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a community commitment to our future."

January 27, 2015

Ms. Kathy Hunter
Deputy Assistant Director, Transportation Safety
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Re: *Petitions to Reconstruct a Highway-Rail Grade Crossing*
— USDOT Crossing No. 091797E, Docket No. TR-143902
— USDOT Crossing No. 092050F, Docket No. TR-143903

Dear Ms. Hunter:

As requested in your e-mail of January 5, 2015, the City discussed the above referenced petitions with Byron Cole of Ballard Terminal Rail and Doug Engle of Eastside Community Rail. There were several areas of potential disagreement that were resolved and there are other areas and issues where both parties disagreed and could not come to resolution. The City requests that the Hearing process be allowed to go forward as originally requested to resolve the differences. Below is a summation of the issues, agreements, and continued disagreements.

USDOT Crossing No. 092050F (West Crossing):

1. The City proposed to move the gate assembly for the westbound traffic (located on the north side of the roadway) closer to the curb, so the sidewalk would be behind it instead of being on the street side gate assembly. This is being done to shorten the arm to 42 feet in length. The rail companies agreed that this was a good idea.
2. The Rail companies concurred with the proposed signal lights as shown in the submitted petition.
3. All gates furnished for the project would be High Wind Profile Alumi-Lite Mfg Number NEG-3130#, manufactured by National Electric Gate Company or agreed upon equal. These arms are used in Florida in areas subject to high winds and are designed and constructed to withstand wind loads of 80 mph. The rail companies expressed concern whether or not the proposed arms were strong enough to withstand the winds that occur at this location and concern as to the potential for increased maintenance due to breakage. To mitigate these concerns, the City offered to furnish to the rail company up to four extra arms of the same length, model and type to facilitate replacement and to reduce maintenance costs. The rail companies appreciated that the City would provide a stockpile of replacement parts. The rail companies however, continued to express concern whether the proposed arm was strong enough to withstand the winds that occur at this location and concern for potential increased maintenance costs due to breakage.

4. The City expressed its willingness to install on the signal mast arm at the intersection just to the west of the crossing, a lighted "No Right Turn Arrow" for the northbound to eastbound right turn that would be illuminated when the railroad crossing is being used similar to the one on SR 2 at the Fryelands Boulevard intersection which is adjacent to BNSF mainline tracks.
5. The City also expressed its willingness to extend the holding pole for the arm when it is in the upright position another 10 to 15 feet including an additional set of guides to direct and provide support to the arm.
6. The City prepared a design showing traffic islands in the middle of the road for placement of another set of gate assemblies so that arm lengths can be reduced to less than 30 feet. This option was shown to representatives of both Ballard Terminal Rail and Eastside Community Rail. This design with traffic islands and additional gate assemblies was determined by the City engineering staff to be unsafe and impractical. It introduced significant fixed objects into the clear zone of the roadway and the islands were in direct line with the normal travel path of eastbound traffic through the intersection just to the west. Based on our professional judgment and past experience, the City believes that WSDOT would not approve such a design or lane configuration. This roadway is a state highway (SR 202) and WSDOT is the approving authority of the lane configuration and channelization. The rail companies expressed understanding of the reason for not having the traffic islands and the shorter gate arms.
7. The City needs to expand the grade crossing width to accommodate the wider road. It is proposed to install concrete crossing panels adjacent to the existing ones, matching the existing crossing material. The rail companies agreed with this approach at this crossing.
8. Byron Cole of Ballard Terminal Rail requested that the City pay the on-going maintenance costs of the reconstructed crossing after construction is complete and finished. The City does not agree with this. The maintenance of the rail facilities is covered by an existing operations and maintenance agreement with the Port of Seattle which the City will inherit if the rail corridor is purchased by the City. The City's position is that this issue has been decided already by this existing agreement and is not subject to further discussion or negotiation at this time.
9. Eastside Community Rail indicated that the FRA may require that the electronic controller for the railroad crossing be upgraded/replaced within the bungalow when the crossings are reconstructed. The estimated cost of doing so was about \$5,000 per crossing. The City expressed its willingness to include this work as part of the project work to be performed at City expense if this is a requirement.

USDOT Crossing No. 091797E (East Crossing):

1. The Rail companies concurred with the proposed signal lights as shown in the submitted petition.
2. The City agreed the project work would include extending the holding pole for the arm when it is in the upright position another 10 to 15 feet including an additional set of guides to direct and provide support to the arm.
3. All gates furnished for the project would be High Wind Profile Alumi-Lite Mfg Number NEG-3130#, manufactured by National Electric Gate Company or agreed upon equal. These arms are used in Florida in areas subject to high winds and are designed and constructed to withstand wind loads of 80 mph. The rail companies expressed concern whether or not the proposed arms were strong enough to withstand the winds that occur at this location and concern as to the potential for increased maintenance due to breakage.

4. The rail companies expressed concern over the arm lengths at this crossing but did not offer any suggestions or options that would allow the arms to be shortened.
5. The City plans to stripe the bike lanes and add delineator posts to encourage bicycles to cross the tracks at right angles. The rail companies appeared to accept this as a solution to the concerns raised. The use of a curb to delineate this movement was deemed to be a hazard to bicyclists by the City.
6. Byron Cole of Ballard Terminal Rail and Doug Engle of Eastside Community Rail requested that the City pay the on-going maintenance costs of the reconstructed crossing after construction is complete and finished. The City does not agree with this. The maintenance of the rail facilities is covered by an existing operations and maintenance agreement with the Port of Seattle which the City will inherit if the rail corridor is purchased by the City. The City's position is that this issue has been decided already by this existing agreement and is not subject to further discussion or negotiation at this time.
7. Eastside Community Rail indicated that the FRA may require that the electronic controller for the railroad crossing be upgraded/replaced within the bungalow when the crossings are reconstructed. The estimated cost of doing so is about \$5,000 per crossing. The City agrees to include this work as part of the project to be performed at City expense if this is a requirement.
8. The City needs to expand the grade crossing width to accommodate the wider road. It is proposed by the City to fill in between the tracks and on either side of them with asphalt pavement matching the existing crossing material. The rail companies are requesting that the City replace the entire existing crossing and to construct the wider crossing with concrete crossing panels including replacement of the existing railroad ties underneath. The City has offered that if the rail company pays for installing the concrete crossing panels for the length of the existing crossing, the City will match in kind for the expansion of the crossing and install concrete crossing panels also. Otherwise, the City stated it would match the existing crossing material.

Once again, there were several areas of areas of potential disagreement that were clarified and agreed by all parties. However, there are still areas of significant disagreement that will probably not be resolved in further meetings. The City is open to continued discussion to see if a resolution can be reached, but we are not optimistic. It is for this reason that we are requesting the hearing be scheduled and the process allowed to proceed. If you have any questions, you may contact me at 425.877.2294.

Sincerely,



Rick Roberts, P.E.
Assistant Public Works Director

cc: Correspondence File