

Agenda Date: May 30, 2001
Item Number: 3B

Docket: TR-970866
Company Name: The Burlington Northern and Santa Fe Railway Co.
City: Winlock
Staff: Michael E. Rowswell, Rail Safety Manager

RECOMMENDATION:

Grant the request to set speed limits at the maximum levels allowed by the Federal Railroad Administration (FRA), but require the railroad to inform the Commission in writing at least ninety days before speeds allowed by the FRA are changed to exceed 60 mph for freight trains and 79 mph for passenger trains within the city.

DISCUSSION:

On November 25, 1996, The Burlington Northern and Santa Fe Railway Company (BNSF) petitioned the Washington Utilities and Transportation Commission to increase speed limits for passenger and freight trains in Winlock to the limits allowed by the FRA for the class of tracks maintained through the cities. The FRA speed limits are 60 mph for freight trains and 79 mph for passenger trains. Current speed limits set by the Commission are 50 mph for both freight and passenger trains.

BNSF owns the tracks for which a speed increase is sought. It sets the operating speeds for freight trains. Amtrak operates passenger trains on BNSF tracks and sets operating speeds for its trains within passenger train speed limits approved by BNSF.

Historically the Commission was authorized by state law to set and regulate train speed limits within certain classes of cities, including Winlock. The federal government has limited states' authority to regulate railroad speed limits. The Commission may set speeds lower than those allowed by the FRA only if the lower speed is necessary to eliminate or reduce an "essentially local safety hazard," or upon agreement of the railroad. A precise definition of an essentially local safety hazard does not exist; however, case law makes it clear that such things as highly congested urban areas, or crossings do not constitute essentially local safety hazards. Something unusual must be present that heightens the dangers normally associated with railroads, crossings and urban areas.

Process

Commission Staff sent copies of the petition to Winlock. A public meeting conducted by Commission Staff was held in Centralia in 1997 to elicit comments from officials and citizens in

Winlock and other cities in the area for which speed increase requests had been filed. The crossings and terrain in Winlock have been examined by Commission Staff.

Further proceedings were postponed while the petition filed by BNSF to close Walnut Street in Winlock was pending. Walnut Street was the primary safety problem related to increased train speeds. The closure petition needed to be finalized first, because its resolution would have a major impact on the decision in the speed matter.

Reasons for the Speed Increase Request

The speed increases are sought to improve the efficiency of train operations and to increase the capacity of the rail lines. Increased freight train speeds are needed to support the growth of the Ports of Seattle, Tacoma, and Vancouver, which are served by the freight business handled by BNSF. Increased passenger train speeds will improve the service levels of Amtrak operations between Seattle and Portland. Additionally, increased speeds will provide the necessary flexibility to efficiently coordinate the use of the rails by three railroad companies, each of which has different needs and operational characteristics.

Safety Problems/Resolution of Closure

As mentioned above, the major safety problem posed in Winlock is the Walnut Street Crossing. Its "humped" configuration caused two accidents between trains and large trucks. In one accident a passenger train derailed.

In the closure docket a settlement was negotiated after several days of hearings. The settlement included: a project funded by WSDOT, BNSF and a federal grant to change the profile of the Walnut Street crossing; closure of another street in Winlock to vehicular traffic; a project to solve drainage problems along the tracks funded by BNSF; assurances that the city would not object to increased train speeds; and an Operation Lifesaver "blitz" for the Winlock area.

The Walnut Street project is complete, and Campbell Street has been closed to vehicular traffic. Commission Staff and Union Pacific Railroad personnel conducted Operation Lifesaver presentations at all of the Winlock schools in October 2000. A contract to repair the drainage problems has been approved by all parties and will be completed this summer.

The other possible safety problem is the occurrence of trespassing on the railroad right of way. Some trespasser paths were found between Walnut Street and Campbell Street. However, there was no indication that the amount of trespassing was greater than found anywhere else along the rail line. City officials did not indicate that trespassing was a major problem. Also, the proximity of audible warning systems at Walnut and Campbell Streets mitigates the danger.

CONCLUSION

Staff recommends that the Commission grant the request to set speed limits at the maximum levels allowed by the Federal Railroad Administration (FRA), but require the railroad to inform the Commission in writing at least ninety days before speeds allowed by the FRA are changed to exceed 60 mph for freight trains and 79 mph for passenger trains within the city. Ninety-day notice is needed to allow Staff the opportunity to review conditions in Winlock with city officials to determine whether an essentially local safety condition was created since an order was entered in this docket.