

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of )  
THE BURLINGTON NORTHERN AND )  
SANTA FE RAILWAY COMPANY and )  
the NATIONAL RAILROAD )  
PASSENGER CORPORATION for )  
Modification of Order Regulating the )  
Speed of Passenger and Freight Trains )  
in Stevenson, Washington. )  
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.....)

DOCKET NO. TR-970853

**ORDER TEMPORARILY GRANTING  
IN PART A PETITION TO CHANGE  
TRAIN SPEED LIMITS**

The Burlington Northern & 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(Amtrak) request that orders regulating the speed of passenger and freight train speeds in Stevenson, Washington be repealed.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. 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 Stevenson 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 Stevenson at 45 mph for freight trains and 75 mph for passenger trains. Curve restrictions and operational considerations indicate that the permanent speed restriction for purposes of notification of increased speeds should be 65 mph for passenger trains between Mile Posts 53.55 and 54.25. Permanent speed restrictions for freight trains are not indicated.

Staff has investigated the conditions in Stevenson as they relate to the proposed speed limits. The crossing in Stevenson has appropriate signals, gates and activation circuits. There are no substantial safety problems along the tracks related to train speeds except for the possibility that the large crowds of tourists usually present in late summer and early fall may create a serious potential for accidents. Planned development along the waterfront may also change the circumstances in the near future. Some trains activate the signals without moving through the crossing, which creates a potential reliability problem. The railroad has agreed to work with staff to investigate the activation problem and find a solution. Speed limits should not be changed permanently until staff determines the extent of these potential problems and what actions are needed to eliminate it.

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 except as noted above. The investigation discloses that operation of passenger trains at 79 mph and freight trains at 60 mph in the city of Stevenson will not create a safety hazard under current conditions if the Railroad and Amtrak comply with FRA restrictions and their own internal standards; however, conditions during the height of the tourist season may create a safety hazard. 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.

The proposed permanent speed restriction for passenger trains are more than 10 mph less than the maximum possible speeds. The Commission and city should be notified when Amtrak intends to operate trains through the specified area at speeds greater than 10 mph above the proposed 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 temporarily granting in modified form the request for speed limits at those allowed by the FRA, is in the public interest.

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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 Stevenson 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 Stevenson 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 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 maximums set forth above.

IT IS FURTHER ORDERED that the Railroad and commission staff shall report on the results of their efforts to identify and solve the potential activation problem noted above by September 30, 1998.

IT IS FURTHER ORDERED that this order shall remain in effect until October 31, 1998.

DATED at Olympia, Washington, and effective this 11th day of March 1998.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

  
ANNE LEVINSON, Chair

  
RICHARD HEMSTAD, Commissioner

  
WILLIAM GILLIS, Commissioner