

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Petition of</p> <p>CITY OF KENT,</p> <p> Petitioner,</p> <p>BNSF RAILWAY CO.,</p> <p> Respondent.</p>

<p>DOCKET TR-230266</p> <p>ORDER 01</p> <p>GRANTING PETITION TO MODIFY ACTIVE WARNING DEVICES AT A PUBLIC HIGHWAY-RAIL GRADE CROSSING AT SMITH STREET, KENT, KING COUNTY</p> <p>USDOT: 085633A</p>

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 Smith Street in Kent, King County, identified as USDOT 085633A.
- 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 Smith Street is a four-lane city street with a posted vehicle speed limit of 30 miles per hour. Smith Street crosses two BNSF mainline tracks at this location. Average annual daily traffic through the crossing is estimated at 17,117 vehicles. Smith Street is part of an established truck route with approximately four percent commercial vehicle traffic and is part of an established school bus route with 61 school buses using the crossing on school days.
- 4 Warning devices at the Smith 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 relocate crossing pavement markings and stop line, replace the existing R8-8 “Do Not Stop On Tracks” signs in the northeast and southwest quadrants

with LED-edge flashing “Do Not Stop On Tracks” signs, install R3-4 “No U-Turn” signs in the northeast and southwest quadrants, install double-sided R15-8 “Look” signs in all four quadrants, replace the existing traversable median curb with one-foot wide, seven-inch tall, non-traversable median curb on both crossing approaches, modify existing sidewalks in all quadrants and install ADA-compliant detectable warning surfaces, and install decorative non-walkable surface in southwest quadrant near the crossing devices.

- 6 The Petitioner also proposes to remove the pedestrian "scissor" gate in the northwest quadrant and extend the pedestrian platform railing to the Smith Street sidewalk. The sidewalk in this quadrant is located on the street side of the gate mast and sidewalk traffic is controlled by the vehicle gate. The existing pedestrian gate creates a shortcut path between the track and the pedestrian platform behind the gate mast that is only blocked when the crossing gates are down. Removing the pedestrian gate and extending the platform railing to the sidewalk will permanently close the pedestrian shortcut path and will improve safety for pedestrians.
- 7 In describing the public safety need for these modifications in its Petition, the City states that the proposed changes, including relocating pavement markings, installing additional warning signs, installing non-traversable median curbs, and making sidewalk improvements will improve safety for pedestrians and drivers using the crossing.
- 8 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.
- 9 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

- 10 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

- 11 (1) The Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington.
- 12 (2) The Smith Street grade crossing, identified as USDOT 085633A, is a public railroad-highway grade crossing within the state of Washington.
- 13 (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.
- 14 (4) Staff investigated the Petition and recommends that it be granted with the conditions set out in paragraph 9, above.
- 15 (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.

ORDER

THE COMMISSION ORDERS:

- 16 The City of Kent's Petition to modify warning devices at a railroad-highway grade crossing located at Smith 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.

¹ See RCW 81.53.261-.295.

- (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.

17 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.