



Memorandum March 19, 2010

To: Ann Rendahl, Director, Administrative Law Division

Thru: David Pratt, Assistant Director, Transportation Safety

From: Kathy Hunter, Deputy Assistant Director, Transportation Safety

Subject: TR-00098 – Petition to Open a Pedestrian Only At-Grade Rail Crossing
Staff Recommendation to Set the Matter for Hearing

On January 13, 2010, the City of Fife (City) filed a petition with the Utilities and Transportation Commission (UTC) to construct a pedestrian only at-grade rail crossing at 54th Avenue in the City of Fife. The City cites the need to construct the new crossing to accommodate the increase in pedestrian traffic due to increased development in the area. Specifically, thousands of new homes, Columbia Junior High School and a sport field complex have all been built near 54th Avenue and the proposed location of the crossing. The homes are located on the east side of the railroad tracks and the junior high and sports fields on the west.

The City proposes to extend the crossing surface from the existing highway-rail grade crossing located on 54th Avenue to accommodate pedestrians. Further the City proposes to install shoulder mounted lights and gates to notify pedestrians of approaching trains. The existing highway grade crossing is identified as USDOT 396621P. Typically, if pedestrian enhancements are being proposed at an existing crossing, the railroad or road authority would file a petition to modify the crossing, not open a new crossing. There are unique circumstances around the existing highway rail grade crossing located at 54th Avenue. UTC issued a final order on May 2, 1997 to close this crossing. The crossing exists today, in a somewhat modified format. The crossing surface, lights and gates are present, however the City of Fife has restricted access to the crossing by installing ecology blocks, fencing and a locked gate on one of the roadway approaches to the crossing. The City, Union Pacific Railroad (UP) and staff have varying opinions whether the crossing is currently open or closed. It is possible that UTC may have to revisit Docket No. TR-961394, in order to fully address the current petition recently filed by the City.

UTC officially notified UP on January 25, 2010, of the filing of the petition by the City. UP responded on February 12, 2010, indicating that additional information was needed about whether an above or below grade crossing was an option. The City supplemented its petition on March 2, 2010, per staff's request. On March 16, 2010, UP responded to the City's supplemented petition, with a written proposal as a means of reaching agreement without going to hearing. At this point, there are several substantial outstanding issues need to be addressed before agreement can be reached on the proposed crossing.

In an effort to ensure that adequate progress is being made on the petition, staff is recommending the matter be set for hearing, and a pre-hearing conference scheduled in approximately 30 days. Staff notified the City and UP of this recommendation and suggested that the parties continue discussions to see if agreement can be reached prior to the pre-hearing conference. If issues are worked out and an agreement is reached prior to the pre-hearing conference, a request will be made to cancel the hearing. If no agreement is reached, the parties will continue via the formal hearing process.

- Attachment 1 – Petition TR-100098 from the City of Fife, received at UTC on January 13, 2010.
- Attachment 2 – Letter dated January 25, 2010, to Terrel Anderson from David Pratt.
- Attachment 3 – Letter dated February 12, 2010, to David Pratt from Terrel Anderson
- Attachment 4 – E-mail dated February 16, 2010, from Kathy Hunter to Russell Blount and Terrel Anderson
- Attachment 5 – Memorandum (supplements petition) dated March 1, 2010, from Charles Burnham to Kathy Hunter
- Attachment 6 – Letter dated March 16, 2010, from Terrel Anderson to David Pratt
- Attachment 7 – Docket No. TR-961394 – Initial Order Granting Petition to Close 54th Avenue East Crossing, served April 17, 1997
- Attachment 8 – Docket No. TR-961394, Commission Decision and Order Affirming and Adopting Initial Order Granting Petition for Closure of the 54th Avenue East Crossing In Fife, served May 2, 1997

Cc: File (no attachments)