

HALINEN LAW OFFICES, P.S.

A Professional Service Corporation

David L. Halinen, P.E., Attorney at Law
davidhalinen@halinenlaw.com

1019 Regents Boulevard, Suite 202
Fircrest, Washington 98466-6037

Tacoma: (253) 627-6680
Seattle: (206) 443-4684
Fax: (253) 272-9876

August 3, 2011

VIA FIRST CLASS MAIL AND VIA EMAIL

David W. Danner, Executive Director and Secretary,
and Adam E. Torem, Administrative Law Judge
Washington Utilities and Transportation Commission
c/o WUTC Records Center
1300 S. Evergreen Park Dr. SW
PO Box 47250
Olympia, WA 98504-7250

VIA EMAIL

Pierce County Public Works and Utilities
Office of the County Engineer
Field Engineering Division
Attn: Jerry P. Bryant, P.E., Field Engineering Manager
Tacoma Mall Office Building
4301 S. Pine Street, Suite 446
Tacoma, WA 98409-7207

John F. Salmon III
Office of the Pierce County Prosecuting Attorney
Civil Division
955 Tacoma Avenue S., Suite 301
Tacoma, WA 98402-6713

Kathy Hunter, Deputy Assistant Director, Transportation Safety
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
PO Box 47250
Olympia, WA 98504-7250

Frona Woods
Assistant Attorney General
Utilities and Transportation Division
P.O. Box 40128
1400 S. Evergreen Park Drive S.W.
Olympia, WA 98504-0218

Re: Docket No. TR-100036

David W. Danner, Executive Director and Secretary, and
Adam E. Torem, Administrative Law Judge
Washington Utilities and Transportation Commission
Pierce County Public Works and Utilities, Attn: Jerry P. Bryant, P.E.
John F. Salmon III, Office of the Pierce County Prosecuting Attorney, Civil Division
Kathy Hunter, Deputy Assistant Director, Transportation Safety, WUTC
Frona Woods, Assistant Attorney General, WUTC
August 3, 2011
Page 2

**Notice that Meeker Southern Railroad has (a) installed and made operational the remaining bell and (b) moved up the “Do Not Stop on Tracks” signs on each of the two signal masts, below the flashers, thereby completing all remaining work for the spur track and Phase 1 Service Siding concerning the 134th crossing pursuant to Orders 03 and 04
(USDOT Crossing No. 085536 R)
(WUTC Crossing No. 42A32.40)**

Dear Messrs. Danner, Torem, Bryant, and Salmon and Mmes. Hunter and Woods:

Byron Cole, General Manager of my client Meeker Southern Railroad (“Meeker”), advised me by phone on July 25, 2011 that Meeker has installed and made operational the remaining bell (a bell on the signal mast on the north side of the crossing). Previously (in early June), he had advised me that Meeker already moved up the “Do Not Stop on Tracks” signs on each of the two signal masts, below the flashers, as had been requested by Commission Staff during a Thursday, May 26, 2011 site inspection meeting that representatives of Commission Staff, Public Works, and Meeker attended. Mr. Cole asked me to notify you of these accomplishments. This letter is intended to provide you with notice thereof.

In Order 04 (SUPPLEMENTAL ORDER GRANTING PETITION FOR EXEMPTION TO MUTCD ON CONDITION AND SETTING DEADLINE TO COMPLETE WORK), the Commission ordered (among other things) that:

- (4) Meeker Southern shall complete all work associated with the 134th Avenue East crossing and remedy all deficiencies noted in the Commission Staff and Pierce County Inspection Report of June 3, 2011, no later than Monday, August 15, 2011.

The Commission Staff and Pierce County Inspection Report of June 3, 2011 noted three deficiencies: (1) the lack of a bell on the signal mast on the north side of the crossing, (2) a need to move up the “Do Not Stop on Tracks” signs on each of the two signal masts, below the flashers, and (3) the closest parts of the signal mast assemblies (specifically the “roundels,” which were referred to as a signal “hoods” in the June 3, 2011 Commission Staff and Pierce County Inspection Report) failed to meet a two-foot minimum horizontal distance from the edges of the pavement to the closest part of the signal mast assemblies as generally required under Paragraph 07 in Section 8C.01 of the 2009 U.S. Department of Transportation Manual on Uniform Traffic Control Devices (MUTCD). The first paragraph of this letter points out that the first two of these three items have been remedied in the field. The third item was remedied by Order 04 itself, wherein, in section (2) (paragraph 33) of the order, the Commission did the following:

David W. Danner, Executive Director and Secretary, and
Adam E. Torem, Administrative Law Judge
Washington Utilities and Transportation Commission
Pierce County Public Works and Utilities, Attn: Jerry P. Bryant, P.E.
John F. Salmon III, Office of the Pierce County Prosecuting Attorney, Civil Division
Kathy Hunter, Deputy Assistant Director, Transportation Safety, WUTC
Fronda Woods, Assistant Attorney General, WUTC
August 3, 2011
Page 3

- (2) The Commission grant[ed] a permanent partial waiver of Approval Condition 2 of Order 01, specifically the Minimum Two-Foot Horizontal Offset Standard set out in Section 8C.01 of the MUTCD, to the extent necessary to permit Meeker Southern to retain both active warning devices where they are now installed at the 134th Avenue East grade crossing with the roundels intruding closer than two feet to the paved roadway edges. All other traffic control devices must comply with all applicable standards specified in the MUTCD.

Meeker thus concludes that, consistent with Order 04, Meeker Southern has timely completed all remaining work associated with the 134th Avenue East crossing and has remedied all deficiencies noted in the Commission Staff and Pierce County Inspection Report of June 3, 2011.

Please let me know if you have any questions or comments.

Sincerely,

HALINEN LAW OFFICES, P.S.



David L. Halinen

cc: Meeker Southern Railroad
Attn: Byron Cole, Manager (via email)

Meeker Southern Railroad
Attn: James Forgette, Operations Manager (via email)

Brian D. Stacy, P.E., County Engineer, Pierce County Public Works & Utilities Department
(via email)

Marlene Ford, P.E., P.T.O.E., Associate County Traffic Engineer, Pierce County Public
Works & Utilities Department, Traffic Engineering Division (via email)