

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF KENT,

Petitioner,

BNSF RAILWAY CO., WASHINGTON
STATE DEPARTMENT OF
TRANSPORTATION,

Respondents.

DOCKET TR-230331

ORDER 01

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

USDOT: 085640K

BACKGROUND

- 1 On May 5, 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 Willis Street, also known as State Route 516, in Kent, King County, identified as USDOT 085640K.
- 2 Respondents BNSF Railway Co. (BNSF), which owns and operates the rail line through the crossing, and Washington State Department of Transportation (WSDOT) consented to entry of a Commission order without hearing.
- 3 Willis Street is a four-lane city street running concurrently with State Route 516 with a posted vehicle speed limit of 35 miles per hour. Willis Street crosses two BNSF mainline tracks at this location. Average annual daily traffic through the crossing is estimated at 14,000 vehicles. Willis Street is part of an established truck route with approximately six percent commercial vehicle traffic and is part of an established school bus route with 25 school buses using the crossing on school days.
- 4 Warning devices at the Willis Street crossing consist of advance warning signs, pavement markings, reflectorized crossbucks, Emergency Notification System signs, bells, 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 install LED-edge flashing R8-8 “Do Not Stop On Tracks” signs on both sides of the crossing and upgrade all flashing lights to LEDs.

6 In describing the public safety need for these modifications in its Petition, the City states that adding additional and improved warning signs will improve safety for drivers using the crossing. Upgrading the flashing lights to LEDs will improve visibility of the active warning devices for all crossing users.

7 According to the Petition, the City, BNSF, and WSDOT 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 Willis Street grade crossing, identified as USDOT 085640K, 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 May 5, 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 Willis 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 May 17, 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.