

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

CITY OF TUMWATER,	)	DOCKET TR-091937
	)	
Petitioner,	)	ORDER 02
	)	
	)	ORDER TEMPORARILY
	)	SUSPENDING THE “EXEMPT”
TACOMA RAIL,	)	STATUS OF A HIGHWAY-RAIL
	)	GRADE CROSSING AT 66 <sup>th</sup> AVENUE
Respondent.	)	SOUTHWEST
	)	
	)	USDOT: 085277G
.....	)	

**BACKGROUND**

- 1     On December 17, 2009, the City of Tumwater (City) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to install R15-3 exempt crossing signs at a railroad-highway grade crossing. The crossing is located at the intersection of 66<sup>th</sup> Avenue Southwest and Tacoma Rail’s tracks in the City of Tumwater in Thurston County, Washington. The USDOT number assigned to the crossing is 085277G.
  
- 2     Tacoma Rail (Respondent) consented to entry of an Order by the Commission without further notice or hearing.
  
- 3     On January 10, 2010, the Commission issued an Order approving the request for installation of exempt signs at the 66<sup>th</sup> Avenue Southwest crossing.
  
- 4     On March 18, 2011, the City submitted a request to modify Order 01 and temporarily remove the exempt signs at this crossing for 90 days. In addition, the City requests that yield signs be installed at the crossing, if its request for suspension of the exempt status is granted by the Commission. Tacoma Rail submitted a statement in support of the City’s request.
  
- 5     Tacoma Rail is considering putting the siding and track located south of the 66<sup>th</sup> Avenue Southwest crossing back in service. If Tacoma Rail decides to use the siding and track, then trains will regularly travel over the 66<sup>th</sup> Avenue Southwest crossing. The Commission previously approved the City’s request for installation of exempt signs at the

66<sup>th</sup> Avenue Southwest crossing because there was no train traffic over the crossing. There are industrial businesses located 0.37 miles north of the 66<sup>th</sup> Avenue Southwest crossing. These businesses utilize rail service provided by Tacoma Rail and are the last customers on this line before the crossing. Currently, there is no train service beyond this point.

6 A recent derailment at the 66<sup>th</sup> Avenue Southwest crossing has caused concern for the City, Tacoma Rail and Commission staff. As a precautionary measure, the stakeholders agree that temporarily suspending the exempt status is reasonable given the recent derailment and the potential of Tacoma Rail operations over the crossing.

7 The City also requests that yield signs be installed at the crossing if the Commission grants its request to temporarily suspend the exempt status of the crossing. The U.S. Department of Transportation, *2009 Manual on Uniform Traffic Control Devices* recommends the installation of yield or stop signs at all public railroad crossings. Installation of a yield or stop sign is not required and will not be required until December 31, 2019. Upgrading the warning devices by installing a yield sign will enhance the visibility of the crossing for the motoring public. Staff supports the City's request and recommends that yield signs be installed on both cross-buck posts in compliance with the U.S. Department of Transportation, *2009 Manual on Uniform Traffic Control Devices*.

### 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 66<sup>th</sup> Avenue Southwest highway-rail grade crossing is a public crossing within the state of Washington.

10 (4) RCW 81.53.060 requires that the Commission grant approval prior to the modification of warning devices at public railroad-highway grade crossings within the state of Washington.

11 (5) Commission staff investigated the request from the City of Tumwater to temporarily suspend the exempt status for 90 days at the 66<sup>th</sup> Avenue Southwest crossing and recommended that it be granted with the conditions identified below.

- 12 (6) After review of the request of the City of Tumwater to modify Order 01, in Docket TR-091937 filed on March 18, 2011, and giving due consideration, the Commission grants the request to temporarily suspend the exempt status of the 66<sup>th</sup> Avenue Southwest crossing until June 21, 2011, which is 90 days from the date of this order.

**O R D E R**

THE COMMISSION ORDERS:

- 13 The request from the City of Tumwater to temporarily suspend the exempt status of a railroad-highway grade crossing at 66<sup>th</sup> Avenue Southwest and the Respondent's tracks in the City of Tumwater, is granted, as follows:
- (1) The exempt signs must be removed and yield signs installed by March 31, 2011. The installation of the R1-2 yield signs must comply with all applicable standards specified in the U.S. Department of Transportation, *2009 Manual on Uniform Traffic Control Devices*.
  - (2) Respondent Tacoma Rail must notify the Commission by June 21, 2011, on whether it plans to put the siding and tracks located south of the 66<sup>th</sup> Avenue Southwest crossing back into service.
  - (3) Upon completion of the removal and installation of the yield signs authorized herein, Petitioner must notify the Commission.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective March 23, 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).