



2601 SR 509 North Frontage Road
Tacoma, Washington 98421

TACOMA PUBLIC UTILITIES

TR-240823

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Washington Utilities and Transportation Commission
Attention: Jeff Killip, Executive Director and Secretary
621 Woodland Square Loop
Olympia, WA 98503

Tacoma Rail, a division of Tacoma Public Utilities (a department of the City of Tacoma), hereby submits this petition to the Washington Utilities and Transportation Commission (“Commission”) for an exemption from a requirement of WAC 480-62-270(2) – Safety standards at private crossings, for USDOT crossing 922978G (“the crossing”). In support of this petition, Tacoma Rail states the following:

1. Tacoma Rail’s full name and address is:
Tacoma Municipal Beltline Railway d.b.a. Tacoma Rail
2601 SR 509 North Frontage Road
Tacoma, WA 98421
2. Tacoma Rail is a common carrier by rail engaged in the transportation of freight in Tacoma, Washington.
3. The crossing is a private crossing of a private accessway located immediately parallel to Taylor Way between Lincoln Ave and SR-509 in Tacoma, WA, and consists of one track.
4. Tacoma Rail has a maximum authorized train speed of 10 MPH for freight and does not operate passenger trains over “the crossing.”
5. Tacoma Rail traverses the crossing approximately 4-6 times in a 24-hour period.
6. Tacoma Rail transports crude oil across the crossing and has an obligation to comply with WAC 480-62-270.
7. WAC 480-62-270(2) states that:

At every private crossing through which any amount of crude oil is transported, the railroad must ensure that the following are installed on each side of the crossing within one hundred twenty days after this rule becomes effective:

- (a) A thirty-inch or larger R1-1 stop sign, defined as a standard R1-1 in the Manual on Uniform Traffic Control Devices;
- (b) An emergency notification system (ENS) sign that:

(i) Displays the necessary information for the dispatching railroad to receive reports of unsafe conditions at the crossing including, at a minimum:

(A) The toll-free telephone number of the railroad company established to receive reports;

(B) An explanation of the purpose of the sign (e.g., "Report emergency or problem to __"); and

(C) The United States Department of Transportation (USDOT) National Crossing Inventory number assigned to that crossing.

(ii) Measures at least twelve inches wide by nine inches high;

(iii) Is retroreflective;

(iv) Has legible text (i.e., letters and numerals) with a minimum character height of one inch; and

(v) Has white text set on a blue background with a white border, except that the USDOT National Crossing Inventory number may be black text set on a white rectangular background.

(c) A rectangular sign, at least three hundred square inches (twenty thousand square centimeters) in size, with the legend "Private Crossing" and the crossbuck symbol.

8. Pursuant to WA 480-07-110, the Commission may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with public interest, the purposes underlying regulation, and applicable statutes.
9. Tacoma Rail cannot safely comply with WAC 480-62-270(2) at USDOT crossing 922978G due to the configuration of the crossing and its immediate proximity to an adjacent parallel public roadway.
10. Placing the required railroad signage immediately adjacent and parallel to a public roadway does not afford the road user adequate advance visual warning for the grade crossing. The MUTCD (Manual of Uniform Traffic Control Devices) states "The STOP or YIELD signs shall be located as close as practical to the intersection it regulates, while optimizing its visibility to the road user it is intended to regulate."
11. Guidance Number 16 from Section 8B.04 from the 2023 MUTCD for public passive crossings states the following:
 - a. The meaning of a Crossbuck Assembly that includes a STOP sign is that a road user approaching the grade crossing must come to a full and complete stop not less than 15 feet short of the nearest rail, and remain stopped while the road user determines if there is rail traffic either occupying the crossing or approaching and in such close proximity to the crossing that the road user must yield the right-of-way to rail traffic. The road user is permitted to proceed when it is safe to cross.
12. The distance from tracks to the public roadway is not sufficient to meet the 15-foot minimum recommendation. In addition, there would not be enough queuing distance for a vehicle to stop clear of the adjacent public roadway, creating an additional hazard for motorists.
13. Placing railroad signage that is facing perpendicular to the public road doesn't provide adequate warning or visibility to afford motorists turning onto the accessway/driveway enough time and distance to safely stop prior to crossing the tracks. Instead, proximity of the driver on the public road and relative to the tracks allows

for a basic opportunity to identify potential train activity that would affect use of the private crossing, which would then be further supplemented by the information presented in #16 below.

14. In the alternative, placing the required signage on the opposite side of the tracks would then *require* motorists to stop *on* the tracks at the sign prior to proceeding into the private property/industry. By stopping on the tracks, this creates an unnecessary hazard for both the motorist and the railroad. This practice would be inconsistent with drivers licensing training and Operation Lifesaver messaging.
15. As indicated in the attached photo, instead of the required “Stop” sign, Tacoma Rail is requesting to place “Do Not Stop On Tracks” (MUTCD R8-8, 24”x30”) signage, along with the other required signage, on the opposite side of the tracks (where adequate space/separation is available and recognition/visibility from Taylor Way is far superior.) This would be a message/regulation more consistent with the rail/roadway configuration present at the crossing and would better ensure the safety of would-be crossers of the tracks. All other required signage will remain.
16. In addition, Tacoma Rail (City of Tacoma) has installed W10-3 (L/R) advance warning signs at each end of the corridor indicating tracks with multiple adjacent driveways with a distance value informing how far along the corridor it applies.
17. Considering the foregoing information, Tacoma Rail respectfully submits that requested exemption from WAC 480-62-270(2) is consistent with public interest and the purposes of the underlying regulation.

Respectfully submitted on this 25th day of October.

Kyle Kellem

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Roadmaster