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September 9, 2004

RECEIVED
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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Mr. Ahmer Nizam
Washington State Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
Olympia, Washington 98504-7250

Dear Mr. Nizam: *Ahmer*

SUBJECT: Petition for Crossing Upgrades on the White Swan Rail Line

Enclosed you will find five petitions for upgrades to rail crossing on the White Swan Rail line. We have also included a set of the construction plans to show the proposed upgrades.

Please let me know if you have any questions, or require any additional information.

Sincerely,

Kent L. McHenry
Kent L. McHenry, P.E.

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PETITION

Petitioner
Toppenish Simcoe Western Railroad

Road Name South Wapato Road

vs.
Yakima County

W.U.T.C. Crossing No. 39 A 3.30

Respondent

D.O.T. Crossing No. 099 206B

RECEIVED
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04 SEP 18 PM 12:45
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Application is hereby made to the Washington Utilities and Transportation Commission for order (check one or more of the following)

directing the _____ of a grade crossing
(construction-reconstruction-relocation)

directing installation of automatic grade crossing signal or other warning device (other than crossbucks) at a new crossing;

X directing upgrade of warning devices at an existing crossings;
(replacement-change-upgrade)

allocating funds from the "grade crossing protective fund" for _____
_____ of active warning devices; (installation and/or
maintenance)

authorizing the construction of the project, funding to be pursuant to the Intermodal Surface Transportation Efficiency Act (ISTEA) in cooperation with the Washington State Department of Transportation Local Programs Division;

at the railroad grade crossing identified above and described in this petition. This application seeks the relief specified above by (check one of the following)

hearing and order X order without hearing

X Has application for funding, pursuant to Intermodal Surface Transportation Efficiency Act been made to the Local Programs Division for this project?
Yes No

X If the answer is yes to the question above, has the funding requested under the Intermodal Surface Transportation Efficiency Act been denied?
Yes No

I certify under penalty of perjury that the information provided in and with this petition is true and correct.

Toppenish Simcoe Western Railroad
Petitioner
Kent L. McHenry, P.E., Traffic Engineering Manager
Print Name Title
128 North 2nd Street, Room 408 Courthouse
Street Address
Yakima, WA 98901
City-State-Zip Code

INTERROGATORIES

Use additional paper as needed

[1]

State name of highway and railway at crossing intersection:

Existing or proposed highway S. Wapato Road mile post 1.96

Existing or proposed railway TSWR mile post 3.24

Located in SW 1/4 of the SW 1/4 of Sec. 26 Twp. 11 Range 19 W.M.

WUTC crossing number 39 A 3.30 DOT crossing number 099 206 B

Street S. Wapato Rd. City _____ County Yakima
(if applicable) (if applicable)

[2]

Character of crossing (indicate with X or numbers where applicable):

(a) Common Carrier Logging or Industrial

(b) Main Line Branch Line Siding or Spur

(c) Total number of tracks at crossing 1
(Note: A track separated 100 feet or more from another track constitutes a separate crossing.)

(d) Operating maximum train speed: Legal maximum train speed:
Passenger 30 MPH Passenger 30 MPH
Freight 25 MPH Freight 25 MPH

(e) Actual or estimated train traffic in 24 hours:

Passenger Trains 0 Freight Trains 4
(Note: Round trip counted as two trains. Include switch movements.)

[3]

Character of Roadway:

(a) State Highway - Classification _____

(b) County Highway - Classification Rural Major Collector

(c) City Street - Classification _____

(d) Number of traffic lanes existing in each direction: 1
Number of additional traffic lanes proposed: 1

(e) Posted vehicle speed limit: Automobiles 50 MPH Trucks 50 MPH

(f) Estimated vehicle traffic in 24 hours: Current total 1231, including 130 trucks and 2 school bus trips. Projected traffic in 25 years: total 1850, including 190 trucks and 2 school bus trips.

[4]

- (a) If temporary, state for what purpose crossing is to be used and for how long.

N/A

- (b) If temporary grade crossing, will you remove the crossing at completion of the activity requiring the temporary crossing?

N/A

[5]

- (a) State whether or not a safer location for a grade crossing exists within a reasonable distance in either direction from the proposed point of crossing, and if so, what reason, if any, why this safer location should not be adopted, even though in doing so, it may be necessary to relocate a portion of the highway or railway.

No other location exists for another grade crossing.

- (b) Are there any hillsides, earth, or other embankments, buildings, trees, orchards, side tracks (on which cars might be spotted), loading platforms, etc., in the vicinity not feasible to move, which may obstruct the view and which can be avoided by relocating the proposed crossing. Would it be practical to do so? Please describe.

None

[6]

- (a) Is it feasible to construct and use an over or under crossing at the intersection of said railway and highway? If not, state why.

It is not feasible. Due to the flat grades in the area, either an under or over crossing would require long distances. There are other intersections that would also require relocation.

- (b) Does the railway line at any point in the vicinity of the proposed crossing pass over a fill or trestle or through a cut where it is feasible to construct an under or over crossing, even though it may be necessary to relocate a portion of the highway to reach that point?

No

- (c) If a suitable place for an under - or over - crossing exists in the vicinity of the proposed crossing, state the distance and direction from the proposed crossing; the approximate cost of construction; and what, if any, reason exists why it should not be constructed.

N/A

[7]

- (a) State approximate distance to nearest public or private crossing in each direction of railroad involved herein.

Private crossing 750 feet east and 1900 feet west

- (b) If there is an existing crossing in near vicinity, or if more than one crossing is proposed, is it feasible to divert highways served and to be served by existing and proposed crossings, thus eliminating the need for more than once crossing?

No

- (c) If so, state approximate cost of highway relocation to effect such changes.

N/A

- (d) Will the proposed crossing eliminate the need for one or more existing crossings in the vicinity? If so, state direction and approximate distance to the crossing or crossings.

No

- (e) If this crossing is authorized, do you propose to close any existing crossing or crossings?

Yes

[8]

State the lengths of views which are now available along the line of railway to travelers on the highway when approaching the crossing from either side of the railway and when at points on the highway as follows:

Approaching crossing from South (direction) an unobstructed view to

right when on highway 300 feet from crossing of	<u>unobstructed</u>	feet
right when on highway 200 feet from crossing of	<u>unobstructed</u>	feet
right when on highway 100 feet from crossing of	<u>unobstructed</u>	feet
right when on highway 50 feet from crossing of	<u>unobstructed</u>	feet
right when on highway 25 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 300 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 200 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 100 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 50 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 25 feet from crossing of	<u>unobstructed</u>	feet

Approaching crossing from North (opposite direction) an unobstructed view to

right when on highway 300 feet from crossing of	<u>unobstructed</u>	feet
right when on highway 200 feet from crossing of	<u>unobstructed</u>	feet
right when on highway 100 feet from crossing of	<u>unobstructed</u>	feet
right when on highway 50 feet from crossing of	<u>unobstructed</u>	feet
right when on highway 25 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 300 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 200 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 100 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 50 feet from crossing of	<u>unobstructed</u>	feet
left when on highway 25 feet from crossing of	<u>unobstructed</u>	feet

[9]

Attach one or more prints showing a vicinity map and a layout of railway and highway, as well as profiles of each, also showing percent of grade, 500 feet of highway and railway when approaching crossing from all four directions. On the prints, spot and identify obstructions of view located in all four quadrants. Provide a traffic control layout showing the location of the existing and proposed signing of the intersection. **See attached plans.**

[10]

- (a) Is it feasible to provide a 25 foot level grade crossing on both sides from center line of railway at point of crossing?
- (b) If not, state in feet the length of level grade it is feasible to obtain. **See attached plans.**
- (c) Is it feasible to obtain an approach grade, prior to the level grade of five percent or less? If not, state why, and state the percent approach grade possible.

[11]

Do you know of any reason not appearing in any of the answers to these interrogatories why the proposed crossing should not be made at grade or at the point proposed by you? If so, please state same fully.

Interrogatories 12 and 13 are to be completed only if this petition involves installation, replacement or changing of automatic grade signal or other warning device, other than sawbucks.

[12]

- (a) State in detail, the number and type of automatic signals or other warning devices (other than sawbucks) proposed to be installed. (This portion should be filled in only after conference between the railroad and the petitioning local governmental agency.) **See attached plans**
- (b) State an estimate of the cost for installing the signals or other devices proposed, as obtained from the respondent railroad company. . . \$ 163,890.00
- (c) State a cost estimate for maintaining the signals or devices for 12 months, as obtained from the respondent railroad company . . . \$ 2,000.00
- (d) If this is an existing crossing, what will the proposed warning devices replace in the way of existing devices? **Cross bucks**
- (e) As the petitioner, are you prepared to pay or will you promise to pay to the respondent railroad company, your share of the cost of installing the warning devices proposed as provided by law?

Yes No

[13]

Furnish a brief statement of why the public safety requires the installation of the automatic signals or the devices as proposed.

There have been several near misses at this location. The installation of gates and lights will greatly improve the safety of the intersection.

RESPONDENT'S WAIVER OF HEARING

Docket No. _____

Petition of TSWR

for South Wapato Road

I have investigated the conditions existing at and in the vicinity of the proposed crossing changes. As a result, [check one or more of the following, as appropriate:]

I am satisfied that conditions are as represented in the petition and the interrogatories and that the petition should be granted.

The cost of installation (estimated at \$ _____)

subject to approval and apportionment pursuant to the Intermodal Surface Transportation Act by the Washington State Department of Transportation Local Programs Division.

as apportioned between the parties.

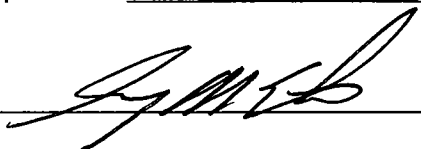
to be paid by petitioner.

Other conditions to waiver of hearing:

The undersigned hereby waives hearing and further notice. The Washington Utilities and Transportation Commission may enter a final order without further notice of hearing.

Date at Yakima, Washington, on this 26 day of August, 20 04.

Respondent Yakima County

by 

Print Name Gary N. Ekstedt, P.E.

Title County Engineer

INSTRUCTIONS

General

Petition forms with the Interrogatories fully and correctly answered should be filed with the Washington Utilities and Transportation Commission, Chandler Plaza, 1300 S. Evergreen Park Drive SW, PO Box 47250, Olympia, Washington, 98504. Blank forms may be obtained from the same address. All pleadings herein shall conform with WAC 480-09-420 and 425 of the Commission's Rules and Practice and Procedure.

Number of Copies

File the original and one copy if the "Waiver of Hearing by Respondent" is filled out. If petitioner intends that the Commission serve the respondent, the original and two copies should be filed. If the petitioner serves the respondent, a certificate of service in conformity with the requirements of WAC 480-09-120 of the Commission's Rules of Practice and Procedure must be filed.

Parties Who May Petition or Respond

In general, the following persons may file or respond to a petition: highway authorities (city, county, or state), railroad companies, and state agencies with lawful authority to construct and maintain public highways (RCW 81.53.030 and 060). In situations where there may be more than one party of interest as either a petitioner or a respondent, all parties should be joined.

Waiver of Hearing by Respondent

The proceeding can usually be expedited by submitting the application to the respondent and securing the execution of the "Waiver of Hearing by Respondent." As an alternative, respondent may file a separate "Answer." If the pleadings show that the respondent has no objection, an order may be entered without hearing at the discretion of the Commission, unless the public interest appears to require hearing and unless hearing is required under the terms of RCW 81.53.030 or 060. In all other cases, the petition will be set for hearing.

Crossing Construction

Applications for crossing state highways should be submitted in duplicate to the District Highway Engineer in the locality for his recommendation to be attached and forwarded to the State Department of Transportation Secretary, Olympia.

A party, after having been granted authority by the Commission to construct a crossing, must acquire right of way or easement because the order of the Commission merely relates to public safety and grants only the right to cross, subject to acquiring a right of way easement.

Time for Replying to a Petition

A petition not answered within 20 days of the date of service, shall be deemed denied and may be set for hearing. If a qualified or conditional answer is filed by the respondent, the petitioner may file a "Reply" within 10 days of the date the "Answer" is served.

(PLEASE REMOVE THIS SHEET BEFORE FILING PETITION)