

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

PUGET SOUND AND PACIFIC RAILROAD,)	DOCKET TR-111261
)	
Petitioner,)	ORDER 01
)	
GRAYS HARBOR COUNTY,)	ORDER GRANTING PETITION TO
)	MODIFY A PUBLIC HIGHWAY-RAIL
Respondent.)	GRADE CROSSING AT ELMA-GATE
)	ROAD WEST IN GRAYS HARBOR
)	COUNTY
)	
.....)	USDOT: #092595K

BACKGROUND

- 1 On July 12, 2011, Puget Sound and Pacific Railroad (PSAP or Petitioner) filed with the Utilities and Transportation Commission (Commission), a petition seeking approval to modify a railroad-highway grade crossing. On August 8, and September 22, 2011, PSAP filed revisions to the petition. The crossing is identified as USDOT #092595K and is located at the intersection of Elma-Gate Road West (Elma-Gate) and PSAP’s tracks in Grays Harbor county.
- 2 On September 22, 2011, Grays Harbor County, Respondent, consented to entry of an Order by the Commission without further notice or hearing.
- 3 Current railroad warning devices at the crossing consist of cross-bucks and stop signs.
- 4 Elma-Gate is classified as a local street with two lanes and a posted vehicle speed limit of 30 miles per hour. Average annual daily traffic through the crossing is estimated at 60 to 80 vehicles. No school buses travel over this crossing.
- 5 PSAP operates up to four freight trains per day at 25 miles per hour over the single track crossing. No passenger trains operate over the crossing. PSAP proposes to operate up to six trains per day as customer demands increase.
- 6 PSAP proposes to construct a new 8,000 foot siding near this location. As part of the construction of the siding, PSAP requests to add a second track through the Elma-Gate

crossing. PSAP plans to replace the rail and upgrade the crossing surface to concrete panels at the existing crossing. The new second track would be 15 feet east of the existing track and would also have a concrete crossing surface. The Elma-Gate crossing is located near the access point of where freight trains will enter or leave the siding. The crossing will not be blocked by trains utilizing the siding.

- 7 PSAP proposes to maintain the current warning devices, cross-bucks and stop signs. In addition, PSAP proposes to remove vegetation along the railroad right-of-way to ensure adequate sight distance is maintained. Current characteristics at the Elma-Gate crossing do not warrant active warning devices. PSAP agrees to monitor and annual report for five years any incidents or significant changes at the crossing change.

FINDINGS AND CONCLUSIONS

- 8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *Chapter 81.53 RCW.*
- 9 (2) The Elma-Gate Road West grade crossing, identified as USDOT #092595K, is a public railroad-highway grade crossing within the state of Washington.
- 10 (3) RCW 81.53.261 and WAC 480-62-150 require that the Commission grant approval prior to modifying a public railroad-highway grade crossing or upgrading active crossing warning signals or devices within the state of Washington.
- 11 (4) Commission Staff investigated the petition and recommended that it be granted with conditions.
- 12 (5) After examination of the petition filed by Puget Sound and Pacific Railroad on September 8, 2011, and revised on August 8, and September 22, 2011, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

13 The petition of Puget Sound and Pacific Railroad to modify a railroad-highway grade crossing at the intersection of Elma-Gate Road West and the Petitioner's tracks in Grays Harbor County is granted. Approval of the petition is subject to the following conditions:

- (1) The modifications must conform to those described and attached to the petition.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- (3) Puget Sound and Pacific Railroad will remove vegetation along the railroad right-of-way to meet minimum sight distance requirements prior to adding the second track. Puget Sound and Pacific Railroad will file a vegetation management plan with the Commission within 30 days of completion of reconstruction of the crossing.
- (4) Puget Sound and Pacific Railroad will for a period of five years provide annual reports to the Commission within ten days of the anniversary date of this Order. At a minimum, the annual report will contain information about any incidents at the crossing and report updated train and vehicle counts.
- (5) Upon completion of the authorized construction, Petitioner must notify the Commission within 30 days. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions set forth in this order

The Commissioners, having determined that this filing complies with the requirements of WAC 480-62-150(1)(f), WAC 480-62-150(2)(b) and RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective October 11, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).