

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	DOCKET TR-240853
CITY OF NORTH BEND,	ORDER 01
Petitioner,	GRANTING PETITION TO MODIFY WARNING DEVICES AT A PUBLIC HIGHWAY-RAIL GRADE CROSSING AT NW 8TH STREET, NORTH BEND
THE NORTHWEST RAILWAY MUSEUM,	
Respondent.	USDOT: 092037S

BACKGROUND

- 1 On November 11, 2024, the City of North Bend (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify warning devices at a railroad-highway grade crossing located at NW 8th Street in North Bend, identified as USDOT 092037S.
- 2 The Northwest Railway Museum (Northwest Railway or Respondent) consented to entry of a Commission order without hearing.
- 3 NW 8th Street is a two-lane roadway with a posted vehicle speed limit of 25 miles per hour that crosses a single mainline track. The average annual daily traffic at this location is estimated at 500 vehicles. NW 8th Street is part of an established truck route with 25 percent daily commercial vehicle traffic. It is not part of an established school bus route. No freight trains operate over this line. Approximately two passenger trains operate over this crossing daily at up to 20 miles per hour.
- 4 According to the Petition, vehicle traffic is expected to increase with the construction of an adjacent new three-quarter million square foot warehouse in 2026. Average daily passenger train traffic is expected to increase to six trains per day and train speed is expected to increase to 25 miles per hour.
- 5 Warning devices at the NW 8th Street crossing consist of advance warning signs, Yield signs, reflectorized crossbucks, and Emergency Notification System signs.

6 The City proposes replacing the existing rubber crossing panels with concrete panels, increasing the crossing width from 56 feet to 96 feet to accommodate a shared use pedestrian/bicycle lane. The City also proposes to install a tactile warning surface on the shared use pathways, four sets of crossbucks, four sets of R-15-8 “Look” signs, constant warning time train detection, four sets of flashing lights, two automatic bells, and automatic gates.

7 According to the Petition, the City and the Respondent have reached an agreement related to the apportionment of costs for the proposed upgrades.

8 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 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) the City must complete the proposed modifications within five years, and (4) the City must notify the Commission within 60 days upon completion of the modifications authorized herein. 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

9 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 modifications will improve overall safety for drivers. 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

10 (1) The Commission is an agency of the state of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.

¹ See RCW 81.53.261–.295.

- 11 (2) The NW 8th Street grade crossing, identified as USDOT 092037S, is a public railroad-highway grade crossing within the state of Washington.
- 12 (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.
- 13 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 8, above.
- 14 (5) After examining the Petition filed by the City on November 11, 2024, and considering all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 15 The City of North Bend's Petition to modify warning devices at a railroad-highway grade crossing located at NW 8th Street is granted and the parties are directed to proceed with the modifications described in the Petition, 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) The City of North Bend must complete the modifications within five years of the effective date of this Order.
 - (4) The City of North Bend must notify the Commission within 60 days upon completion of the modifications authorized herein. 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.
- 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 November 25, 2024.

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.