

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

MEEKER SOUTHERN RAILROAD,

Petitioner,

v.

PIERCE COUNTY PUBLIC WORKS &
UTILITIES,

Respondent.

DOCKET NO. TR-100036

NOTICE OF APPROVAL BY
COMMISSION STAFF AND
PUBLIC WORKS TO A TIME
EXTENSION FOR COMPLETION
OF WORK

USDOT CROSSING #085536R

UTC CROSSING #42A32.40

BACKGROUND

1 On January 26, 2011, Administrative Law Judge Adam E. Torem issued Order 03 under Docket No. TR-100036. That Order amended Order 01, which granted Petitioner Meeker Southern Railroad's petition to modify a public highway-rail grade crossing and upgrade warning devices at 134th Avenue East in unincorporated Pierce County.

2 Order 03 amended Condition 3 of Order 01 to state:

- (3) All work for the proposed spur track and the Phase 1 Service Siding (except for approximately the east 300 feet of the siding, which may be completed at any time after the commencement of operation of the remainder of the automatic flashing lights crossing signal system) shown on the design drawings shall be completed (a) **in a timeframe consistent with the time schedule set forth in Table 1 attached to this amending Order as Exhibit A (unless otherwise approved by both Commission Staff and Public Works)** and (b) to the reasonable satisfaction of Commission Staff and Pierce County Public Works and Utilities Staff; PROVIDED, HOWEVER, that (i) Petitioner may immediately operate the spur line and Phase 1 Service Siding subject to the Special Requirements and Restrictions set forth in Table 2 attached to this Amending Order as Exhibit B and (ii) following installation

and commencement of operation of the remainder of the automatic flashing lights crossing signal system for the crossing and of corresponding traffic control signs (**which must occur by March 18, 2011 unless otherwise approved by both Commission Staff and Public Works**), Petitioner must thereafter operate the spur line and Phase 1 Service Siding with the automatic flashing lights crossing signal system in operation.

(Emphasis added.)

3 Item 5 on Exhibit A attached to Order 03 addresses installation of the automatic flashing lights signal system for the 134th Avenue East crossing. As described in the parties' Notice of Approval filed on March 16, 2011, the parties approved a time extension to May 2, 2011 for the completion of that work. Meeker obtained a Pierce County right-of-way use permit for the portion of the remainder of the automatic flashing lights crossing signal system lying within the Pierce County right-of-way on March 17, 2011. On March 15, 2011, the Puyallup City Council authorized the City to enter into a right-of-way license agreement with Meeker concerning the portion of the automatic flashing lights crossing signal system lying within the City's right-of-way. That agreement was mutually executed by the City and Meeker on March 29, 2011. On April 22, 2011, the City of Puyallup issued Meeker a right-of-way permit for Meeker's signal installation work within the City's right-of-way.

4 Items 6 through 8 on Exhibit A attached to Order 03 address paving, sealing, and marking of the road surface in the vicinity of the 134th Avenue East crossing. The Outside Completion Date given in Exhibit A attached to Order 03 for that work is May 2, 2011.

5 Unseasonably cool and wet weather is forecast for the remainder of April 2011 and into early May 2011 in the Puget Sound region. Weather limitations for paving are set forth in Section 5-04.3(15) (Weather Limitations) of the Washington State Department of Transportation's *Standard Specifications for Road, Bridge, and Municipal Construction*

2010. To provide an opportunity for warmer, drier weather to arrive that would enable the planned paving work to be done under weather conditions consistent with said Section 5-04.3(15), Meeker Southern has suggested a time extension for the planned paving work and the parties have agreed to extend the deadline for completing this work by three weeks, until May 23, 2011. The parties have also agreed to extend to May 23, 2011 the deadline for installing and making operational the automatic flashing lights signal system for the 134th Avenue crossing.

APPROVAL OF TIME EXTENSION

6 Following consultation concerning the situation among counsel for Meeker, counsel for Commission Staff, and counsel for Public Works, and after Commission Staff and Public Works Staff have given due consideration to Meeker’s request for a time extension, Commission Staff and Public Works hereby approve a time extension for the work contemplated by Items 5 through 8 of Exhibit A attached to Order 03. A complete version of Exhibit A reflecting the parties’ agreement as of this date appears below.

Exhibit A to Order 03 Amending Order 01
As Amended by the Parties’ Agreements of March 16 and April 26, 2011

Table 1 Completion Schedule for Items Yet to Be Completed Concerning Meeker Southern Railroad’s Modification of 134th Avenue East’s existing at-grade crossing of Meeker’s main line track			
Item #	Item	Outside Completion Date	Comments
1	Remove gravel from the paved road surface at the intersection of 134th Avenue East and 80th Street East.	Monday, December 20, 2010	This item was completed on Monday, December 20, 2010.
2	Remove pile of existing asphalt tailings lying	Monday, December 20, 2010	This item was completed on Monday, December 20,

	immediately to the west of 134th Avenue East and south of Meeker's recently installed spur track. Following the removal, smooth and shape the ground surface at that location so that the ground surface will allow surface water runoff to drain to the north-northwest.		2010.
3	Re-establish a ditch/swale between (a) the area at the southeast corner of the intersection of 134th Avenue East and 80th Street East (an area that is currently experiencing ponding after heavy rainfall events) and (b) the west end of the existing railroad ditch that lies to the east of 134th along the north edge of Meeker's main line track.	Wednesday, December 22, 2010	The subject ditch/swale was re-established on Monday, December 20, 2010.
4	Some short stretches of roadway edge drop-offs along 134th exist immediately north of and/or south of the main track and the spur track. As an <i>interim</i> measure, eliminate those roadway edge drop-offs by creating a crushed rock temporary roadway shoulder with a maximum cross-slope of 3H:1V where those drop-offs currently exist.	Monday, January 31, 2011	The 134th roadway shoulder paving work contemplated by Item 7, below, will eliminate the need for continuation of the crushed rock temporary roadway shoulder contemplated by Item 4.
5	Install and make operational the remainder of the automatic flashing lights crossing signal system for the 134th crossing and corresponding traffic control signs.	Monday, May 23, 2011	A more advanced signal controller (a <i>Harmon</i> PMD-2 Bi-Directional Motion Detector controller) than the signal controller previously planned will be used as part of the automatic flashing lights crossing signal system. (The controller relating to train detection on the spur

			track will be a TD-4 AC/DC Relay System.) The planned use of the PMD-2 Bi-Directional Motion Detector controller will eliminate the need for all but one of the insulated rail joints on Meeker's main line track and reduce the number of necessary insulated rail joints on the spur track to four. (Sheet C2.0 of the civil design drawings has been updated by Sitts & Hill Engineers, Inc. to note the changes.)
6	<p>Regrade and repave 134th immediately north of Meeker's existing main line track for a distance of approximately 60 feet from the main line track's centerline to reduce 134th's surface slope.</p> <p>Paint remaining fog lines in accordance with the approved Revised Design Drawings.</p> <p>Install the torch-down, plastic retroreflectorized white railroad crossbuck pavement marking in the southbound lane of 134th Avenue East to the north of 134th's intersection with 80th Street East.</p>	Monday, May 23, 2011	The proposed regrading and repaving of the north side of 134th (which was not a requirement of the previously approved civil engineering design drawings) will substantially reduce the surface slope and thereby substantially improve the crossing over its historic condition. This work, the design of which is reflected on the approved Revised Design Drawings, is being provided as an alternative to reconstructing the south side of 134th, which was not constructed as far to the south as called-for by the Original Design Drawings.
7	Pave the shoulders of 134th to comply with the approved Revised Design Drawings.	Monday, May 23, 2011	
8	Seal/reseal the currently unsealed portion of the pavement seam along the south edge of the recently	Monday, May 23, 2011	

	repaved portion of 134th south of Meeker's recently installed spur track.		
9	<p>Prior to Meeker commencing any work associated with items 6, 7 and 8, above, a permit to work within the Pierce County road right-of-way will be obtained from Pierce County Public Works and a preconstruction conference will be held.</p> <p>If a simultaneous closure of both traffic lanes of 134th is planned, a road closure permit must also be obtained from Pierce County Public Works.</p>		The requirements of the first paragraph under Item 9 have been satisfied.

DATED effective April 26, 2011.

“Meeker Southern Railroad”

Meeker Southern Railroad

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Washington State Utilities and Transportation
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“Public Works”

Pierce County Public Works & Utilities

By: John Salmon
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	repaved portion of 134th south of Meeker's recently installed spur track.		
9.	<p>Prior to Meeker commencing any work associated with items 6, 7 and 8, above, a permit to work within the Pierce County road right-of-way will be obtained from Pierce County Public Works and a preconstruction conference will be held.</p> <p>If a simultaneous closure of both traffic lanes of 134th is planned, a road closure permit must also be obtained from Pierce County Public Works.</p>		The requirements of the first paragraph under Item 9 have been satisfied.

DATED effective April 26, 2011.

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