

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-200181
THURSTON COUNTY PUBLIC WORKS,	ORDER 01
Petitioner,	GRANTING PETITION TO CONSTRUCT A GRADE SEPARATION (UNDERCROSSING)
BNSF RAILWAY COMPANY,	
Respondent.	USDOT: 974395N

BACKGROUND

- 1 On March 13, 2020, Thurston County Public Works (Thurston County or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to construct an undercrossing at the intersection of the Chehalis Western Trail and the BNSF Railway Company (BNSF) tracks in Thurston County.
- 2 Respondent BNSF consented to entry of an Order by the Commission without further notice or hearing.
- 3 Thurston County's Chehalis Western Trail is a single-lane, shared-use path built on the abandoned right-of-way of the Chehalis Western Railroad. The original Chehalis Western right-of-way passed under a BNSF wooden trestle bridge. In 1991, a fire destroyed the trestle bridge at this location, which BNSF replaced with earth and rock fill. Because of this, the Chehalis Western Trail currently runs along the narrow shoulders of Talcott Ridge Drive and Rainier Road, then makes a 90-degree turn and follows the BNSF right-of-way on an unimproved path to return to the original trail alignment.
- 4 This project will relocate the trail to the original railroad alignment, significantly improving safety for trail users and providing a grade-separated crossing under the tracks. This project will also reduce trespassing within the BNSF right-of-way by providing safe, alternative access to the southern half of the trail and residential areas. As an extension of a bicycle and walking path, this project is categorically exempt from threshold determination and Environmental Impact Statement requirements (WAC 197-11-800).

5 Because the undercrossing does not intersect the railroad tracks at grade, no railroad
warning signs, or signals are necessary.

6 BNSF operates 44 freight trains daily on its two-track mainline at up to 50 miles per
hour. In addition, 10 passenger trains operate daily at up to 79 miles per hour.

7 According to the Petition, Thurston County will be responsible for all trail maintenance.
BNSF will be responsible for all bridge maintenance.

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) upon completion of the project authorized herein, Thurston County must
notify the Commission with 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 establishment of a
public undercrossing within the state of Washington. We find that the proposed
undercrossing will significantly improve overall safety for trail 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 under crossings within the state of Washington.

11 (2) The Chehalis Western Trail undercrossing, identified as USDOT 974395N, is a
public undercrossing within the state of Washington.

12 (3) RCW 81.53.060 requires that the Commission grant approval prior to establishing
a public undercrossing within the state of Washington. See also 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 Thurston County on March 13, 2020,
and giving consideration to all relevant matters and for good cause shown, the
Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 15 Thurston County Public Works' Petition to construct a public undercrossing located at the intersection of the Chehalis Western Trail and BNSF Railway Company'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) Upon completion of the project authorized herein, Thurston County 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.
- 16 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 10, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary