



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

January 9, 2007

Buck Workman
General Manager and Vice President
Cascade and Columbia River Railroad
901 Omak Avenue
Omak, WA 98841

Re: Docket TR-041076, Cascade and Columbia River Railroad v. Chelan County

Dear Mr. Workman,

On December 7, 2006, we wrote you a letter because the Cascade and Columbia River Railroad (railroad) had not yet filed a petition to upgrade the A Street crossing in Chelan as required in Docket TR-041076 (copy enclosed). On December 27, 2006, we received the railroad's petition to upgrade this crossing, docketed as TR-061920.

As a result, we are closing Docket TR-041076 as complete. If you have any questions, feel free to contact Vicki Elliott, Assistant Director, Transportation Safety, at (360)664-1100.

Sincerely,

Carole J. Washburn
Executive Secretary

Enclosure





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December 7, 2006

Buck Workman
General Manager and Vice President
Cascade and Columbia River Railroad
901 Omak Avenue
Omak, WA 98841

Re: Docket TR-041076, Cascade and Columbia River Railroad v. Chelan County

Dear Mr. Workman:

On October 27, 2005, the Washington Utilities and Transportation Commission (commission) issued its final order in Docket TR-041076, Cascade and Columbia River Railroad v. Chelan County (copy enclosed). The commission allowed Cascade and Columbia River Railroad (railroad) to withdraw the petition with one specific condition. In the order, the commission directed, in paragraph 7, "... that a petition to signalize the crossing be filed if installation of protective devices is not completed within six months of the date of this Order."

This order was based on an agreement reached among the parties, including commission staff, that commission staff would supply surplus equipment suitable for use at the A Street crossing. The parties believed, and the commission agreed, that installing warning devices at the crossing meant the crossing could stay open. Ed Harper, commission signal specialist, reports he delivered the surplus equipment. In addition, Mr. Harper supplied the railroad information it needs to file a petition at the commission to upgrade the crossing (enclosed).

To date, the railroad has not installed the equipment, nor has it filed a petition at the commission to do so. As a result, the railroad has not complied with the commission order in this docket.



Cascade and Columbia River Railroad
December 7, 2006
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You must file a petition to upgrade the crossing by December 20, 2006, or staff will recommend the commission reopen Docket TR-041076 and set the matter for further hearings. If you have questions, please contact Vicki Elliott, Assistant Director, Transportation Safety, at 360-664-1100 or by e-mail at velliott@wutc.wa.gov.

Sincerely,



Carole J. Washburn
Executive Secretary

Enclosures

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

CASCADE AND COLUMBIA RIVER)	DOCKET NO. TR-041076
RAILROAD,)	
)	ORDER NO. 03
Petitioner,)	
v.)	
)	ORDER GRANTING REQUEST
CHELAN COUNTY,)	TO WITHDRAW PETITION
)	
Respondent.)	
)	
.....)	

1 **SYNOPSIS:** *This Order grants the request of Cascade and Columbia River Railroad to withdraw its petition to close a highway-rail grade crossing in Chelan Falls, Washington.*

2 **NATURE OF PROCEEDING.** Docket No. TR-041076 is an application by the Cascade and Columbia River Railroad ("Cascade" or "the Railroad") for closure of the "A" street rail grade crossing in Chelan Falls, Washington.

3 **APPEARANCES.** Louis Chernak, attorney, Wenatchee, Washington, represents Chelan County. Buck D. Workman, Vice-President, Omak, Washington, represents Cascade. Jonathan C. Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff ("Commission Staff" or "Staff").

4 **MEMORANDUM.** The Railroad filed its petition to close the grade crossing at "A" Street in Chelan Falls on June 14, 2004. The Commission convened a prehearing conference on the petition on April 6, 2004, at which time the parties stated that it was likely that if funding and materials could be found to install safety protection devices at the crossing, the matter could be resolved without

hearing. The parties requested a delay in the scheduled evidentiary hearing until November 2005 to allow time to procure the required devices and to install them and possibly eliminate the need for a hearing.

5 On October 24, 2005, the Railroad sent a letter to the Commission stating that most of the equipment needed to provide the safety devices had been found and that the remainder would be acquired in the coming months. The Railroad stated it was confident that, once the devices were installed, the "A" Street crossing would be adequately protected and the Railroad's safety concerns would be alleviated. The Railroad requested that the Commission grant approval of the request to withdraw the petition to close the "A" Street crossing.

6 **DISCUSSION AND DECISION.** We approve the Railroad's request to withdraw its petition. The Railroad's statement that installation of grade crossing protective devices, which will alleviate safety concerns, is progressing toward completion, and will, in fact, be completed, assures us that the public interest would be served if we were to approve the withdrawal of the petition now. If the installation should fail to be completed within six months of this order, we expect the Railroad to file a petition to signalize the crossing.

ORDER

7 THE COMMISSION Approves the withdrawal of Cascade's petition to close the "A" Street rail grade crossing in Chelan Falls, Washington, and directs that a petition to signalize the crossing be filed if installation of protective devices is not completed within six months of the date of this Order.

DATED at Olympia, Washington, and effective this 27th day of October, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.

A Street, Chelan Falls - 096221T

Description: Passive crossing, two-lane, two-way road.

Scope: Install state furnished bungalow, complete with foundations. This is a turn key system using a PMD-2 for detection. It is yet to be determined the frequency needed as it will overlap with Chestnut Street.

Install furnished material:

1 ea - 6' x 6' bungalow with foundations

2 ea - shoulder mounted gate mechanisms w/ 12" lights x-bucks?

Furnish and install:

24 ft - 4" underground conduit

1 lot - 7c