

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF KENT,

Petitioner.

UNION PACIFIC RAILROAD,

Respondent.

DOCKET TR-180387

ORDER 01

ORDER GRANTING PETITION TO
CLOSE AN AT-GRADE HIGHWAY-
RAIL CROSSING AND REPLACE IT
WITH AN OVERCROSSING AT
SOUTH 228TH STREET IN KENT

USDOT: 974013R

BACKGROUND

- 1 On May 2, 2018, the City of Kent (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to close an at-grade highway-railroad grade crossing and replace it with an overcrossing. The at-grade crossing is identified as USDOT 396576X and is located at the intersection of South 228th Street and the Respondent's tracks in Kent. The new overcrossing will be identified as USDOT 974013R.
- 2 Respondent Union Pacific Railroad consented to entry of an Order by the Commission without further notice or hearing.
- 3 South 228th Street is a four-lane urban minor arterial roadway with a posted speed limit of 40 miles per hour. The average annual daily vehicle traffic over the crossing is estimated at 14,285, which includes eight percent commercial motor vehicles. South 228th Street is not an established school bus route. There is one mainline track at this location. Approximately eight freight trains per day travel over the existing crossing at up to 55 miles per hour. No passenger trains travel over the crossing.
- 4 Current railroad warning devices at the S. 228th Street crossing consist of cantilever-mounted flashing lights and gates, advance warning signs, pavement markings, and crossbucks.
- 5 The proposed overcrossing will retain the same number of vehicle travel lanes and will not intersect the railroad tracks at grade. As a result, no warning signs or signals are

necessary at the crossing. The overcrossing will provide motorists with safe passage over the tracks because of the separation between the railroad tracks and users.

6 The existing at-grade crossing will remain in service and functional during construction of the overcrossing. Once construction is complete, traffic will be re-routed to the new overcrossing and access to the existing at-grade crossing will be removed. At that time, the existing signage, crossing surface, and signal equipment at the at-grade crossing will be removed.

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 railroad-highway grade crossing at the intersection of S. 228th Street and the Respondent's tracks in Kent, Washington, identified as USDOT 396576X, is a public railroad-highway grade crossing within the state of Washington.
- 9 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington in non-first class cities. *See also WAC 480-62-150.*
- 10 (4) Commission staff investigated the petition and recommended that it be granted, provided that upon completion of the construction, the Petitioner must notify the Commission. 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 City's petition filed on May 2, 2018, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

12 The City of Kent's petition to close an at-grade railroad-highway grade crossing and construct an overcrossing at the intersection of South 228th Street and the Respondent's

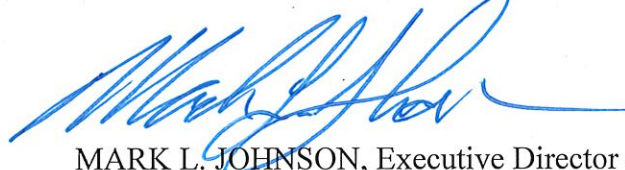
tracks in Kent, Washington, is granted. Approval of the petition is subject to the following condition:

- (1) 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 Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective May 8, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



MARK L. JOHNSON, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its website for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's website. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).