

FINDINGS AND CONCLUSIONS

- 4 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *Chapter 81.53 RCW.*
- 5 (2) The SR-97 grade crossing, designated as USDOT 099199T, is a public railroad-highway grade crossing within the state of Washington.
- 6 (3) RCW 81.53.261 and WAC 480-62-150(2)(d) require that the Commission grant approval prior to upgrading or modifying warning devices, including train detection circuitry, at public railroad-highway grade crossings within the State of Washington.
- 7 (4) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 8 (5) After examination of the petition filed by The Toppenish, Simcoe, and Western Railroad Company, on December 24, 2002, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 9 The petition of The Toppenish, Simcoe, and Western Railroad Company for modifying the train detection circuitry at a railroad-highway grade crossing located at the intersection of SR-97 and the petitioner's tracks, in Yakima County, Washington, is granted.

This Matter was brought before the Commission at its regularly scheduled open meeting on July 9, 2003. The Commissioners, having determined that this filing

complies with the requirements of RCW 81.53.261, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 9th day of July, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary