

JUL 31 1997

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)	
THE BURLINGTON NORTHERN AND)	DOCKET NO. TR-970854
SANTA FE RAILWAY COMPANY and)	
the NATIONAL RAILROAD)	ORDER GRANTING IN PART A
PASSENGER CORPORATION for)	PETITION TO CHANGE
Modification of Order Regulating the)	TRAIN SPEED LIMITS
Speed of Passenger and Freight Trains)	
in Bingen, 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(Amtrak) request that orders regulating the speed of passenger and freight train speeds in Bingen, Washington be repealed.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 Bingen 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 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 Bingen at 75 mph for passenger trains and 45 mph for freight trains. In September 1997 the railroads will set an internal speed restriction of 50 mph for both passenger trains and freight trains between Mile Posts 75.4 and 75.9.

Commission staff has investigated the conditions in Bingen as they relate to the proposed speed limits. There are two public crossings in Bingen with automatic warning lights. The Railroad has represented to the commission that it will request a diagnostic evaluation of these warning systems. A private crossing near the eastern boundary of the city is accessible to the public and connects to a road leading to the city's marina. The Railroad has represented to the commission that it will close this crossing or block it from possible public access in the very near future. In order to track progress of these projects and to ensure that the commission can reevaluate conditions if the railroads propose to operate at higher speeds, the railroads should be required to provide advance notification of any proposed increase in speeds within the mile posts mentioned above. Thirty days is sufficient notice to allow such investigation and does not impose an undue burden on the Railroad, Amtrak or interstate commerce.

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 other than those mentioned above. The investigation discloses that operation of passenger trains at 79 mph and freight trains at 60 mph in the city of Bingen will not create a safety hazard under current conditions if the Railroad and Amtrak comply with FRA restrictions and their own internal standards and if the improvements and closure mentioned above are completed. 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 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 Bingen 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 Bingen 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 train speeds above the internal permanent speed restrictions 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.

DATED at Olympia, Washington, and effective this 30th day of July 1997.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



SHARON L. NELSON, Chairman



WILLIAM R. GILLIS, Commissioner