

JUL 31 1997

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)	
THE BURLINGTON NORTHERN AND)	DOCKET NO. TR-971129
SANTA FE RAILWAY COMPANY and)	
the NATIONAL RAILROAD)	ORDER GRANTING IN PART A
PASSENGER CORPORATION for)	PETITION TO CHANGE
Modification of Order Regulating the)	TRAIN SPEED LIMITS
Speed of Passenger and Freight Trains)	
in Lind, Washington.)	
.....)	

The Burlington Northern & Santa Fe Railway Company (Railroad) and the National Railroad Passenger Corporation (Amtrak) request that orders regulating the speed of passenger and freight train speeds in Lind, Washington be repealed. In the alternative, the Railroad and Amtrak request that speeds be set at the maximum limits allowed by the Federal Railroad Administration (FRA) without reference to specific speeds.

The Railroad owns the tracks involved in this petition. The Railroad operates freight trains on its tracks. Amtrak operates passenger trains on the tracks controlled by the Railroad. The Railroad sets the actual operating speeds for freight trains and the maximum speeds for all trains using its tracks. Amtrak sets the actual operating speeds for passenger trains within the maximum limits approved by the Railroad.

The Commission is authorized to set speed limits for trains within the city limits of Lind under RCW 81.48.030 and 81.48.040. Limits are to be set commensurate with the hazards presented and the practical operation of the trains. Federal law limits the Commission's authority to set speed limits lower than those allowed by the FRA to situations in which an essentially local safety condition exists, but only if the limits set by the Commission are consistent with federal regulations and do not impose an undue burden on interstate commerce. The Commission may also limit train speeds at the request or agreement of the Railroad and/or Amtrak.

Eliminating state imposed speed limits is not in the public interest. It is also not in the public interest to issue an order allowing trains to travel at the "maximum speeds allowed by FRA" without reference to actual speeds. Identifying in the order the actual maximum speeds allowed by FRA (79 mph for passenger trains and 60 mph for freight trains) provides notice to the city, the public and the Commission of the maximum speeds at which the Railroad and/or Amtrak will operate in the city.

The Commission has previously set train speed limits in the city of Lind at 60 mph for passenger trains and 50 mph for freight trains. In September 1997, petitioners intend to set permanent speed restrictions of 70 mph for passenger trains and 50 mph for freight trains. These restrictions are within 10 mph of the maximum possible speeds allowed by Federal Railroad Administration rules.

Commission staff has investigated the conditions in Lind as they relate to the proposed speed limits. City officials and citizens have had substantial opportunity to participate in the investigation and the Commission's process of considering the petition. City officials and citizens have not alerted the Commission to any unreasonably dangerous conditions. The investigation discloses that operation of passenger trains at 79 mph and freight trains at 60 mph in the city of Lind will not create a safety hazard under existing conditions if the Railroad and Amtrak comply with FRA restrictions and their own internal standards. The investigation also reveals that the speed limits requested by the petitioners are needed to maintain operational efficiency and the capacity to move substantial amounts of freight.

The Commissioners, having reviewed the petition and being fully advised in the matter, believe that denying the petition in part, and granting in modified form the request for speed limits at those allowed by the FRA, is in the public interest.

ORDER

WHEREFORE, IT IS HEREBY ORDERED that the petition of the Railroad and Amtrak to rescind all orders setting train speeds in the city of Lind shall be, and the same is hereby, denied.

IT IS FURTHER ORDERED that the petition of the Railroad and Amtrak to set the train speed limits in the city of Lind at those allowed by the Federal Railroad Administration shall be, and the same is hereby, granted in modified form as follows:

- a. The maximum passenger train speed shall be 79 mph.
- b. The maximum freight train speed shall be 60 mph.

DATED at Olympia, Washington, and effective this ^{30th} day of July 1997.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



WILLIAM R. GILLIS, Commissioner