

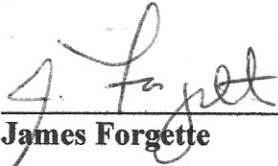
Meeker's Report #9

concerning limited operation of the spur track and concerning operation of the main line track prior to completion and commencement of operation of the 134th Avenue East flashing lights grade crossing signal system

Prepared May 13, 2011

Covering the period from April 24, 2011 through May 7, 2011

I, James Forgette, the Operations Manager for Meeker Southern Railroad, hereby certify that the (a) the data in the enclosed one-page crossing spreadsheet and (b) the comments in the enclosed VERIFICATION OF COMPLIANCE WITH TABLE 2 are true and correct to my best knowledge and belief.


James Forgette 5/13/11
Date

**Meeker Southern Railroad
Log for 134th Ave. E Spur crossing and Mainline crossing
For April 24, 2011 through May 7, 2011**

<u>Date</u>	<u>Time</u>	<u>Track</u>	<u>Direction</u>	<u>Destination</u>	<u>Length (ft)</u>	<u>Train Components</u>
4/27/2011	9:13 AM	main	west	BNSF interchange		
	9:36 AM	main	east	mainline east of 134th		
	9:39 AM	main	west	mainline/spur switch		
	9:40 AM	spur	east	Sound Delivery	180 ft	engine + 2 cars
	9:46 AM	spur	west	mainline/spur switch	230 ft	engine + 3 cars
	9:48 AM	main	east	mainline east of 134th		
	9:52 AM	main	west	mainline/spur switch		
	9:53 AM	spur	east	Sound Delivery	180 ft	engine + 2 cars
	9:58 AM	spur	west	mainline/spur switch	120 ft	engine + 1 car
	9:59 AM	main	east	mainline east of 134th		
	10:24 AM	main	west	BNSF interchange		
	10:45 AM	main	east	locomotive pen		
4/29/2011	9:22 AM	main	west	mainline/spur switch		
	9:33 AM	main	east	mainline east of 134th		
	9:37 AM	main	west	mainline/spur switch		
	10:11 AM	main	east	mainline east of 134th		
	10:16 AM	main	west	mainline/spur switch		
	10:21 AM	main	east	mainline east of 134th		
	10:29 AM	main	west	mainline/spur switch		
	10:32 AM	main	east	mainline east of 134th		
	11:27 AM	main	west	mainline/spur switch		
	11:28 AM	spur	east	Sound Delivery	50 ft	engine
	11:33 AM	spur	west	mainline/spur switch	110 ft	engine + 1 car
	11:34 AM	main	east	mainline east of 134th		
	11:40 AM	main	west	BNSF interchange		
	12:05 AM	main	east	locomotive pen		
5/2/2011	9:39 AM	main	west	BNSF interchange		
	10:34 AM	main	east	mainline east of 134th		
5/4/2011	9:05 AM	main	west	BNSF interchange		
	9:35 AM	main	east	mainline east of 134th		
	11:31 AM	main	west	BNSF interchange		
	12:06 AM	main	east	locomotive pen		
5/6/2011	9:28 AM	main	west	BNSF interchange		
	9:50 AM	main	east	mainline east of 134th		
	10:21 AM	main	west	BNSF interchange		
	10:45 AM	main	east	locomotive pen		

end report

CERTIFIED PAYROLL REPORT

For the week ending:

Meeker Southern Railroad Flagging Personnel

Month Day Year

4-30-11

134th Avenue East & Pioneer Way East Rail Crossing

Name and Address
of Employee

Day and Date (e.g. 10/10/11)

Sun	Mon	Tues	Wed	Thu	Fri	Sat
4-24	4-25	4-26	4-27	4-28	4-29	4-30

1 Justin Heath

Hours Worked Each Day (e.g. 9:00 AM - 3:00 PM)

Total Hrs

2 Darius Morrison

5 1/2

3

5 1/2

4

5

11

Today's Date:

5-13-11

Printed name of party signing this report:

Christy Tuttle

Title:

Payroll

The party signing this report pays or supervises the payment

of the persons employed by:

(Name of Flagging Company)

Asphalt Patch Systems

Project Name:

134 Av E Railroad Crossing

For the week starting:

4-24-11

For the week ending:

4-30-11

The party signing below declare under penalty of perjury that all information contained in this Certified Payroll Report is correct and complete and that all persons hold a current certified flagging card.

Print name of party signing this report:

Christy Tuttle

Title:

Payroll

Signature:

Christy Tuttle

Portion of Meeker's Report #9 dated May 13, 2011
VERIFICATION OF COMPLIANCE WITH TABLE 2

(a table attached as Exhibit B to WUTC Order 03, which table sets forth "Special Requirements and Operational Limitations Concerning Meeker Southern Railroad's Crossings of 134th Avenue East Via the Mainline and Recently Installed Spur Track Prior to Completion and Commencement of Operation of the Planned Flashing Lights Crossing Signal System")

Requirement/ Limitation #	Description of Requirement/Limitation	Comments
1	Average number of days per week that the spur track will be used for crossings of 134th: <u>3 days</u>	<p>The period covered by Meeker's Report #8 is Sunday, April 24, 2011 through Saturday, May 7, 2011 (a 2-week period). During the week ending Saturday, April 30, 2011, the spur was used on two days for crossings. During the week ending Saturday, May 7, 2011, the spur was not used for crossings. Thus, the average number of days per week that that the spur track was used during the reporting period is calculated as follows:</p> $\frac{2 \text{ days}}{2 \text{ weeks}} = 1.0 \text{ days per week}$ <p>That is less than the subject limitation.</p>
2	Maximum number of crossings per day that the spur track may be used for crossings of 134th: <u>4</u>	As Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For April 24, 2011 through May 7, 2011" shows, (a) 4 crossings of 134th along the spur track occurred on April 27, 2011 and (b) 2 crossings of 134th along the spur track occurred on April 29, 2011.
3	Hours during the day that spur crossings will be limited to: <u>9:00 AM to 3:00 PM</u>	As Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For April 24, 2011 through May 7, 2011" shows, all crossings of 134th along the spur track occurred during this time frame.
4	Maximum number of train cars per train to be operated through the spur crossing: <u>3 cars plus an engine</u>	As Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For April 24, 2011 through May 7, 2011" shows, the maximum number of train cars per train operated through the spur crossing was 3 car(s) plus an engine.
5	Traffic flagging of 134th Avenue East on the north and south sides of the crossing must be performed in accordance with WAC	During the period of Sunday, April 23, 2011 through Saturday, May 7, 2011, traffic flagging of 134th Avenue East on the north and south sides of the crossing was performed by certified flaggers from third-party companies providing

	<p>296-155-305 by certified flaggers provided by Meeker during all train crossings of 134th via either the spur track or the main line track.</p>	<p>flagging services to Meeker during all train crossings of 134th via either the spur track or the main line track.</p>
<p>6</p>	<p>Meeker will be required to submit to Commission Staff and to Public Works a report (which may be submitted by email), due on the 1st and 15th day of each month, containing the following information verifying compliance with the conditions in this Table 2:</p> <ul style="list-style-type: none"> a. Daily number of trains crossing 134th Avenue East on the spur track, their length, and the date and time of each crossing. b. Daily number of trains crossing 134th Avenue East on the mainline track, and the date and time of each crossing. c. Certified Payroll Reports (in conformance with the form proposed by Pierce County in its December 30, 2010 response to Meeker's Motion to Amend Order 01) listing the flaggers controlling traffic at the 134th Avenue East crossing, and showing the dates and times worked by each flagger. 	<ul style="list-style-type: none"> a. Data regarding the daily number of trains crossing 134th Avenue East on the spur track, their length, and the date and time of each crossing is set forth on Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For April 24, 2011 through May 7, 2011". b. Data regarding the daily number of trains crossing 134th Avenue East on the mainline track, and the date and time of each crossing is set forth on Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For April 24, 2011 through May 7, 2011". c. Two Certified Payroll Reports are included as a part of this Report #9.