

# HALINEN LAW OFFICES, P.S.

*A Professional Service Corporation*

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January 4, 2010

## **HAND-DELIVERED**

David Danner, Executive Director  
Washington Utilities and Transportation Commission  
1300 S Evergreen Park Drive SW  
PO Box 47250  
Olympia, WA 98504-7250

**Re: Meeker Southern Railroad's New "Petition to Modify an Existing Highway-Rail  
Grade Crossing"  
FILING OF THE PETITION**

Dear Mr. Danner:

I am writing on behalf of my client Meeker Southern Railroad ("Meeker"). On Meeker's behalf, I hereby file Meeker's "Petition to Modify an Existing Highway-Rail Grade Crossing" dated December 31, 2009 that accompanies this letter.

The Petition concerns Meeker's proposal to modify 134th Avenue East's existing at-grade crossing of Meeker's existing main line track that is located immediately north of Pioneer Way East (in unincorporated Pierce County Washington) by adding a spur track. The design of the proposal is set forth on a five-sheet set of civil engineering design drawings prepared by Sitts & Hill Engineers, Inc., Sheet C1.0 of which bears a December 29, 2009 approval signature by Brian D. Stacy, P.E. on behalf of the Pierce County Public Works Director and Sheets C1.1, C1.2, C1.3 and C2.0 of which also bear an October 20, 2009 approval signature by Pierce County Engineer Brian D. Stacy, P.E. on behalf of the Pierce County Public Works Director. A set of copies of those drawings is attached to the executed Petition form and incorporated therein by reference. In addition, a December 31, 2009 *Engineering Review and Evaluation (Third Revised Version)* report and supporting documents binder concerning the proposal (prepared by Gregory B. Heath, P.E. of Heath & Associates, Inc.) is also attached to the executed Petition form and incorporated therein by reference.

STATE OF WASHINGTON  
UTILITY AND TRANSPORTATION  
COMMISSION  
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David Danner, Executive Director  
Washington Utilities and Transportation Commission  
January 4, 2010  
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Please process the Petition and please let me know if any additional materials are needed for its processing and approval.

Sincerely,

HALINEN LAW OFFICES, P.S.



David L. Halinen

Enclosure (Petition with above-noted attachments thereto)

cc: John F. Salmon III, Deputy Pierce County Prosecuting Attorney [via email and first class mail—note that a set of copies of the Petition, the attached civil engineering design drawings and the attached *Engineering Review and Evaluation (Third Revised Version)* report and supporting documents binder were provided to him by hand delivery on December 31, 2009]

Kathy Hunter, Deputy Assistant Director, Transportation Safety, State of Washington Utilities and Transportation Commission (hand-delivered with a set of copies of all enclosures)

Meeker Southern Railroad

Attn: Byron Cole, Manager [via email and first class mail with a copy of the Petition form only—note that a set of copies of the attached civil engineering design drawings and the attached *Engineering Review and Evaluation (Third Revised Version)* report and supporting documents binder were provided to him by hand delivery on December 31, 2009]

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MEEKER SOUTHERN RAILROAD	)	DOCKET NO. <u>TR-100036</u>
	)	
Petitioner,	)	
	)	
vs.	)	PETITION TO MODIFY A
	)	HIGHWAY-RAIL GRADE
	)	CROSSING
PIERCE COUNTY PUBLIC WORKS & UTILITIES	)	
	)	
Respondent	)	USDOT CROSSING #085536R
	)	UTC CROSSING #42A32.40
.....	)	

STATE OF WASHINGTON  
 UTILITIES AND TRANSPORTATION COMMISSION  
 2010 JAN -4 PM 4:02  
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Petitioner MEEKER SOUTHERN RAILROAD hereby asks the Washington Utilities and Transportation Commission to approve pursuant to RCW 81.53.060 the proposed modification of the existing highway-rail grade crossing referenced in this Petition.

*Section 1 – Petitioner’s Information*

Petitioner MEEKER SOUTHERN RAILROAD
Street Address c/o Halinen Law Offices, P.S. 1019 Regents Blvd. Suite 202
City, State and Zip Code Fircrest, WA 98466-6037
Mailing Address, if different than the street address Same as above
Contact Person Name David Halinen
Contact Phone Number and E-mail Address (253) 627-6680      davidhalinen@halinenlaw.com

**ORIGINAL**

**Section 2 – Respondent’s Information**

Respondent PIERCE COUNTY PUBLIC WORKS AND UTILITIES	
Street Address c/o Office of the Pierce County Prosecuting Attorney Civil Division 955 Tacoma Ave S Suite 301	
City, State and Zip Code Tacoma, WA 98402-6713	
Mailing Address, if different than the street address:	Same as above
Contact Person Name: John Salmon III	
Contact Phone Number and E-mail Address (253) 798-4282      jsalmon@co.pierce.wa.us	

**Section 3 – Petitioner’s Proposal to Modify a Highway-Rail Grade Crossing**

Petitioner proposes to modify 134th Avenue East’s current at-grade crossing of Petitioner’s existing main line track that is located immediately north of Pioneer Way East (in unincorporated Pierce County Washington) by adding a spur track. The design of the proposal is set forth on a five-sheet set of civil engineering design drawings prepared by Sitts & Hill Engineers, Inc., Sheet C1.0 of which bears a December 29, 2009 approval signature by Brian D. Stacy, P.E. on behalf of the Pierce County Public Works Director and Sheets C1.1, C1.2, C1.3 and C2.0 of which also bear an October 20, 2009 approval signature by Pierce County Engineer Brian D. Stacy, P.E. on behalf of the Pierce County Public Works Director. A set of copies of those drawings is attached to this Petition and is hereby incorporated in its entirety by reference. In addition, a December 31, 2009 *Engineering Review and Evaluation (Third Revised Version)* report and supporting documents binder concerning the proposal (prepared by Gregory B. Heath, P.E. of Heath & Associates, Inc.) is incorporated in its entirety herein by reference. Among other things, the report and supporting documents contained in the binder set forth:

- (a) An overview and details of the current crossing and the proposed modification;
- (b) Expected crossing characteristics after the modification;
- (c) Current highway traffic information;
- (d) Sight distance considerations; and
- (e) Proposed warning signals and devices.

#### ***Section 4 – Proposed crossing signals and other warning devices***

Following consultation with Pierce County Public Works and the WUTC Staff, the proposed crossing modification includes installation of the following items and performance of the related work called-for by the accompanying civil engineering design drawings and in the *Engineering Review and Evaluation (Third Revised Version)* report:

- (1) Three pairs of flashing light signals (with an associated warning bell and with “RAILROAD CROSSING” cross-bucks and “2 TRACKS” signage) on each of two flashing-light crossing signal assembly masts (one mast to be located along the east edge of 134th to the south of the spur track and the other mast to be located along the west edge of 134th to the north of the existing main line track), with such flashing lights and bells set up to be automatically activated when any train begins entry into a detection zone of energized track to be installed along both the main track and the spur track and centered across 134th’s centerline;
- (2) A signal equipment bungalow;
- (3) A back-up power supply;
- (4) A “STOP HERE WHEN FLASHING” sign with a downward arrow (MUTCD sign R8-10) mounted on each of the two Flashing Lights Signal poles at the correct height per the MUTCD;
- (5) An emergency notification sign (MUTCD sign I-13) to be mounted on the signal equipment bungalow as called for on Sheet C1.1 of the Sitts & Hill Engineers, Inc. drawings;
- (6) Trimming down existing brush to a maximum height of two feet within the “clearing sight distance triangles” shown on Sheet C1.0 of the accompanying civil engineering design drawings (and continually maintaining the brush within those triangles at a maximum height of two feet) and annually limbing the lower branches of existing trees within those triangles; and
- (7) All work for the proposed spur track and the Phase 1 Service Siding shown on the accompanying civil engineering design drawings shall be completed to the reasonable satisfaction of Pierce County Public Works and Utilities prior to the Petitioner starting its operation of the spur line and the Phase 1 Service Siding.

*Section 5 – Execution of Petition on Behalf of the Petitioner*

This Petition is executed this 31st day of December, 2009.

Ballard Terminal Railroad Company, LLC  
dba Meeker Southern Railroad

By: Byron D. Cole  
Byron D. Cole, Managing Member

**Waiver of Hearing**

The undersigned represents the Respondent in the petition to modify this highway-railroad grade crossing.

We have investigated the conditions at the crossing proposed for modification. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree the crossing be modified and consent to a decision by the commission without a hearing.

Dated at Tacoma, Washington on the 31st day of December, 2009.

PIERCE COUNTY PUBLIC WORKS & UTILITIES

J. J. WSRP # 20812  
Signature of Respondent's Representative

Deputy Prosecuting Attorney  
Title

(253) 798-4282  
Phone number and e-mail address

J.Salmon@co.pierce.wa.us

955 Tacoma Ave South Site 301  
Mailing address Tacoma WA 98402