

**Exhibit No. ___ (KH-14)
Dockets TR-100127,
TR-100128, TR-100129, and
TR-100131 (*consolidated*)
Witness: Kathy Hunter**

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION,**

Petitioner,

v.

**CENTRAL PUGET SOUND REGIONAL
TRANSPORTATION AUTHORITY
AND THE CITIES OF LAKEWOOD
AND DUPONT,**

Respondents.

**DOCKETS TR-100127,
TR-100128, TR-100129, and
TR-100131 (*consolidated*)**

**EXHIBIT TO
TESTIMONY OF
KATHY HUNTER
STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

***Docket TR-990653 – Order Granting
Petition to Change Train Speed Limits***

May 7, 2010

JUN 27 2000

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| | | |
|---------------------------------------|---|----------------------|
| In the Matter of the Petition of |) | |
| |) | |
| |) | |
| THE BURLINGTON NORTHERN AND |) | DOCKET NO. TR-990653 |
| SANTA FE RAILWAY COMPANY for |) | |
| Modification of Order Regulating the |) | ORDER GRANTING |
| Speed of Passenger and Freight Trains |) | PETITION TO CHANGE |
| in Kent, Washington |) | TRAIN SPEED LIMITS |
| |) | |
| |) | |

The Burlington Northern and Santa Fe Railway Company (Railroad) requests that orders regulating the speed of passenger and freight train speeds in Kent, Washington be modified to set the maximum limits at those allowed by the Federal Railroad Administration (FRA).

The Railroad owns the tracks involved in this petition. The Railroad operates freight trains on its tracks. The National Railroad Passenger Corporation (Amtrak) operates passenger trains on the tracks controlled by the Railroad. The Railroad sets the actual operating speeds for freight trains and the maximum speeds for all trains using its tracks. Amtrak sets the actual operating speeds for passenger trains within the maximum limits approved by the Railroad. Sound Transit plans to operate commuter trains on the tracks owned by the Railroad, and will be subject to the same limits that apply to Amtrak.

The Commission is authorized to set speed limits for trains within the city limits of Kent under RCW 81.48.030 and 81.48.040. Limits are to be set commensurate with the hazards presented and the practical operation of the trains. Federal law limits the Commission's authority to set speed limits lower than those allowed by the FRA to situations in which an essentially local safety condition exists, but only if the limits set by the Commission are consistent with federal regulations and do not impose an undue burden on interstate commerce. The Commission may also limit train speeds at the request or agreement of the Railroad.

The Commission has previously set the freight train speed limits in the city of Kent at rates varying from 40 mph to 50 mph depending on the location within the city. The passenger train speed limits vary from 40 mph to 75 mph depending on the location within the city. The speed limits set by the FRA for the class of tracks maintained through Kent are 60 mph for freight trains and 79 mph for passenger trains.

Commission Staff has investigated the conditions in Kent as they relate to the proposed speed limits. There is no reason to postpone speed increases for the areas north of James Street and south of Willis Street.

Speed limits between James Street and Willis Street should not be increased until certain conditions are met. All of the crossings in Kent have signals and gates. The Railroad represented that the activation circuits for the signals are capable of operating properly at the higher speeds; however, they agreed to reinspect all circuits before allowing trains to operate at higher speeds. The Railroad agreed that the safety improvements recommended in the crossing diagnostic study performed by Hoy Richards & Associates for Sound Transit will be constructed before speeds increase. The recommended improvements include median barriers at all crossings except 259th Street, and preemptive circuitry that will prevent nearby traffic lights from causing cars to stop on the tracks at the crossings on James, Meeker, Gowe, and Willis Streets. Technical questions remain on the preemptive circuitry issue, which should be worked out by the Railroad, Kent and Commission Staff before the Railroad may increase speeds.

Sound Transit is planning to construct a commuter rail station in Kent. It presents a potential safety hazard for pedestrians unless fencing is constructed between the tracks that will funnel pedestrian traffic to crossings. As a condition of speed increases, the Railroad should not allow any trains to stop at the station before the fencing is completed. Also, the Railroad should be required to inform the Commission at least 30 days before the station becomes operational so that Commission Staff may inspect the station and its surroundings for pedestrian safety.

City officials and citizens have had substantial opportunity to participate in the investigation and the Commission's process of considering the petition. The City Council passed and submitted an ordinance stating that it would not oppose speed increases if appropriate safety improvements were completed. Citizens had the opportunity to inform the Commission of any unreasonably dangerous conditions at a public meeting on August 31, 1999, and at any time by calling or writing the Commission. Staff's investigation and input from citizens did not reveal any essentially local safety conditions other than any that would be eliminated by the improvements mentioned above.

The Commissioners, having reviewed the petition and being fully advised in the matter, believe that it is in the public interest to grant the petition to set speed limits at those allowed by the FRA, subject to the conditions set forth below.

ORDER

IT IS HEREBY ORDERED that the petition of the Railroad to set the train speed limits in the city of Kent at those allowed by the Federal Railroad Administration shall be granted subject to the following conditions:

- a. The maximum passenger train speed shall be 79 mph.
- b. The maximum freight train speed shall be 60 mph.

c. The increased speed limits are effective immediately for the areas north of James Street and South of Willis Street.

d. Speed limits for the area between James Street and Willis Street shall not increase until Staff verifies by declaration filed with the Commission that the following conditions have been met:

1. Permanent median barriers must be constructed or maintained at all crossings; and,

2. Preemption circuitry must be installed or other solutions must be effected to prevent traffic lights on Central Avenue from causing vehicles to back up over the tracks when trains approach at the James, Smith, Meeker, Gowe and Willis Street crossings; and,


3. The Railroad shall inspect the circuitry at all crossings to ensure that it is capable of operating properly at the higher speeds.

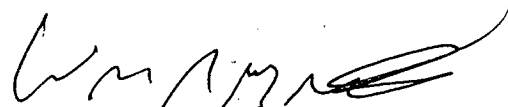
e. The Railroad shall not allow the commuter rail station to be operated until fencing between the tracks is constructed. The Railroad shall notify the Commission 30 days before the commuter rail station becomes operational to allow Commission Staff to inspect the facility and immediate environs for pedestrian safety. Staff will verify satisfaction of this condition by declaration filed with the Commission.

DATED at Olympia, Washington, and effective this 26th day of June, 2000

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


MARILYN SHOWALTER, Chairwoman


RICHARD HEMSTAD, Commissioner


WILLIAM R. GILLIS, Commissioner