

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

MEEKER SOUTHERN RAILROAD,

Petitioner,

v.

PIERCE COUNTY PUBLIC WORKS &
UTILITIES,

Respondent.

DOCKET NO. TR-100036

COMMISSION STAFF and PIERCE
COUNTY INSPECTION REPORT

USDOT CROSSING #085536R
UTC CROSSING #42A32.40

1 On January 12, 2010, the Commission issued Order 01 in this docket, granting Meeker Southern Railroad's (Meeker's) petition to modify a railroad-highway grade crossing and upgrade warning devices at the intersection of 134th Avenue East and Meeker's tracks in Pierce County, subject to conditions. Order 01 did not set a deadline for completion of work.

2 On January 26, 2011, Administrative Law Judge Adam E. Torem issued Order 03 in this docket. Among other things, Order 03 amended Order 01 by setting a schedule for the completion of work at the 134th Avenue East crossing. By agreement of the parties, the deadline for completion of work was later extended to May 23, 2011.¹

3 Order 03 modified Condition (1) of Order 01 to provide as follows:

¹ See Docket TR-100036, Notice of Approval by Commission Staff and Public Works to a Time Extension for Installation and Commencement of Operation of the Remainder of the Automatic Flashing Light Crossing Signal System for the Crossing and of Corresponding Traffic Control Signs (March 16, 2011); Docket TR-100036, Notice of Approval by Commission Staff and Public Works to a Time Extension for Completion of Work (April 27, 2011).

- (1) Unless otherwise approved by both Commission Staff and Public Works, the crossing modifications must conform to those set forth on (a) Sheets C1.2 and C1.3 of the civil engineering design drawings bearing October 20, 2009 approval signatures of Brian D. Stacy, P.E., on behalf of the Pierce County Public Works Director and (b) Sheets C1.0, C1.1, C2.0 and C4.0 of the civil engineering design drawings bearing January 25, 2011 approval signatures on behalf of the Pierce County Public Works Director.

Order 03 did not modify Condition (2) in Order 01, which continues to provide as follows:

- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.

4 In e-mails exchanged on May 19, 2011, the parties agreed to omit the Highway-Rail Grade Crossing Pavement Marking depicted on Sheets C1.2 and C2.0 of the civil engineering design drawings on the southbound lane of 134th Avenue East north of 80th Street East.

5 On May 24, 2011, Meeker notified the parties that it had timely completed all work at the 134th Avenue East crossing.²

6 On May 26, 2011, representatives from the Washington Utilities and Transportation Commission Staff (UTC Staff) and Pierce County visited the 134th Avenue East crossing and inspected the work. The following people were present:

Meeker Southern Railroad:

Byron Cole, Manager
David Halinen, Attorney for Meeker Southern Railroad

Pierce County:

Marlene Ford, P.E., P.T.O.E., Associate County Traffic Engineer, Pierce County Public Works & Utilities
Jerry Bryant, P.E., Field Engineering Manager, Pierce County Public Works & Utilities
John Salmon, Deputy Prosecuting Attorney

UTC Staff:

Kathy Hunter, Deputy Assistant Director, Transportation Safety

² Docket TR-100036, Letter from David L. Halinen to David W. Danner (May 24, 2011).

Fronda Woods, Assistant Attorney General

As described in Paragraphs 7 through 9 below, UTC Staff noted three items that were not in full compliance with the conditions of Order 03.

7 **Bell.** A bell was mounted on top of the signal mast on the south side of the crossing, but not on the signal mast on the north side of the crossing. Sheet C1.2 of the civil engineering design drawings states that a bell will be provided on top of each signal pole. Mr. Cole orally agreed to install a bell on the signal mast on the north side of the crossing.

8 **Do Not Stop on Tracks Signs.** The “Do Not Stop on Tracks” signs mounted on each of the two signal masts were placed too low. They need to be moved further up the mast, below the flashers, as depicted on Sheet C1.2 of the civil engineering design drawings. Mr. Cole orally agreed to move the signs upward on the masts.

9 **Location of Signal Masts.** The UTC Staff and Pierce County representatives measured the horizontal distances from the edges of the pavement to the closest part of the signals and found them to be less than two feet. Two feet is the minimum distance required under Paragraph 07 in Section 8C.01 of the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD). On the south side of the 134th Avenue East crossing, the closest hood on the flashing light assembly is 20 inches from the edge of the pavement, four inches short of the standard. On the north side of the crossing, the closest hood on the flashing light assembly is nine inches from the edge of the pavement, 15 inches short of the standard. The signal mast placements do not conform to the MUTCD or Condition (2) of Order 01 in this docket.

10 The Washington Utilities and Transportation Commission has adopted by reference Part 8 of the MUTCD in WAC 480-62-230(1) and WAC 480-62-999(2). UTC Staff has

referred Meeker to WAC 480-62-140 as a possible means for seeking an exemption from the two-foot minimum in Section 8C.01 of the 2009 MUTCD. Pierce County does not oppose such an exemption.

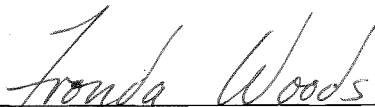
11 Other than the items noted above, from the perspective of Pierce County Public Works and Utilities the work has been provided in substantial compliance with the civil engineering design drawings submitted on January 25, 2011. The roadway is acceptable, and no exception is taken to the roadway construction.

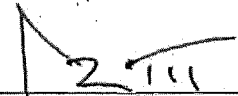
DATED this 3rd day of June, 2011.

Respectfully submitted,

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Attorney General of Washington

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Pierce County Prosecuting Attorney


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