

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF KENT,

Petitioner,

BNSF RAILWAY CO.,

Respondent.

DOCKET TR-230264
ORDER 01

GRANTING PETITION TO MODIFY
ACTIVE WARNING DEVICES AT A
PUBLIC HIGHWAY-RAIL GRADE
CROSSING AT SOUTH 212TH
STREET, KENT, KING COUNTY

USDOT: 085625H

BACKGROUND

- 1 On April 20, 2023, the City of Kent (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 South 212th Street in Kent, King County, identified as USDOT 085625H.
- 2 Respondent BNSF Railway Co. (BNSF or Respondent) owns and operates the rail line through the crossing and consented to entry of a Commission order without hearing.
- 3 South 212th Street is a six-lane city street with a posted vehicle speed limit of 40 miles per hour. South 212th Street crosses three BNSF mainline tracks at this location. Average annual daily traffic through the crossing is estimated at 27,691 vehicles. South 212th Street is part of an established truck route with approximately fourteen percent commercial vehicle traffic and is part of an established school bus route with six school buses using the crossing on school days.
- 4 Warning devices at the South 212th Street crossing consist of advance warning signs, pavement markings, reflectorized crossbucks, Emergency Notification System signs, bells, vehicle and pedestrian gates, and mast and cantilever-mounted flashing warning lights. BNSF operates up to 23 freight trains over this crossing daily at up to 60 miles per hour. Amtrak and Sound Transit operate up to 34 passenger trains over this crossing daily at up to 79 miles per hour.
- 5 The Petitioner proposes to replace the existing traversable median with seven-inch non-traversable median curb on both crossing approaches, extend the eastern median curb, relocate stop line markings, replace the existing R8-8 “Do Not Stop on Tracks” signs

with LED-edge flashing “Do Not Stop On Tracks” signs, replace the existing R15-8 “Look” signs in the northeast and southwest quadrants with double-sided “Look” signs, and add “Look” signs in the northwest and southeast quadrants.

- 6 In describing the public safety need for these modifications in its Petition, the City states that the proposed changes, including adding and improving warning signs, relocating pavement markings, making pedestrian improvements, and installing non-traversable medians, will improve safety for pedestrians and drivers using the crossing.
- 7 According to the Petition, the City and BNSF confirmed that the parties have reached an agreement related to the apportionment of costs for the proposed upgrades.
- 8 Commission staff (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 three 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 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 roadway users and pedestrians. When the Commission directs the installation of the active 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 South 212th Street grade crossing, identified as USDOT 085625H, 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 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 April 20, 2023, and considering all relevant matters and for good cause shown, the Commission grants the Petition.

O R D E R

THE COMMISSION ORDERS:

- 15 The City of Kent's Petition to modify warning devices at a railroad-highway grade crossing located at South 212th 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 Kent must complete the modifications within three years of the effective date of this Order.
 - (4) The City of Kent 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 April 26, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL,
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.