

its ordinance establishing a quiet zone, by requesting that the Commission approve the supplemental safety measures before the quiet zone becomes effective.

- 4 The first two phases of the project were designed to determine whether supplemental safety devices would adequately compensate for cessation of the blowing of train horns. Those phases were completed earlier this year. Applied Systems Technologies, Inc., analyzed the collected data. Commission Staff reviewed the report prepared by that company. A copy of the report is filed in this docket.
- 5 In the first phase, drivers in Yakima showed little propensity to violate the law or endanger themselves. Despite that fact, diagnostic evaluations identified improvements that could lower the number of careless movements over the crossings.
- 6 During the second phase (after construction of the improvements) there was an overall 24% reduction in crossing violations. FRA studies show that a 37% reduction is needed to compensate for loss of the train horn as a warning device. However, Staff noted that motorist behavior was already relatively safe compared to the Spokane study. The street that showed the least reduction in violations already had what is considered a supplemental safety device (scissor gates on a one-way street), which skewed the results. The supplemental safety devices constructed by Yakima comply with recommendations contained in studies performed by the FRA. As a result, Commission Staff concluded that the supplementary safety devices designed for the crossings affected by the proposed quiet zone adequately compensate for the elimination of the train horn. The Railroad and FRA agree with that assessment.
- 7 The City's ordinance allows the blowing of train horns in emergencies. It also excludes situations in which train horns must be blown pursuant to Federal law.
- 8 Commission Staff recognizes that public notice and education is essential to the safety of the program. Staff reviewed the design and placement of roadway signs notifying the driving public that no train horns will be sounded at each crossing. They are sufficient to provide the desired notice. Staff also recommends that the City notify the public through the newspaper and other media before the quiet zone becomes effective.
- 9 Reports have been made that at "D" Street, forklifts from industries in the area sometimes drive between the gates when they are in the down position. The industries involved should be contacted by the Yakima Police Department before the quiet zone goes into effect, and random enforcement checks should be made daily during the course of the study.
- 10 Roadway intersections are located very close to each crossing. The busiest roadway has a traffic light at the nearest intersection. The light is intertied with the railroad signal, which allows vehicles to clear the tracks before a train arrives at the crossing. Traffic and train counts will probably change over time, possibly creating the need for advanced preemption at the currently intertied traffic lights, and the need for lights,

interties and advanced preemption at other intersections. Commission Staff recommends that the City periodically review the need for changes to the signal systems.

11 Median barriers that form part of the supplementary safety devices are shorter than an optimum placement because nearby intersections make longer ones impossible. As a result, Commission Staff recommends that the City review driver behavior periodically to ensure the effectiveness of the barriers.

12 The FRA will review and determine whether to extend the approval of the quiet zone after reviewing the data collected in the third phase.

FINDINGS OF FACT

13 THE COMMISSION FINDS:

14 (1) The design and construction of supplementary safety devices, and the placement of signs notifying the public that train horns will not be sounded at I Street, D Street, Yakima Avenue, Lincoln Street, and B Street, adequately compensate for the elimination of train horns for the four-month period of the third phase of the pilot project and any extension of the approval granted by the FRA.

15 (2) The City should provide public education before the quiet zone becomes effective.

16 (3) The Yakima Police Department should notify industries near D Street of a problem created by forklifts driving between gates when they are in the down position with trains approaching, and check for crossing violations daily.

17 (4) If the FRA approves a permanent quiet zone, the City should periodically review potential problems caused by nearby highway intersections, and to review the effectiveness of median barriers.

18 (5) The City elected to submit to the Commission's jurisdiction for a determination of whether the proposed changes in the method and manner of warning devices at the specified crossings are necessary for public safety.

CONCLUSIONS OF LAW

19 THE COMMISSION CONCLUDES:

20 (1) It has jurisdiction of the parties and the subject matter.

21 (2) When train horns are no longer sounded for the crossings of the tracks of The Burlington Northern and Santa Fe Railway Co. and I Street, D Street, Yakima

Avenue, Lincoln Street, and B Street, the proposed changes in the method and manner of the warning devices at those crossings, and the suggestions made by Commission Staff, are required by public safety.

- 22 (3) The warning systems at the mentioned crossings have been equipped with supplemental safety devices required by RCW 81.48.015. The devices prevent careless movement over railroad crossings and adequately compensate for elimination of train horns.

This matter was brought before the Commission at its regularly scheduled open meeting on November 28, 2001. The Commissioners, having been advised in the matter, and having determined the following order to be consistent with the public interest, directed the Secretary to enter the following order and related provisions:

ORDER

23 THE COMMISSION ORDERS:

- 24 (1) The changes in the method and manner of crossing signals, including installation of supplemental safety devices, at the designated crossings are approved. The Burlington Northern and Santa Fe Railway Co. may dispense with the sounding horns at I Street, D Street, Yakima Avenue, Lincoln Street, and B Street in Yakima, Washington under the terms and conditions of the Yakima City Ordinance filed herein and orders issued by the Federal Railroad Administration approving the requested quiet zone.
- 25 (2) This order is effective until the Federal Railroad rescinds its orders approving the quiet zone or such orders expire by their own terms relating to the pilot project agreed upon by The Burlington Northern and Santa Fe Railway Company and the City.

DATED at Olympia, Washington, and effective this 29th day of November, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary