

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

NORTHWEST RAILWAY
MUSEUM,

Petitioner,

WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION,

Respondent.

DOCKET TR-160284

ORDER 01

ORDER GRANTING PETITION TO
MODIFY HIGHWAY-RAIL GRADE
CROSSING ACTIVE WARNING
DEVICES AT STATE ROUTE 202/
BENDIGO STREET AND
AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT: 092040A

BACKGROUND

- 1 On March 7, 2016, the Northwest Railway Museum filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify active warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT 092040A and is located at the intersection of State Route 202 (SR-202) and Bendigo Street in North Bend. The petitioner further requested the Commission authorize an expenditure of \$11,900 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
- 2 The Northwest Railway Museum owns and operates the railroad line. The respondent, the Washington State Department of Transportation, consented to entry of an Order by the Commission without further notice or hearing.
- 3 SR-202/Bendigo Street is a three-lane roadway with a speed limit of 30 miles per hour. Average annual daily vehicle traffic through the crossing is estimated at 11,060 vehicles. SR-202/Bendigo Street is part of an established school bus route, with up to 12 school buses traveling over the crossing each day. The crossing is also part of an established truck route, with trucks making up less than 10 percent of the total daily traffic. No freight trains operate over this single mainline track crossing; however, two passenger trains operate over the crossing twice a day at five to 15 miles per hour.
- 4 Railroad warning devices at the SR-202/Bendigo Street crossing consist of cantilever and shoulder-mounted flashing lights, gates, crossbucks, and motion-sensor train detection.

The Northwest Train Museum proposes to replace the existing train detection system to constant-warning train detection, which is the most current technology. Constant-warning train detection provides consistent warning of an approaching train, no matter what speed the train is traveling. The railroad proposes to use surplus equipment for this upgrade. The equipment will have all required field service bulletins applied and circuit cards tested prior to installation to ensure proper functioning.

- 5 Commission staff reviewed the proposed upgrades and recommends approval of the project. These upgrades will improve the overall safety at the crossing by providing motorists and pedestrians with upgraded active warning devices to notify the public of an approaching train.
- 6 The total approximate cost of this project is \$14,900. The Petitioner is contributing \$3,000 in labor and materials toward the cost of the upgrades and is responsible for any additional project costs. An expenditure of \$11,900 from the Grade Crossing Protective Fund is available to help fund the improvements.

FINDINGS AND CONCLUSIONS

- 7 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. RCW 81.53; RCW 81.53.271; RCW 81.53.281.
- 8 (2) The grade crossing at SR-202/Bendigo Street, identified as USDOT 092040A, is a public railroad-highway grade crossing within the state of Washington.
- 9 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also* WAC 480-62-150.
- 10 (4) RCW 81.53.271 allows the Commission to disburse up to \$20,000 from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device, without requiring the Petitioner to share the cost.
- 11 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.

- 12 (6) After reviewing the Northwest Railway Museum's petition filed on March 7, 2016, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 13 The Northwest Railway Museum's petition to upgrade warning devices at a railroad-highway grade crossing, located at SR-202/Bendigo Street, is granted. The cost of a portion of this upgrade shall be paid from the Grade Crossing Protective Fund. Approval of the petition is subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$11,900.
 - (2) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
 - (3) The Northwest Railway Museum must sign and return the attached project agreement.
 - (4) The project must be completed no later than September 1, 2016.
 - (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
 - (6) The Northwest Railway Museum must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective March 21, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVEN V. KING, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet website for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's website.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).