

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

TACOMA RAIL,	)	DOCKET NO. TR-030562
)	
Petitioner,	)	ORDER NO. 02
)	
v.	)	ORDER GRANTING IN PART AND
	)	DENYING IN PART A PETITION TO
THE WASHINGTON STATE	)	AMEND ORDER TEMPORARILY
DEPARTMENT OF	)	CHANGING THE METHOD OF
TRANSPORTATION,	)	TRAFFIC CONTROL AT A
	)	RAILROAD-HIGHWAY GRADE
Respondent.	)	CROSSING
)	
	)	USDOT: 396776G
	)	WUTC: 20J 14.70
.....)	

BACKGROUND

- 1 On April 30, 2003, the Commission entered its order temporarily changing the method of traffic control at a railroad-highway grade crossing. The crossing is located at the intersection of the Petitioner’s tracks and Alder Street (SR-507), in the NW ¼ of the NW ¼ of Section 8, Township 14 N., Range 2 W., W.M., in Centralia, Washington. On February 2, 2004, Petitioner filed its petition seeking an amendment to the conditions of that order. Specifically, Petitioner seeks approval for train movements at night and approval for employees to flag from vehicles. Commission Staff requests that reporting and job briefing requirements be imposed as a result of information learned from an accident investigation at another crossing.
- 2 Respondent has consented to entry of an Order by the Commission without further notice or hearing.

3 The order entered on April 30, 2003, allows Petitioner to discontinue use of the signals and gates at the crossing on the condition that a flagger stops traffic before the train enters the crossing. This procedure protects the traveling public and accommodates the occasional need of Tacoma Rail and two other railroad companies to use the crossing until the existing nonfunctional signals and gates can be replaced. Since entry of the order, an unforeseen need to use the crossings at night arose. Commission Staff investigated procedures for flagging crossings at night, and found that safety is not compromised if fusees (railroad flares) are used to alert drivers to the presence of a flagger.

4 On June 2, 2003, a car hit a train that was moving through a crossing maintained by Petitioner. A Staff investigation revealed that safety could be improved by standardizing traffic control procedures wherever "stop and protect" procedures were used. Recommendations were agreed upon by Commission Staff and Tacoma Rail except for using vehicles as flagging platforms. Tacoma Rail's request for its employees to flag from vehicles should be denied.

FINDINGS AND CONCLUSIONS

- 5 (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.*
- 6 (2) The Alder Street grade crossing, identified as USDOT 396776G, is a public railroad-highway grade crossing within the state of Washington.
- 7 (3) RCW 81.53.261 requires that the Commission grant approval prior to making changes in the method and manner of traffic control at public railroad-highway grade crossings within the state of Washington.
- 8 (4) Commission Staff investigated the petition and recommended that it be granted in part, subject to specified conditions.

- 9 (5) This matter was brought before the Commission at its regularly scheduled meeting on March 12, 2004.
- 10 (6) After examination of the petition filed by Tacoma Rail and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition on the conditions recommended by Staff and denies the request to allow flagging from vehicles.

ORDER

THE COMMISSION ORDERS:

- 11 The petition of Tacoma Rail to amend the Order entered in this matter on April 30, 2003, is granted as follows:
- (1) Train moves through the crossing may be made at any time.
 - (2) Each train must stop before entering the crossing to permit a railroad employee to flag highway traffic to a stop. The train may proceed through the crossing only when the flagger determines that it is safe to do so.
 - (3) Flaggers shall communicate with the train crew by radio or cell phone.
 - (4) A flagger shall wear a hard hat and reflective vest or other reflective outerwear.
 - (5) Flaggers shall use STOP/STOP paddles to flag traffic. Fusees shall be placed on both sides of the crossing at night or conditions of poor visibility.
 - (6) If a uniformed police officer flags the crossing, trains need not stop; however, train crews must confirm that prior

arrangements have been made with a police officer to flag the crossing and that he or she is present at the crossing.

- (7) Tacoma Rail must issue instructions or orders to all train crews using the crossing, stating that the active warning devices at the crossing are not in service and that a "stop and protect" order is in effect.
- (8) The railroad shall develop a report that details the procedures for the crossing. The report shall be maintained in each locomotive that operates over the crossing.
- (9) Job briefings shall include the proper flagging procedure for the crossing if the train will cross it. An operations supervisor will also review the applicable bulletin and general order with the crew during the briefing and document the review.
- (10) Tacoma Rail shall notify Commission Staff each day whether trains operated by any railroad will run across the crossing. The requirement may be fulfilled by Tacoma Rail informing Staff of all areas trains will operate on the Mountain Division during a particular day. Notification shall include whether a train move will occur during nighttime hours.
- (11) Tacoma Rail General Orders and Bulletins affected by the order are not approved except to the extent that they comply with the order. Nothing in the order eliminates the requirements of 49 CFR 234 regarding known rusty rail problems.
- (12) All trains using the crossing must be operated by a certified locomotive engineer that is qualified to operate over the track involved for the subject train moves, pursuant to CFR 240, "Qualification and Certification of Locomotive Engineers."
- (13) The Order entered on April 30, 2003, shall remain in effect except to the extent it is inconsistent with this Order.

- (14) Tacoma Rail is responsible for ensuring that all railroads that use the crossing comply with the requirements of this order.

DATED at Olympia, Washington, and effective this 12th day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner