

Memorandum
March 24, 2009

To: Ann Rendahl, Director Administrative Law Division

Thru: David Pratt, Assistant Director, Transportation Safety

From: Kathy Hunter, Deputy Assistant Director, Transportation Safety

Subject: TR-081407 – Petition to Modify an Existing Highway-Rail Grade Crossing
Staff Recommendation to Set the Matter for Hearing

On July 29, 2008, Meeker Southern Railroad (Meeker Southern) filed a petition with the Utilities and Transportation Commission (UTC) to modify a highway-rail grade crossing. The crossing is located at 134th Avenue East in Pierce County, just outside the city limits of Puyallup. The USDOT number assigned to the crossing is 085536R.

The 134th Avenue East crossing is equipped with cross bucks and has a planked crossing surface. Meeker Southern proposes to add a second track, pave the crossing surface and improve the approaches leading up to the crossing. The second track is designated as a spur line that will serve Sound Delivery Services, who is building a new facility near the crossing. Meeker Southern is proposing to maintain the current passive warning devices at the crossing.

UTC officially notified Pierce County (County) on August 13, 2008, of the filing of the petition by Meeker Southern. The County responded on August 27, 2008, indicating it does not support the proposed modifications to the 134th Avenue East crossing.

“The proposed construction of an additional track south of the existing crossing on 134th Avenue E will reduce the existing storage for vehicles stopped between the tracks and the intersection with Pioneer Way by one or two vehicles. Since the existing railroad tracks are already in close proximity to the intersection, further reduction of the vehicle storage increases the potential of traffic backing up on Pioneer Way E.”

UTC staff initiated a meeting of the stakeholders to discuss the project and determine if a compromise could be reached. The meeting was held on September 16, 2008. At the meeting, the stakeholders agreed to share project information as it becomes available and continue working to reach resolution.

On November 7, 2008, the County submitted supplemental written comments as a follow-up to the September 16, 2008, meeting. The County states that they have completed a traffic review of 134th Avenue East and the intersection of 134th Avenue and Pioneer Way. The County concluded that a left turn lane on Pioneer Way is warranted and states that the city of Puyallup (City) is the road authority for Pioneer Way. The County is deferring to the City on the issue of requiring a left turn lane. The County further states that if the reconfiguration of the crossing is approved, the County will require the installation of active warning devices.

On December 10, 2008, UTC staff provided the City a copy of the petition and the County's comments on the proposal. To date, staff has not received a response from the city of Puyallup on the left turn lane issue.

In the last few months, little progress has been made to resolve the outstanding issues; therefore staff is recommending that the petition be set for hearing. Representatives from both the County and Meeker Southern are in support of staff's recommendation.

Attachment 1 – July 29, 2008, Petition from Meeker Southern Railroad

Attachment 2 – August 13, 2008, Letter to Jerry Bryant and Brian Stacy from David Danner

Attachment 3 – August 27, 2008, Letter to David Danner from Brian Stacy

Attachment 4 – November 7, 2008, Letter to David Danner from Brian Stacy



Attachment 1

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

2008 JUL 29 11:11:33

MEEKER SOUTHERN RR
Petitioner,

vs.

PIERCE COUNTY PUBLIC WORKS
Respondent & UTILITIES

DOCKET NO. TR-081407-P

PETITION TO MODIFY AN EXISTING
HIGHWAY-RAIL GRADE
CROSSING

USDOT CROSSING # 085536 R

UTC CROSSING # 42A32.40

134TH AVE. E. @ 80TH ST. E.

The Petitioner asks the Washington Utilities and Transportation Commission to approve modification of a highway-rail grade crossing.

Section 1 - Petitioner's Information

<u>MEEKER SOUTHERN RR (MSN)</u>
Petitioner
<u>4725 BALLARD AVE NW</u>
Street Address
<u>SEATTLE, WA 98107</u>
City, State and Zip Code
Mailing Address, if different than the street address
<u>BYRON COLE, GEN MGR</u>
Contact Person Name
<u>206-782-1447 byroncole@comcast.net</u>
Contact Phone Number and E-mail Address

Section 2 - Respondent's Information

<u>PIERCE COUNTY PUBLIC WORKS & UTILITIES</u>	
Respondent	
Street Address	
City, State and Zip Code	
Mailing Address, if different than the street address	
<u>JERRY BRYANT</u>	
Contact Person Name	
<u>253-798-3682</u>	
Contact Phone Number and E-mail Address	

2

Section 3 - Current Crossing Information

1. Railroad company(ies) MEEKER SOUTHERN RR
 • Tracks owned by: " " "
 • Operating railroad: " " "

2. Type of railroad at crossing Common Carrier Logging Industrial
 Passenger Excursion

3. Type of tracks at crossing Main Line, number of tracks 1
 Siding or Spur, number of tracks

4. Average daily train traffic, freight 2

Authorized freight train speed 10 MPH Operated freight train speed 10 MPH

5. Average daily train traffic, passenger 0

Authorized passenger train speed Operated passenger train speed

6. Describe current crossing configuration including type of train detection, active warning devices, preemption, etc.:

PASSIVE : ADVANCE WARNING SIGNS & CROSS BUCKS.

Section 4 - Expected Crossing Characteristics After Modification

1. Type of railroad operations at crossing	<input checked="" type="checkbox"/> Common Carrier	<input type="checkbox"/> Logging	<input type="checkbox"/> Industrial
<input type="checkbox"/> Passenger	<input type="checkbox"/> Excursion		
2. Type of tracks at crossing	<input checked="" type="checkbox"/> Main Line, number of tracks <u>1</u>		
<input checked="" type="checkbox"/> Siding or Spur, number of tracks	<u>1</u>		
3. Average daily train traffic, freight	<u>4</u>		
Authorized freight train speed	<u>10</u>	Operated freight train speed	<u>10</u>
4. Average daily train traffic, passenger	<u>0</u>		
Authorized passenger train speed	<u>-</u>	Operated passenger train speed	<u>-</u>
5. Will the modified crossing eliminate the need for one or more existing crossings?			
Yes	<u>-</u>	No	<u>X</u>
6. If so, state the distance and direction from the modified crossing.			

7. Does the petitioner propose to close any existing crossings and if yes, which crossings?			
Yes	<u>-</u>	No	<u>X</u>

(4)

Section 5 – Proposed Temporary Crossing

1. Will a temporary crossing be installed? Yes ____ No X

2. If so, describe the purpose of the crossing and the estimated time it will be needed

3. Will the petitioner remove the crossing at completion of the activity requiring the temporary crossing? Yes ____ No ____

Approximate date of removal _____

Section 6 – Current Highway Traffic Information

1. Name of roadway/highway 134TH AVE E.

2. Roadway classification 2 LANE, ASPHALT PAVED, NARROW SHOULDER

3. Road authority PIERCE COUNTY

4. Average annual daily traffic (AADT) _____

5. Number of lanes 2

6. Roadway speed 30 MPH

7. Is the crossing part of an established truck route? Yes ____ No ✓

8. If so, trucks are what percent of total daily traffic? _____

9. Is the crossing part of an established school bus route? Yes ✓ No ____

10. If so, how many school buses travel over the crossing each day? _____

11. Describe any changes to the information in 1 through 7, above, expected within ten years:

ASSUME ROADWAY USE WILL INCREASE AS POPULATION INCREASES.

(5)

Section 7 - Alternatives to the Proposed Modifications

1. Does a safer location for a crossing exist within a reasonable distance of the current or proposed location? Yes ___ No N/A

2. If a safer location exists, explain why the crossing should not be located at that site.

3. Are there any hillsides, embankments, buildings, trees, railroad loading platforms or other barriers in the vicinity which may obstruct a motorist's view of the crossing?

Yes X No ___ NINE SMALL (6" DIA) ALDERS NEED LOWER BRANCHES REMOVED TO 10'. *

4. If a barrier exists, describe:

- ◆ Whether petitioner can relocate the crossing to avoid the obstruction and if not, why not.
- ◆ How the barrier can be removed.
- ◆ How the petitioner or another party can mitigate the hazard caused by the barrier.

* THE TREES ARE SOUTH, & WEST OF THE EXISTING CROSSING, & ARE IN THE STREET RIGHT-OF-WAY OF PIONEER WAY E. THEY SOMEWHAT OBSTRUCT NORTH BOUND MOTORIST'S VIEW OF ENTBOUND TRAINS.

5. Is it feasible to construct an over-crossing or under-crossing at the proposed location as an alternative to an at-grade crossing?

Yes ___ No X

6. If an over-crossing or under-crossing is not feasible, explain why.

THIS IS AN OLD, 2 LANE COUNTRY ROAD THAT DEAD ENDS 1/2 MILE NORTH OF THE CROSSING. WHERE WOULD FUNDING COME FROM FOR THE ABOVE ALTERNATES? RR IS ABOUT 3' ABOVE VALLEY FLOOR. HIGHWAY IS ABOUT 8' LOWER THAN TOP OF RAILS.

(6)

7. Does the railway line, at any point in the vicinity of the modified crossing, pass over a fill area or trestle or through a cut where it is feasible to construct an over-crossing or an under-crossing, even though it may be necessary to relocate a portion of the roadway to reach that point?

Yes No

8. If such a location exists, state:

- ◆ The distance and direction from the proposed crossing.
- ◆ The approximate cost of construction.
- ◆ Any reasons that exist to prevent locating the crossing at this site.

9. Is there an existing public or private crossing in the vicinity of the proposed modified crossing?

Yes No NOT TODAY

10. If a crossing exists, state:

- ◆ The distance and direction from the proposed crossing.
- ◆ Whether it is feasible to divert traffic from the proposed to the existing crossing.

THE NEW SHAW ROAD EXTENSION CROSSING IS UNDER
 CONSTRUCTION ABOUT 1/4 MILE WEST, BUT WILL NOT
 BE OPEN TO TRAFFIC FOR ABOUT 2 MORE YEARS.

Section 6 - Sight Distance

1. Complete the following table, describing the sight distance for motorists when approaching the tracks from either direction after modification.

a. Approaching the crossing from THE SOUTH, the current approach provides an unobstructed view as follows: (North, South, East, West)

Direction of sight (left or right)	Number of feet from proposed crossing	Provides an unobstructed view for how many feet
Right	300	300'
Right	200	} WHEN 9 TREES ARE TRIMMED
Right	100	
Right	50	
Right	25	
Left	300	
Left	200	
Left	100	
Left	50	
Left	25	

b. Approaching the crossing from THE NORTH, the current approach provides an unobstructed view as follows: (Opposite direction-North, South, East, West)

Direction of sight (left or right)	Number of feet from proposed crossing	Provides an unobstructed view for how many feet
Right	300	300'
Right	200	} WHEN 9 TREES ARE TRIMMED
Right	100	
Right	50	
Right	25	
Left	300	
Left	200	
Left	100	
Left	50	
Left	25	

2. Will the modified crossing provide a level approach measuring 25 feet from the center of the railway on both approaches to the crossing?

Yes X No X → IF RR JUST MATCHES PAVING @ 10' FROM TRACK.
 IF RR OR COUNTY INVESTED IN SOME GRADE MODS.

3. If not, state in feet the length of level grade from the center of the railway on both approaches to the crossing.
5' OUTSIDE THE NEAREST RAIL, ON BOTH SIDES.

4. Will the modified crossing provide an approach grade of not more than five percent prior to the level grade?
 → TO THE SOUTH, OF THE TRACKS.

Yes X No X TO THE NORTH, OF THE TRACKS.

(S)

3. If not, state the percentage of grade prior to the level grade and explain why the grade exceeds five percent.

APPROACHING THE SOUTH SIDE OF THE CROSSING, GRADE IS UP @ 2-3%

APPROACHING " NORTH " " " " " " " " " 7-7 1/2%

IN BOTH CASES, ELEVATIONS WERE TAKEN AT THE NEAREST RAIL TOP, & THEN AGAIN 20'-0" OUT, & COMPARED.

WHY DOES THE APPROACH ON THE NORTH SIDE EXCEED 5%? ONLY THE COUNTY KNOWS.

Section 9 - Illustration of Modified Crossing Configuration

Attach a detailed diagram, drawing, map or other illustration showing the following:

- ◆ The vicinity of the modified crossing.
- ◆ Layout of the railway and highway 500 feet adjacent to the crossing in all directions.
- ◆ Percent of grade.
- ◆ Obstructions of view as described in Section 7 or identified in Section 8.
- ◆ Traffic control layout showing the location of the existing and proposed signage.

T 80N, R 4E SEC 25 & 26

80TH ST E

ENGRS SPA. 2638 YGS (MP 32.40) 1751
 INCL. OR ENGRS REF. POINT 18
 OF ORIGINAL 1877 (PRESENT) MAINLINE
 OFFSETS FROM MAIN TRACK C

EXISTING MAINLINE
 INDUSTRY SPUR TRACK
 TO BE ADDED

ADDITION OF ADD TRACK TO GRADE	
CROSSING @ 134' N.E.	
7-26-B	1"=50'

GS-105

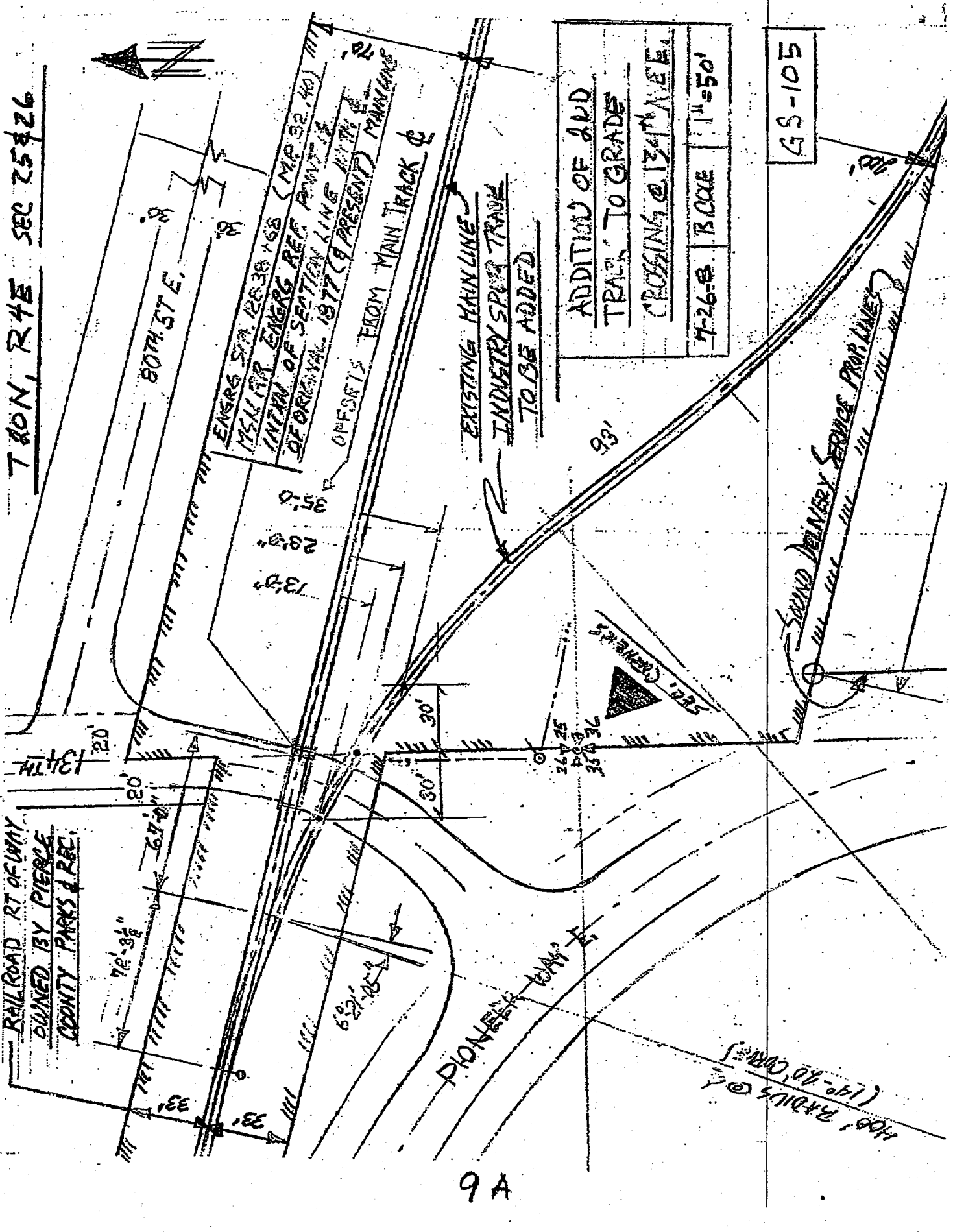
SOUND DELIVERY SERVICE PROP. LINES

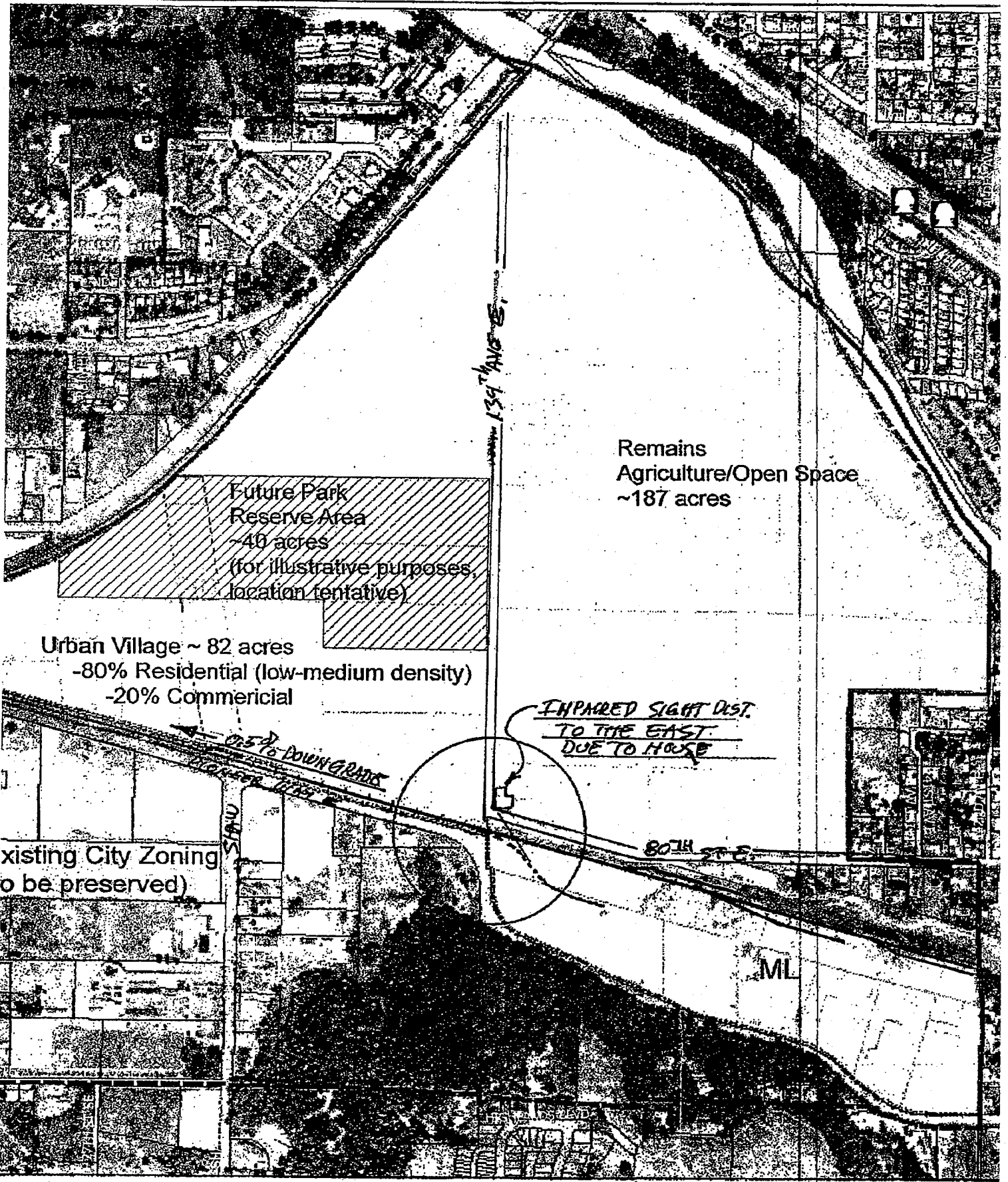
RAILROAD RT OF WAY
 OWNED BY PIERCE
 COUNTY PARKS & REC.

PIONEER WAY E

400' BRADLEY @
 (190' TO CORNER)

9A





913

Section 10 – Proposed Warning Signals or Devices

1. Explain in detail the number and type of proposed automatic signals or other warning devices planned at the crossing, including a cost estimate for each. If the proposed modifications include adding or modifying preemption, contact UTC for the additional worksheets.

NO AUTOMATIC SIGNALS OR WARNINGS ARE PLANNED FOR THIS CROSSING. THE ADVANCE WARNING SIGNS WILL REMAIN IN THEIR PRESENT LOCATIONS. THE SOUTH CROSS-BOROK WILL BE RELOCATED TO THE SOUTH ABOUT 14'.

Section 11 - Justification of Installation of Wayside Horn (if applicable)

1. Describe in detail why this crossing should have a wayside horn installed. Also include a description of where the wayside horns and indicator lights will be installed at the crossing.

NO WAYSIDE HORN WOULD SEEM TO BE USEFUL HERE. THE TRAIN CREWS BLOW THE TRAIN WHISTLE CONSISTENTLY. MSN HAS NEVER HAD AN ACCIDENT OR NEAR MISS AT THIS CROSSING. THE TRAIN CREWS DO NOT CONSIDER IT A "PROBLEM CROSSING".

FOR THAT MATTER, NEITHER OF OUR TWO SHORTLINE FREIGHT RAILROADS HAS EVER HAD AN ACCIDENT OR AN INCIDENT OF ANY KIND, EVER, SINCE WE FORMED THE COMPANY IN 1996.

WE ARE PROUD OF OUR UNBLEMISHED RECORD OF BEING AWARDED THE JAKE AWARD, WITH DISTINCTION, (FOR A ZERO ACCIDENT RATE), YEAR AFTER YEAR, BY THE AMERICAN SHORTLINE & REGIONAL RR ASSOCIATION, WHICH REPRESENTS 550 SHORTLINES IN NORTH AMERICA.

Section 12 - Additional Information

Provide any additional information supporting the proposal, including information such as the public benefits that would be derived from modifying the crossing as proposed.

THE REASON FOR ADDING THE INDUSTRIAL SPUR TRACK TO THIS CROSSING IS THAT THIS IS THE BEST ALIGNMENT FOR THE SPUR TO REACH THE NEW SOUND DELIVERY SERVICE 8 ACRE TRANSLOAD SITE BEING DEVELOPED AT 13505 PIONEER WAY EAST.

THE MOST IMMEDIATE PUBLIC BENEFIT IS THE 50 NEW INDUSTRIAL WAGE JOBS THAT THE COMPANY (SDS) WILL BRING TO THE EAST POYALLUP AREA, IN PIERCE COUNTY.

Section 13 – Waiver of Hearing by Respondent

Waiver of Hearing

The undersigned represents the Respondent in the petition to modify a highway-railroad grade crossing.

We have investigated the conditions at the crossing proposed for modification. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree the crossing be modified and consent to a decision by the commission without a hearing.

Dated at _____, Washington, on the _____ day of _____, 20____.

Printed name of Respondent

Signature of Respondent's Representative

Title

Phone number and e-mail address

Mailing address

(13)

Attachment 2

August 12, 2008

Jerry P. Bryant, Field Engineer Manager
Brian D. Stacy, County Engineer
Pierce County Public Works and Utility
2702 South 42nd Street Suite 201
Tacoma, WA 98409

RE: TR-081407 Petition from Meeker Southern Railroad to Modify a
Highway-Rail Grade Crossing at 134th Avenue East in Pierce County

Dear Mr. Bryant and Mr. Stacy:

On July 29, 2008, Meeker Southern Railroad filed a petition with the Washington Utilities and Transportation Commission (Commission), seeking approval to modify a highway-rail grade crossing on 134th Avenue East in Pierce County, Washington. The USDOT number assigned to this crossing is 085536R. The commission has assigned docket TR-081407 to this petition.

Please review the attached petition and respond by September 2, 2008. Your response options include:

- Support the petition – Complete the Respondent's Waiver of Hearing form, which serves as your consent for the commission to issue an order without further notice or hearing.
- Do not support the petition – Reply with your position and include whether you feel a hearing is necessary to resolve the issues or suggest other courses of action, such as further discussion prior to going to hearing. Commission staff is available to meet with stakeholders to facilitate discussions related to the proposed modifications.

If you do not respond within 20 days of the date of this letter, we will assume you do not support the petition and will set the matter for hearing. You will be required to attend the hearing and respond to the commission.

If you have any questions, please contact Kathy Hunter at (360) 664-1257 or by e-mail khunter@utc.wa.gov.

Sincerely,

David W. Danner
Executive Director and Secretary

Enclosure

cc: Byron Cole, Meeker Southern Railroad



Transportation Services

2702 South 42nd Street, Suite 201
Tacoma, Washington 98409-7322
(253) 798-7250 • FAX (253) 798-2740

August 25, 2008

David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr SW
P. O. Box 47250
Olympia, WA 98504-7250

2008 AUG 27 AM 8:20
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Subject: TR-081407 Petition from Meeker Southern Railroad to Modify a Highway-Rail Grade Crossing at 134th Ave East in Pierce County.
USDOT Crossing 085536R

Dear Mr. Danner:

We have received your August 12, 2008 letter and attachments. Pierce County does not support the petition.

In an ongoing effort to enhance the safety for the traveling public, it is the preference of Pierce County to minimize any railroad tracks crossing the Pierce County system of public roads. Consequently, prior to receiving your August 12th letter, we have recommended that the connection of the railroad spur to the existing Meeker Southern Railroad main line be located further to the east of the proposed location. As of this date, we have not received any documentation that justifies why the spur connection cannot be provided further to the east of 134th Avenue E such that no additional tracks are constructed in the roadway.

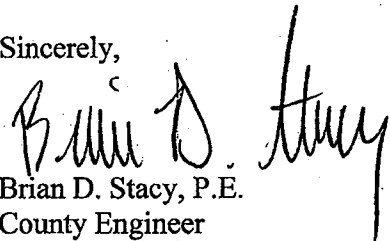
The proposed construction of an additional track south of the existing crossing on 134th Avenue E will reduce the existing storage for vehicles stopped between the tracks and the intersection with Pioneer Way by one or two vehicles. Since the existing railroad tracks are already in close proximity to the intersection, further reduction of the vehicle storage increases the potential of traffic backing up on to Pioneer Way E. This represents a potential safety concern to the traveling public. For your information, 134th Avenue E is a part of a collector arterial route, and has an average daily traffic volume of approximately 2,500 vehicles per day.



David Danner
Washington Utilities and Transportation Commission
August 25, 2008
Page 2

Because the subject project impacts property primarily under the jurisdiction of the Parks Department, the Pierce County Parks Department is the lead on this project from a Pierce County perspective. We have previously expressed our willingness to meet as a group to address all questions that the Meeker Southern Railroad may have associated with our review of this project. We are still willing to meet as a group to further discuss. The meeting should be coordinated with Grant Griffin, Pierce County Parks Department at 253 798 4049.

Sincerely,



Brian D. Stacy, P.E.
County Engineer

BDS:JWE:jlb

cc: James W. Ellison, P.E., County Traffic Engineer
Jerry P. Bryant, P.E. Field Engineering Manager
Grant Griffin, Parks Department
File
UTC - Byron Cole 8 21 2008 jwe.doc



2702 South 42nd Street, Suite 201
Tacoma, Washington 98409-7322
(253) 798-7250 • Fax (253) 798-2740

November 3, 2008

David W. Danner, Executive Director and Secretary
Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

RECEIVED
MANAGED
2008 NOV - 7 AM 8:11
OFFICE OF THE
CLERK OF SUPERIOR
COURT
COMMUNICATIONS

RE: TR-081407 Petition from Meeker Southern Railroad to Modify a
Highway-Rail Grade Crossing at 134th Avenue East in Pierce County

Dear Mr. Danner:

Following receipt of your August 12, 2008 letter we verbally responded to your office with our initial thoughts to the petition from Meeker Southern Railroad to construct a second railroad track across 134 Avenue E. A meeting was then held in our office on September 16, 2008 to further discuss the proposed project as well as our concerns.

During the September 16th meeting, Pierce County made the commitment to review the project site and further evaluate traffic volumes and operation on the adjacent road and intersection to determine potential impacts that might occur from the proposed second railroad track. The proponent made the commitment to provide Pierce County with an electronic or hard copy of the engineered plans to assist with our review. As of this date, we have not received a copy of the final plans.

We have completed our traffic review of 134 Avenue E at the railroad crossing and the intersection of 134 Avenue E and Pioneer Way E. The results of our review determined that a left turn lane on Pioneer Way E for eastbound traffic is currently warranted and with the proposed second track will be even more needed. As you may know, Pioneer Way E is within the jurisdiction of the City of Puyallup and we would defer to them as to how they may wish to proceed in requesting the left turn lane as it relates to this petition.

134 Avenue E will not require widening, but will require reconstruction to accommodate the second track and we would request that the crossing surface material be wide enough and of a type of material that would meet ADA requirements. In addition, pavement markings and railroad signage will need to be updated to meet the MUTCD (Manual on Uniform Traffic Control Devices) due to the second track.

Based upon our site review of the railroad crossing on 134th Ave E, it is our recommendation that if the crossing is approved by the UTC an active crossing traffic control device be required. The active crossing traffic control device (railroad signal) should consist of train detection, flashing light signals, bells, and automatic gates.

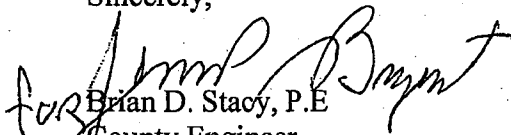


David W. Danner, Executive Director and Secretary
Utilities and Transportation Commission
November 3, 2008
Page 2

The flashing light system may require a cantilevered arm due to the horizontal alignment of 134 Avenue East and the close proximate of adjacent intersections on either side. Finally, we recommend when reconstructing the crossing surface on 134 Avenue E that conduit(s) be included to allow for a future signal interconnect with a future traffic signal when warranted at the intersection of Pioneer Way E and 134th Avenue E and the proposed railroad signal. This conduit would eliminate having to cut the pavement in the future on the County roadway and eliminate having to bore under the crossing surface material and the railroad tracks.

After receipt and review of the promised engineering plans the County may have additional comments or concern regarding the second railroad track petition. Also, our Parks Department may have interest for a non-motorized connection of their facility with that of City of Puyallup's plan non-motorized facility.

Sincerely,


for Brian D. Stacy, P.E.
County Engineer

cc:

Skip Ferrucci, RS Superintendent
Kathy Kravit-Smith, Director
David St. Pierre, DPA
Jerry P. Bryant, P.E., Field Engineering Manager, Public Works and Utilities
Jim Ellison, P.E., County Traffic Engineer, Public Works and Utilities
Kathy Hunter, Utilities and Transportation Commission
Tom Utterback, SEPA Official, City of Puyallup, 333 South Meridian, Puyallup,
WA 98328