

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

TACOMA RAIL,	)	DOCKET NO. TR-040351
	)	
Petitioner,	)	ORDER NO. 01
	)	
v.	)	ORDER GRANTING IN PART AND
	)	DENYING IN PART A PETITION TO
PIERCE COUNTY,	)	TEMPORARILY CHANGE THE
	)	METHOD OF TRAFFIC CONTROL
Respondent.	)	AT A RAILROAD-HIGHWAY
	)	GRADE CROSSING
	)	
	)	USDOT: 397148E
	)	WUTC: 20G 23.05
.....	)	

**BACKGROUND**

- 1 On February 2, 2004, Tacoma Rail filed a petition with the Commission, seeking approval to temporarily change the method of traffic control at a railroad-highway grade crossing. Specifically, Petitioner seeks approval for train movements at night and for employees to flag from vehicles. Commission Staff requests that reporting and job briefing requirements be imposed as a result of information learned from an accident investigation at another crossing. The crossing is located at the intersection of the Petitioner's tracks and Orting-Kapowsin Highway, in the NE ¼ of the SW ¼ of Section 6, Township 17N, Range 5E, W.M., in Pierce County, Washington.
  
- 2 Respondent has consented to an entry of an Order by the Commission without further notice or hearing.
  
- 3 In the vicinity of the crossing, Orting-Kapowsin Highway is a county road, with one lane for each direction of traffic and a vehicle speed limit of 35 mph. Average daily traffic through the crossing is estimated at 2650 vehicles.

- 4 The warning systems at the crossing consist of crossbucks. Advance warning signs are also in place. Train traffic is sporadic. Petitioner stops its trains and flags traffic to a stop before using the crossing.
- 5 On June 2, 2003, a car hit a train that was moving through a crossing maintained by Petitioner. A Staff investigation revealed that safety could be improved by standardizing traffic control procedures wherever "stop and protect" procedures were used. Recommendations were agreed upon by Commission Staff and Tacoma Rail except for using vehicles as flagging platforms. Tacoma Rail's request for its employees to flag from vehicles should be denied.
- 6 The recommended procedures at the crossing are necessary only until a signal and gate warning system is installed. In 2003, the Washington State Department of Transportation selected the crossing for installation of signals and gates using funds available through the Federal highway-grade crossing improvement program (section 130 program). It is expected that the signals will be operational by fall of 2006.

### 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. *Chapter 81.53 RCW.*
- 8 (2) The Orting-Kapowsin Highway grade crossing, identified as USDOT 397148E, is a public railroad-highway grade crossing within the state of Washington.
- 9 (3) RCW 81.53.261 requires that the Commission grant approval prior to making changes in the method and manner of traffic control at public railroad-highway grade crossings within the state of Washington.

- 10 (4) Commission Staff investigated the petition and recommended that it be granted in part, subject to specified conditions.
- 11 (5) This matter was brought before the Commission at its regularly scheduled meeting on March 12, 2004.
- 12 (6) After examination of the petition filed by Tacoma Rail on February 2, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition on the conditions recommended by Staff except to deny the request to allow flagging from vehicles.

### ORDER

#### THE COMMISSION ORDERS:

- 13 The petition of Tacoma Rail to temporarily change the method of traffic control at a public railroad-highway grade crossing, located at the intersection of Orting-Kapowsin Highway and the Petitioner's tracks, in Pierce County, Washington, is granted as follows:
- (1) Train moves through the crossing may be made at any time.
  - (2) Each train must stop before entering the crossing to permit a railroad employee to flag highway traffic to a stop. The train may proceed through the crossing only when the flagger determines that it is safe to do so.
  - (3) Flaggers shall communicate with the train crew by radio or cell phone.
  - (4) A flagger shall wear a hard hat and reflective vest or other reflective outerwear.

- (5) Flaggers shall use STOP/STOP paddles to flag traffic. Fuseses shall be placed on both sides of the crossing at night or conditions of poor visibility.
- (6) If a uniformed police officer flags the crossing, the train need not stop; however, train crews must confirm that prior arrangements have been made with a police officer to flag the crossing and that he or she is present at the crossing.
- (7) Tacoma Rail must issue instructions or orders to all train crews using the crossing, listing the traffic control procedures to be used at the crossing.
- (8) The railroad shall develop a report that details the procedures for the crossing. The report shall be maintained in each locomotive that operates over the crossing.
- (9) Job briefings shall include the proper procedures for using the crossing if the train will cross it. An operations supervisor will also review the applicable bulletin and general order with the crew during the briefing and document the review.
- (10) Tacoma Rail shall notify Commission Staff each day whether trains operated by any railroad will run across the crossing. The requirement may be fulfilled by Tacoma Rail informing Staff of all areas trains will operate on the Mountain Division during a particular day. Notification shall include whether a train move will occur during nighttime hours.
- (11) Tacoma Rail General Orders and Bulletins affected by the order are not approved except to the extent that they comply with the order. Nothing in the order eliminates the requirements of 49 CFR 234 regarding known rusty rail problems.
- (12) All trains using the crossing must be operated by a certified locomotive engineer that is qualified to operate over the track

involved for the subject train moves, pursuant to CFR 240,  
“Qualification and Certification of Locomotive Engineers.”

- (13) Tacoma Rail is responsible for ensuring that all railroads that use the crossing comply with the requirements of this order.

DATED at Olympia, Washington, and effective this 12<sup>th</sup> day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner