



WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

	)	DOCKET NO. TR-
	)	
Whatcom County Public Works Dept.	)	PETITION FOR INSTALLATION OF
_____	)	R15-3 EXEMPT SIGNS AT A
Petitioner,	)	HIGHWAY-RAIL GRADE
	)	CROSSING
vs.	)	
Lake Whatcom Railway	)	
_____	)	
Respondent	)	USDOT CROSSING # 870158M
	)	
.....	)	UTC CROSSING # 16A3.80
	)	

The Petitioner asks the Washington Utilities and Transportation Commission to approve installation of an R15-3 'Exempt' sign at a highway-rail grade crossing.

*Section 1 – Petitioner’s Information*

Whatcom County Public Works Dept. Petitioner
2011 Young Street, Suite 201 Street Address
Bellingham, WA 98225 City, State and Zip Code
Mailing Address, if different than the street address
Joseph P. Rutan, PE Contact Person Name
360-715-7450 / jrutan@co.whatcom.wa.us Contact Phone Number and E-mail Address

**Section 2 – Respondent’s Information**

Lake Whatcom Railway Respondent
Box 91 Street Address
Acme, WA 98220 City, State and Zip Code
 Mailing Address, if different than the street address
Frank E. Culp, President Contact Person Name
360-595-2218 Contact Phone Number and E-mail Address

**Section 3 – Crossing Location**

1. Name of highway	South Bay Road							
2. Name of railroad	Lake Whatcom Railway							
3. USDOT Crossing No.	870158M	UTC Crossing No.	16A3.80					
4. Located in the	1/4 of the	1/4 of Sec.	23	, Twp.	37	, Range	04E	W.M.
5. GPS location, if known								
6. Railroad mile post (nearest tenth)	3.80							
7. City	Bellingham	County	Whatcom					

**Section 4 – Current Highway Traffic Information**

1. Name of highway	South Bay Rd.
2. Road authority	Whatcom County
3. Average annual daily traffic (AADT)	409
4. Number of lanes	2
5. Roadway speed	35

**Section 5 – Current Railroad Traffic Information**

1. Railroad company	Lake Whatcom Railroad
2. Number of trains per day	0
3. Number of and type of tracks	1 Main, 1 Side
4. Maximum railroad speed	5

**Section 6 – Justification**

1. Describe in detail the why this crossing should have R15-3 Exempt signs installed. RCW 46.61.350 requires for-hire passenger vehicles, school buses, and hazardous materials carriers to stop at all passive grade crossings. There is an exception for crossings where the Utilities and Transportation Commission (UTC) has designated “an official traffic control device” to give notice to drivers that stopping is not required. The Manual on Uniform Traffic Control Devices provides for installation of EXEMPT (R-15-3) signs in these instances.

The public purpose of RCW 46.61.350 is to provide added protection for vulnerable passengers in for-hire vehicles and school buses and to avoid hazardous materials spills at passive crossings. However, the Legislature recognized that some grade crossings, by virtue of low train volumes, low train speed and/or off-hours operations present little if any danger to the public. The Legislature gave the UTC authority to exempt specific crossings from the stopping requirements provided in RCW 46.61.350, after making a determination that doing so is in the public interest.

The crossing referenced in this petition currently has hand-lettered, improperly installed “Exempt” signs (see attachment). The signs were presumably installed by the frustrated driver of a school bus or commercial vehicle who, by virtue of the state law referenced here, must stop at

this crossing, each and every time he or she crosses it, even though there is no chance at all of colliding with a train. That is because Lake Whatcom Railway does not, and currently cannot, run trains on the tracks at this crossing. Lake Whatcom Railway's train equipment runs on another section of track that is physically separated from the track at this location because of a Washington State Supreme Court ruling in 1981. The only activity on the track at this crossing is excursion rides powered by a motorized speeder car and those rides frequently take place on holidays and weekends. There is a remote chance of a collision with the speeder car, however all traffic on the highway including school buses, for-hire buses, and transporters of hazardous materials, must, by law, yield to any movement on the tracks.

It is far more dangerous for school buses, for-hire buses, and hazardous materials transporters to stop at this crossing than not to stop because of the risk of rear-end collisions, improper passing, and other unsafe motorist behavior. It is in the public interest for the UTC to authorize installation of R15-3 Exempt signs at this location.

***Section 6 – Waiver of Hearing by Respondent***

**Waiver of Hearing**

The undersigned represents the Respondent in the petition to install R15-3 Exempt signs at the following crossing.

USDOT Crossing No. 870158M UTC Crossing No. 16A3.80

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree installation of R15-3 Exempt signs should be made and consent to a decision by the commission without a hearing.

Dated at Wickiaco, Washington, on July 2, 2007

Frank E Culp  
Printed name of Respondent

Frank E Culp  
Signature of Respondent's Representative

\_\_\_\_\_  
Title

**Section 8 – Signature of Petitioner**

The undersigned represents the Petitioner in the petition to install R15-3 Exempt signs at the following crossing.

USDOT Crossing No. 870158M UTC Crossing No. 16A3.80

I certify under penalty of perjury that the foregoing is true and correct.

Dated at Bellingham, Washington, on August 6<sup>th</sup>, 2007

**Petitioner:**

Whatcom County

Road authority or railroad

  
Responsible official

COUNTY ROAD ENGINEER  
Title