

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PUGET SOUND & PACIFIC
RAILROAD,

Petitioner,

Seeking Approval to Upgrade Signals
at a Railroad-Highway Grade
Crossing

DOCKET TR-171126

ORDER 01

ORDER GRANTING PETITION TO
MODIFY HIGHWAY-RAIL GRADE
CROSSING ACTIVE WARNING
DEVICES AT EAST HERON STREET
AND AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT: 096695D

BACKGROUND

- 1 On November 17, 2017, Puget Sound & Pacific Railroad (PSAP or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify active warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT 096695D and is located at the intersection of East Heron Street and the Petitioner's tracks in Aberdeen. The Petitioner further requested the Commission authorize an expenditure of \$25,333.57 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
- 2 The City of Aberdeen (City) consented to entry of an Order by the Commission without further notice or hearing.
- 3 East Heron Street is a one-lane roadway with a posted speed limit of 25 miles per hour. Average annual daily vehicle traffic through the crossing is estimated at 5,000 vehicles. East Heron Street is not part of an established school bus route or truck route. Six freight trains operate over this single mainline track crossing at five miles per hour each day. No passenger trains operate over the crossing.
- 4 Railroad warning devices at the East Heron Street crossing consist of cantilever-mounted flashing lights, advance warning signs, crossbucks, and motion-sensor train detection. The existing train detection circuitry was installed in the 1970s. The circuits are activated by train presence and are tied to three other crossings in the immediate area. Currently, a train signal can cause the train to stop short of a nearby railroad bridge, activating signals

at all of the crossings and cutting off access to and from the Olympic Gateway Plaza shopping center for extended periods.

5 PSAP proposes to upgrade the existing obsolete train detection at each of these crossings to current technology, which will provide constant warning of an approaching train, and will enable each crossing signal to activate individually. PSAP also proposes to fund the signal design and software formatting required for the changes to the train detection, and replace batteries and the battery charger.

6 Commission staff reviewed the proposed upgrades and recommends approval of the project. These upgrades will improve the overall safety at the crossing by providing motorists and pedestrians with upgraded, reliable active warning devices which will consistently notify them of an approaching train.

7 The total approximate cost of this portion of the project is \$25,333.57. The Petitioner is contributing labor toward the cost of the upgrades and is responsible for any additional project costs. An expenditure of \$25,333.57 from the Grade Crossing Protective Fund is available to help fund the improvements.

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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. RCW 81.53; RCW 81.53.271; RCW 81.53.281.

9 (2) The grade crossing at East Heron Street, identified as USDOT 096695D, is a public railroad-highway grade crossing within the state of Washington.

10 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also* WAC 480-62-150.

11 (4) RCW 81.53.271 allows the Commission to disburse funds from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device, without requiring the Petitioner to share the cost.

- 12 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 13 (6) After reviewing PSAP's petition filed on November 17, 2017, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 14 Puget Sound & Pacific Railroad's petition to upgrade warning devices at a railroad-highway grade crossing, located at East Heron Street, is granted. The cost of a portion of this upgrade shall be paid from the Grade Crossing Protective Fund. Approval of the petition is subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$25,333.57.
 - (2) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
 - (3) PSAP must sign and return the attached project agreement.
 - (4) The project must be completed no later than June 15, 2019.
 - (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
 - (6) PSAP must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective February 1, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVEN V. KING, 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 website 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 website.

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