

SERVICE DATE
JUN 26 1997

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)	
THE BURLINGTON NORTHERN AND)	DOCKET NO. TR-970840
SANTA FE RAILWAY COMPANY and)	
the NATIONAL RAILROAD)	ORDER GRANTING PETITION TO
PASSENGER CORPORATION for)	CHANGE TRAIN SPEED LIMITS
Modification of Order Regulating the)	ON CONDITION
Speed of Passenger and Freight Trains in)	
in Ephrata, Washington.)	
)	
)	
.....)	

The Burlington Northern and 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(Amtrak) request that orders regulating the speed of passenger and freight train speeds in Ephrata, Washington be repealed.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. Within the city limits of Ephrata, the tracks extend from Railroad Mile Post 1598.65 to 1600.3. 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 Ephrata 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 Ephrata at 70 mph for both passenger and freight trains. Although the limit for freight trains is higher than that requested by the Railroad, it should be changed to 60 mph to comply with federal standards.

Commission staff has investigated the conditions in Ephrata 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 Ephrata 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.

Despite the current speed limit of 70 mph for passenger trains, the Railroad and Amtrak have set an internal permanent speed restriction in Ephrata at 65 mph. The Commission and city should be notified when Amtrak intends to operate passenger trains through the city at a speed greater than 10 mph above the currently set permanent speed restriction. Such advance notification will give the Commission an opportunity to investigate potential safety conditions. Thirty days is sufficient notice to allow such investigation and does not impose an undue burden on the Railroad, Amtrak or interstate commerce.

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 Ephrata 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 Ephrata between Railroad Mile Posts 1598.65 and 1600.3 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.
- c. Amtrak shall notify the Commission and the city 30 days prior to increasing passenger train speeds more than 10 mph above the Railroad and Amtrak's internal permanent speed restriction referenced above. The notice shall include the proposed speed, the estimated date on which the speed will be increased, and the change in circumstances which allows the increased speed. This is a notice requirement only and shall not limit the ability of the Railroad and/or Amtrak to increase speeds up to the maximum speed limits set forth above.

DATED at Olympia, Washington, and effective this 26 th day of June 1997.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


 RICHARD HEMSTAD, Commissioner


 WILLIAM R. GILLIS, Commissioner