

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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| In the Matter of the Petition of |) | |
| THE BURLINGTON NORTHERN AND |) | DOCKET NO. TR-970850 |
| 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 Wilson Creek, Washington. |) | |
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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(Amtrak) request that orders regulating the speed of passenger and freight train speeds in Wilson Creek, Washington be repealed.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 Wilson Creek, the tracks extend from Railroad Mile Post 1575 to 1576.5. 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 Wilson Creek 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 possible speeds at which the Railroad and/or Amtrak could operate.

The Commission has previously set train speed limits in the city of Wilson Creek at 70 mph for passenger trains and 50 mph for freight trains.

Commission staff has investigated the conditions in Wilson Creek 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 Wilson Creek will not create a safety hazard under current conditions if the Railroad complies with FRA restrictions and its own internal standards. The investigation reveals that the speed limits requested by the petitioners are needed to maintain operational efficiency and the capacity to move substantial amounts of freight.

Under existing conditions, the geometries of Railroad curves 1575, 1576 and 1576A limit passenger and freight train speeds according to FRA rules and Railroad standards. FRA rules apply to both passenger and freight trains; however, Railroad standards are more restrictive than FRA rules for freight trains. Using FRA rules for passenger trains and Railroad standards for freight trains, Curve 1575 limits passenger train speed to 57 mph and freight train speed to 50 mph. Curve 1576 limits passenger train speed to 60 mph and freight train speed to 54 mph. Curve 1576A limits passenger train speed to 64 mph and freight train speed to 59 mph.

The Railroad and Amtrak have set a permanent speed restriction of 55 mph in Wilson Creek for passenger trains and 50 mph for freight trains. The permanent speed restrictions are based upon the curve restrictions referenced above, and other operating considerations. The Commission and city should be notified when the Railroad or Amtrak intend to operate passenger and/or freight trains through the city at speeds greater than 10 mph above the currently set permanent speed restrictions. 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 subject to the conditions set forth below, 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 Wilson Creek 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 Wilson Creek between Railroad Mile Posts 1575 and 1576.5 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 (for passenger trains) and the Railroad (for freight trains) shall notify the Commission and the city 30 days prior to increasing speeds more than 10 mph above the FRA rules and the Railroad's internal permanent speed restrictions. 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 26th day of June 1997.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


 RICHARD HEMSTAD, Commissioner


 WILLIAM R. GILLIS, Commissioner