

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

No. _____

Puget Sound & Pacific RR
Petitioner

PETITION

Road Name O'Donnell Ave

vs.

Grays Harbor County

W.U.T.C. Crossing No. 40 C 4.00

Respondent

D.O.T. Crossing No. 096537D

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Application is hereby made to the Washington Utilities and Transportation Commission for an order (check one or more of the following)

- directing the _____ of a grade crossing;
(construction-reconstruction-relocation)
- directing installation of automatic grade crossing signal or other warning device (other than crossbucks) at a new crossing;
- directing _____ of warning devices at an existing crossings;
(replacement-change-upgrade)
- allocating funds from the "grade crossing protective fund" for _____
_____ of active warning devices; (installation and/or
maintenance)
- authorizing the construction of the project, funding to be pursuant to the Intermodal Surface Transportation Efficiency Act (ISTEA) in cooperation with the Washington State Department of Transportation Local Programs Division;

at the railroad grade crossing identified above and described in this petition. This application seeks the relief specified above by (check one of the following)

- hearing and order
- order without hearing

[X] [] Has application for funding, pursuant to Intermodal Surface Transportation Efficiency Act been made to the Local Programs Division for this project?
Yes No

[] [X] If the answer is yes to the question above, has the funding requested under the Intermodal Surface Transportation Efficiency Act been denied?
Yes No

I certify under penalty of perjury that the information provided in and with this petition is true and correct.

Tom Paul
Petitioner
Tom Paul GENERAL MANAGER
Print Name Title
501 N. SECOND ST.
Street Address
ELMA WA 98541
City-State-Zip Code

RESPONDENT'S WAIVER OF HEARING

Docket No. _____

Petition of Puget Sound & Pacific RR

for Improvements to O'Donnell Avenue RR Crossing

I have investigated the conditions existing at and in the vicinity of the proposed crossing changes. As a result, [check one or more of the following, as appropriate:]

I am satisfied that conditions are as represented in the petition and the interrogatories and that the petition should be granted.

The cost of installation (estimated at \$ 126,607.75)

subject to approval and apportionment pursuant to the Intermodal Surface Transportation Act by the Washington State Department of Transportation Local Programs Division.

as apportioned between the parties.

to be paid by petitioner.

Other conditions to waiver of hearing:

As per Agreement between the Parties

The undersigned hereby waives hearing and further notice. The Washington Utilities and Transportation Commission may enter a final order without further notice of hearing.

Date at Montesano, Washington, on this 3rd day of December, 20 03.

Respondent Grays Harbor County

by Ronald H. Merila

Print Name Ronald H. Merila

Title Deputy Director of Traffic & Planning

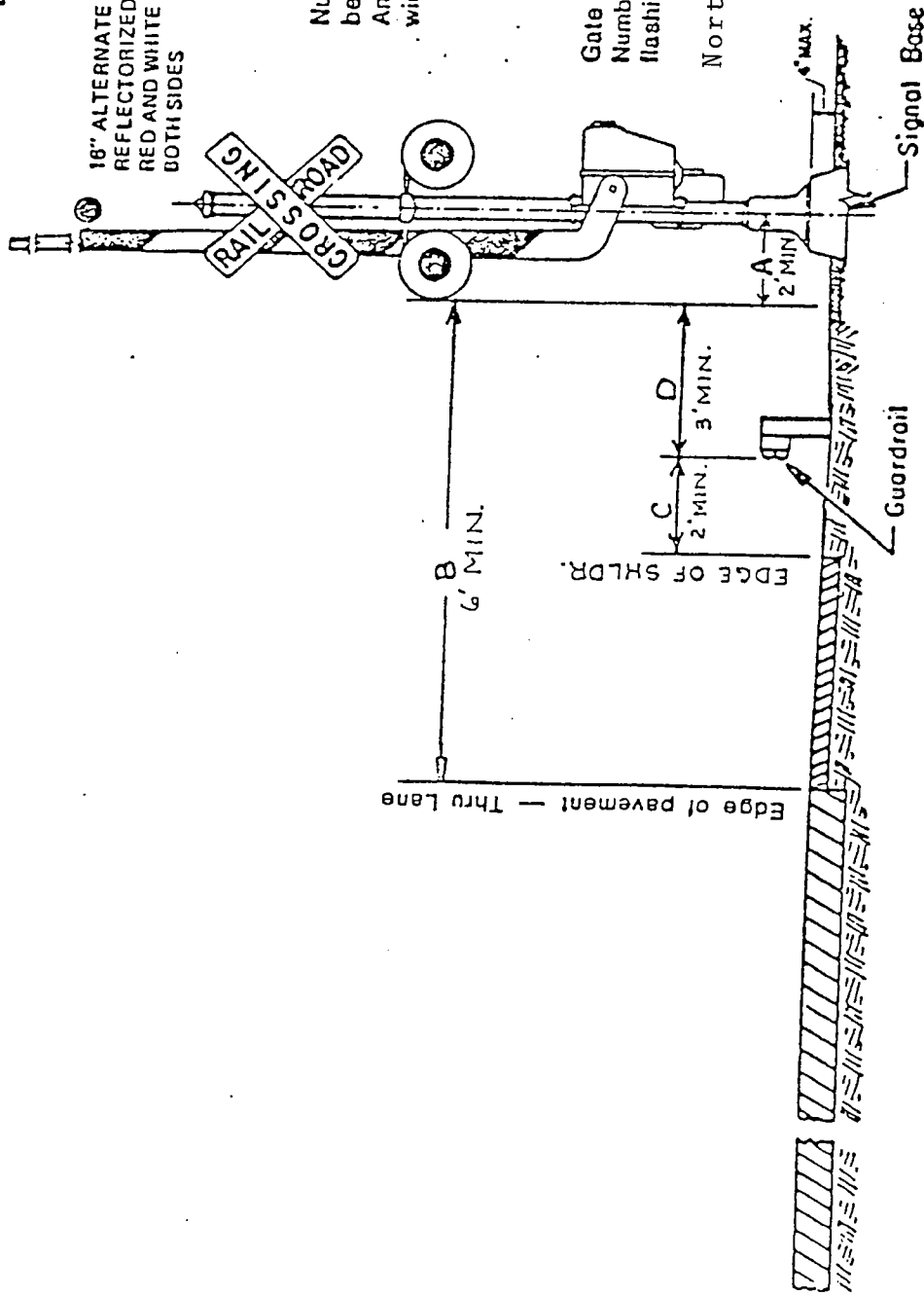
SHOULDER SECTION ELEVATION VIEW FOR SUBMITTAL

AGENCY Grays Harbor County
 PROJECT NO. STPX-2014(062) LA5525 ITEM NO. _____
 LOCATION 0'Donnel Avenue, Elma, WA
 RAILROAD Puget Sound & Pacific Railroad

DIMENSIONS
 A = _____
 B = _____
 C = _____
 D = _____

Number of lanes to be protected = $\frac{1}{N/A}$
 Amount of future widening = _____

Gate length = $\frac{21'}{}$
 Number of flashing lights = $\frac{2}{}$ prs.



ELEVATION VIEW

No Scale

DATE _____ BY _____

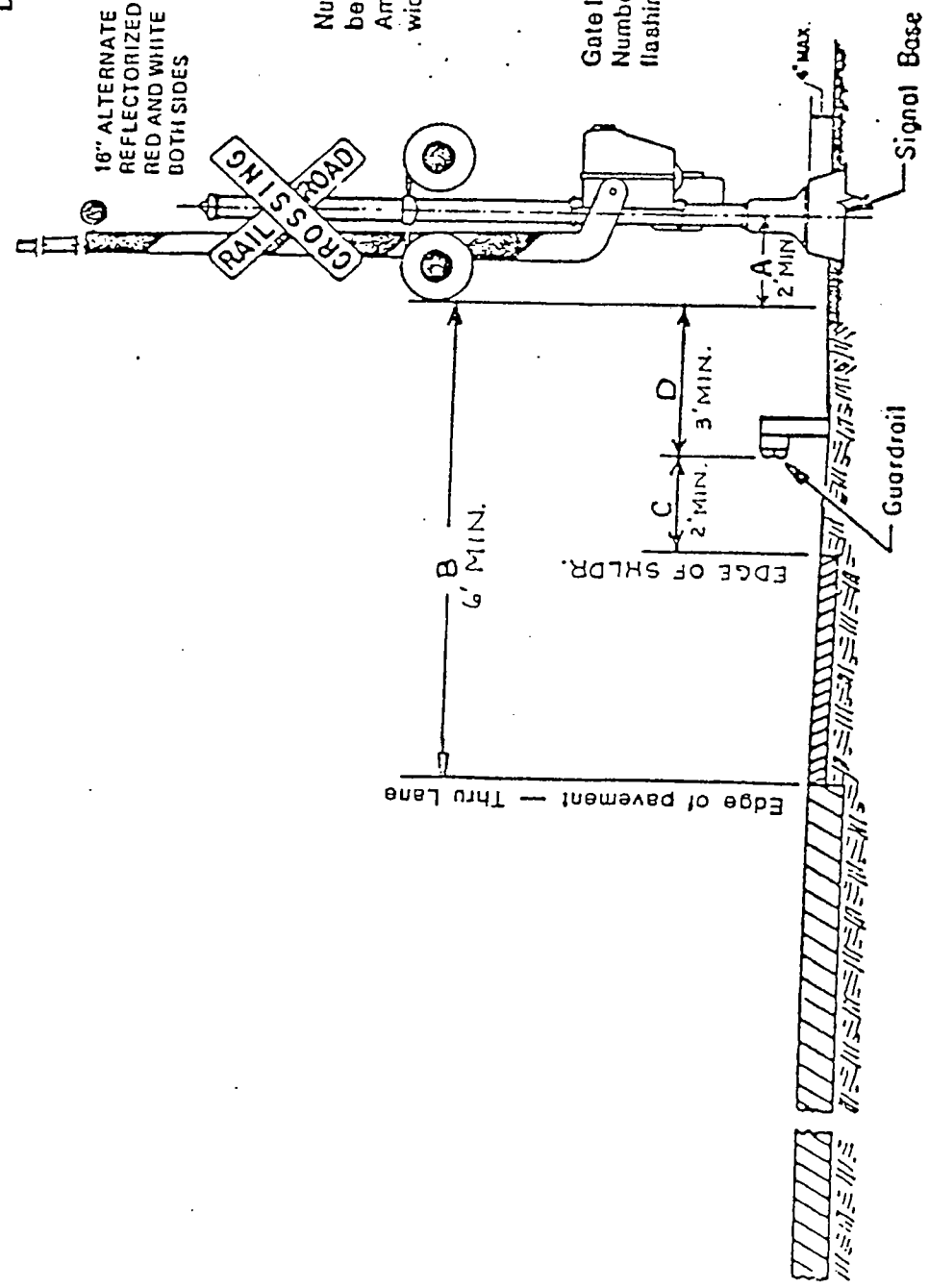
SHOULDER SECTION ELEVATION VIEW FOR SUBMITTAL

AGENCY Grays Harbor County
 PROJECT NO. STPX-2014(062) LA 5525 ITEM NO. _____
 LOCATION 0'Donnel Avenue, Elma, WA
 RAILROAD Puget Sound & Pacific Railroad

DIMENSIONS
 A = _____
 B = _____
 C = _____
 D = _____

Number of lanes to be protected = 1
 Amount of future widening = N/A

Gate length = 28'
 Number of flashing lights = 2 prs.



ELEVATION VIEW

No Scale

DATE _____ BY _____



Local Agency Railway Agreement Federal Aid Safety Projects Highway-Railway Grade Crossing Warning Devices

Local Agency Grays Harbor County Project Number STPX-2014(062)

Railway Puget Sound and Pacific Railroad Agreement Number LA-5525

The above parties having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code, Highways, (2) the regulations issued pursuant thereto, and (3) the Policies and Procedures promulgated by the Washington State Department of Transportation, relating to grade crossing warning devices, hereby agree to proceed with the accomplishment and completion of the project hereinafter described.

Project Description

Local Agency Road Name O'Donnel Avenue

Location MP 0.24

Railway Line Name PSAP

Location NE 1/4 Sec 20, T18N, R5W WUTC # 40C4.00 USDOT # 096537D

Description of Work

Install railroad protective devices to include shoulder mount gates and lights with extra set of one way flashers for additional traffic lane and MS train detection. Concrete tub crossing extended at west end of crossing.

The site plan attached hereto as Exhibit C further describes the work.

Construction is estimated to be completed in 365 days, following execution of this agreement and authorization to proceed.

Estimate of Cost

Type of Work	Labor	Non-Labor	Total
1. Install Warning Devices (Type)			95,207.00
a. Freight Material Handling			
b. Equipment Rental			
c. Expenses			
d. Salvage			
e. Other WA State Tax			6,002.40
2. Engineering and Accounting			10,701.35
3. Liability Insurance			
4. Labor Surcharge			
5. Other Work by Railroad* <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Exhibit A attached hereto			14,697.00
6. Total Project Costs			126,607.75

* If detail is required, attached Exhibit A. Insert Exhibit A totals in this line.

The above parties further stipulate that they agree to and will comply with the provisions set forth in the reverse hereof and made a part of this agreement. Where a franchise or permit exists, the parties shall determine to what extent the franchise or permit is superseded by this agreement. Such determination should be in writing and attached as part of the agreement.

Repair or replacement of damaged or obsolete signals. The cost of repair or replacement of the signals shall be borne on the ratio of -0- percent Local Agency and 100 percent railway.

This agreement shall inure to the benefit of and be binding on the parties hereto, their successors and assigns.

Adopted by Resolution/Ordinance No. _____ Railroad Official Tom Paul
 Local Agency Official [Signature] Title General Manager
 Date 11-3-03 Date 10-23-03