

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF WENATCHEE,

Petitioner,

BNSF RAILWAY CO.,

Respondent.

DOCKET TR-240957

ORDER 01

GRANTING PETITION TO
CONSTRUCT A GRADE
SEPARATION (OVERCROSSING) AT
NORTH MILLER STREET IN
WENATCHEE

USDOT: 982834R

BACKGROUND

- 1 On December 18, 2024, the City of Wenatchee (City or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to construct an overcrossing at the intersection of North Miller Street and the BNSF Railway Co. (BNSF or Respondent) tracks at Wenatchee, Chelan County, identified as USDOT 982834R.
- 2 Respondent BNSF consented to entry of an Order by the Commission without further notice or hearing.
- 3 As part of its Wenatchee Confluence Parkway Project, the City proposes to replace the existing at-grade crossing at North Miller Street with a new overcrossing. The new overcrossing will consist of two lanes with a speed limit of 25 miles per hour and is expected to carry an estimated 2,434 vehicles daily, including five percent commercial vehicle traffic. BNSF operates 14 freight trains daily on its two-track mainline in this area. Two Amtrak passenger trains operate daily in this area. Authorized speed for freight and passenger trains is 50 miles per hour.
- 4 In its Petition, the City of Wenatchee states that it is developing a new north/south route connection to provide a second multi-modal crossing across the Wenatchee River. The Wenatchee Confluence Parkway Project involves construction of a new grade-separated crossing at McKittrick Street (USDOT 982835X)¹ and closure of the existing Hawley

¹ TR-240956.

Street at-grade crossing (USDOT 065840P).² As a result of this project, the daily vehicle traffic at the North Miller Street crossing is going to significantly increase. The City proposes to construct the grade-separated crossing at North Miller Street to minimize the public safety risk.

5 Because the overcrossing will not intersect the railroad tracks at grade, no railroad warning signs or signals are necessary.

6 Pursuant to the procedure specified in RCW 81.53.060, Commission staff (Staff) arranged for publication of a legal notice in the Wenatchee World, a newspaper of general circulation in the Wenatchee area. The notice directed any person wishing to comment on the Petition to respond in writing to the Commission. The Commission did not receive comments or objections regarding the proposed grade separation within the comment period.

7 According to the Petition, the parties have reached an agreement related to apportionment of maintenance costs.

8 Staff has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the project must conform to the description in the Petition, (2) the City must complete the proposed modifications within five years, and (3) upon completion of the project authorized herein, the City must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the undercrossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

DISCUSSION

9 RCW 81.53.060 requires that the Commission grant approval prior to construction of a public overcrossing within the state of Washington. We find that the proposed overcrossing will improve overall public safety, mobility, and convenience for roadway users. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

² TR-240955.

FINDINGS AND CONCLUSIONS

- 10 (1) The Commission is an agency of the State of Washington having jurisdiction over public overcrossings within the state of Washington.
- 11 (2) Once constructed, the North Miller Street overcrossing, identified as USDOT 982834R, will be considered a public overcrossing within the state of Washington.
- 12 (3) RCW 81.53.060 requires that the Commission grant approval prior to establishing a public overcrossing 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) This matter came before the Commission at its regularly scheduled open meeting on February 13, 2025.
- 15 (6) After examination of the Petition filed by the City on December 18, 2024, and giving consideration to all relevant matters and for good cause shown, the Commission grants the Petition.

ORDER

THE COMMISSION ORDERS:

- 16 The City of Wenatchee's Petition to construct a public overcrossing located at the intersection of North Miller Street and the BNSF Railway Co. tracks is granted. Approval of the Petition is subject to the following conditions:
- (1) The project must conform to the description in the Petition.
 - (2) The City of Wenatchee must complete the proposed project within five years.
 - (3) Upon completion of the project authorized herein, the City of Wenatchee must notify the Commission within 60 days. Acceptance is subject to inspection by Staff, verifying that the overcrossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

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

DATED at Lacey, Washington, and effective February 13, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP,
Executive Director and Secretary