

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-091619
)	
CENTRAL PUGET SOUND)	ORDER 01
REGIONAL TRANSIT)	
AUTHORITY,)	
)	ORDER GRANTING PETITION TO
Petitioner,)	CONSTRUCT A PEDESTRIAN-ONLY
)	OVER-CROSSING AT MILE POST
)	28.63 AND ADJACENT TO FIRST
BNSF RAILWAY CO.,)	STREET
)	
Respondent.)	USDOT: 929021N
.....)	

BACKGROUND

- 1 On October 8, 2009, Central Puget Sound Regional Transit Authority (Sound Transit or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to construct a pedestrian over-crossing at Mile Post 28.63 and adjacent to First Street . The crossing is identified as USDOT #929021N. It will be located at Sound Transit’s Mukilteo Station, adjacent to First Street in the City of Mukilteo. The railroad mile post is 28.63.
- 2 The decision to construct an over-crossing at this location results from expansion of Mukilteo Station. Phase I of the Mukilteo Station project involved constructing a single platform on the north side of the tracks with interim parking and shelters for commuters. Phase I is complete and Sound Transit commuter rail service started in June, 2008. Construction of the pedestrian-only over-crossing is part of Phase II of the project. Phase II involves constructing a second platform on the south side of the tracks, a pedestrian-only over-crossing connecting the two platforms, permanent passenger shelters, and public art. Passengers exiting the train on the South Platform will use the over-crossing to access parking which is located adjacent to the North Platform. The over-crossing will provide safe passage for pedestrian over the double railroad tracks.
- 3 Because the Mile Post 28.63 and adjacent to First Street crossing will be an over-crossing, it does not intersect the railroad tracks at grade. As a result, no traditional railroad warning signs or signals are necessary at the crossing.

- 4 Approximately 330 pedestrians will use the crossing on a daily basis once it is constructed.
- 5 Approximately 21 freight trains per day travel the tracks at up to 50 miles per hour. In addition, 12 passenger trains travel the tracks daily at speeds up to 55 miles per hour.
- 6 On November 25, 2009, BNSF Railway Co. (Respondent) consented to entry of an order by the Commission approving the petition without further notice or hearing.

FINDINGS AND CONCLUSIONS

- 7 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. [RCW 81.53](#)
- 8 (2) The proposed over-crossing at Mile Post 28.63 and adjacent to First Street , which will be identified as USDOT #929021N, is a public railroad-highway over-crossing within the state of Washington.
- 9 (3) [RCW 81.53.030](#) requires that the Commission grant approval prior to the construction of public railroad-highway crossings within the state of Washington.
- 10 (4) Commission Staff investigated the petition and recommended that it be granted, provided that the Petitioner notify the Commission upon completion of the construction. The crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws and regulations.
- 11 (5) After reviewing the petition filed on October 8, 2009, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 12 Central Puget Sound Regional Transit Authority's petition in Docket TR-091619 to construct a pedestrian-only over-crossing, located at Mile Post 28.63 and adjacent to First Street and over BNSF Railway Co. tracks, is granted.

- 13 The Petitioner must notify the Commission upon completion of the construction. The crossing is subject to inspection by Commission Staff to verify that it is in full compliance with applicable laws and regulations.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective November 25, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary