

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-230860
PORT OF PASCO,	ORDER 01
Petitioner,	
FRANKLIN COUNTY, BNSF RAILWAY CO, INC.,	GRANTING PETITION TO CONSTRUCT A RAILROAD- HIGHWAY GRADE CROSSING AT NORTH RAILROAD AVENUE, PASCO, FRANKLIN COUNTY
Respondents.	USDOT: 980831N

BACKGROUND

- 1 On October 18, 2023, the Port of Pasco (Port or Petitioner), filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to construct railroad-highway grade crossing at the intersection of North Railroad Avenue and a new track serving the Port of Pasco Reimann Industrial Center, north of Pasco, Franklin County, identified as USDOT 980831N.
- 2 Respondents Franklin County and BNSF Railway Co, Inc. (BNSF) consented to entry of an Order by the Commission without further notice or hearing.
- 3 North Railroad Avenue is a two-lane rural collector roadway with a posted vehicle speed limit of 50 miles per hour. Average annual daily traffic on the roadway is estimated at 1,084 vehicles. North Railroad is not part of an established truck route, but commercial vehicles comprise approximately 54 percent of vehicle traffic. North Railroad Avenue is not part of an established school bus route.
- 4 The Port proposes to construct approximately 1,100 feet of new rail line leading from the BNSF Pasco yard and crossing North Railroad Avenue to the Reimann Industrial Center. In its petition, the Port states that providing rail service to the industrial park is essential in attracting development and will require construction of a new at-grade crossing at North Railroad Avenue. In addition, the Port indicates that development of the industrial park could benefit local and regional economies.

5 At the crossing, the Port intends to install advance warning signs, pavement markings, mast-mounted LED warning lights, vehicle gates, warning bells, and constant warning train detection hardware.

6 BNSF intends to operate up to two trains daily over this new crossing at up to 10 miles per hour. No passenger trains will operate in this area.

7 According to the Petition, the parties have reached an agreement related to apportionment of maintenance 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) the Port must complete the proposed project within five years, and (3) upon completion of the project authorized herein, the Port must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the 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 construction of a public crossing within the state of Washington. We find that the proposed crossing 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 crossings within the state of Washington.
- 11 (2) Once constructed, the North Railroad Avenue crossing, identified as USDOT 980831N, will be considered a public crossing within the state of Washington.
- 12 (3) RCW 81.53.060 requires that the Commission grant approval prior to establishing a public crossing 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 November 22, 2023.

- 15 (6) After review of the Petition filed by the Port on October 18, 2023, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 16 The Port of Pasco's Petition to construct a public railroad-highway grade crossing located at the intersection of North Railroad Avenue and a new track serving the Port of Pasco Reimann Industrial Center, north of Pasco, Franklin County, identified as USDOT 980831N, is granted. Approval of the Petition is subject to the following conditions:
- (1) The project must conform to the description in the Petition.
 - (2) The Port of Pasco must complete the proposed modifications within five years.
 - (3) Upon completion of the project authorized herein, the Port of Pasco must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.
- 17 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 November 22, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KATHY HUNTER,
Acting Executive Director and Secretary