF must notify the Commission within 60 days upon completion of the modifications authorized herein.
 - (5) Acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with the conditions specified herein.
- 15 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 April 25, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



JEFF KILLIP
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.