

JUN 22 2000

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of	)	
	)	
	)	
THE BURLINGTON NORTHERN AND	)	DOCKET NO. TR-990654
SANTA FE RAILWAY COMPANY for	)	
Modification of Order Regulating the	)	ORDER GRANTING
Speed of Passenger and Freight Trains	)	PETITION TO CHANGE
in Sumner, Washington	)	TRAIN SPEED LIMITS
	)	
.....	)	

The Burlington Northern and Santa Fe Railway Company (Railroad) requests that orders regulating the speed of passenger and freight train speeds in Sumner, Washington be modified to set the maximum limits at those allowed by the Federal Railroad Administration (FRA).

The Railroad owns the tracks involved in this petition. The Railroad operates freight trains on its tracks. The National Railroad Passenger Corporation (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. Sound Transit plans to operate commuter trains on the tracks owned by the Railroad, and will be subject to the same limits that apply to Amtrak.

The Commission is authorized to set speed limits for trains within the city limits of Sumner 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.

The Commission has previously set the freight train speed limits in the city of Sumner at rates varying from 40 mph to 50 mph depending on the location within the city. The passenger train speed limit is 65 mph. The speed limits set by the FRA for the class of tracks maintained through Sumner are 60 mph for freight trains and 79 mph for passenger trains.

Commission Staff has investigated the conditions in Sumner as they relate to the proposed speed limits. There is no reason to postpone speed increases except for the area between railroad mile post 28.0 (immediately north of Williams Avenue) to the southern boundary of the city. Speed limits in that area should not be increased until certain conditions are met. All of the crossings in Sumner have signals and gates. The Railroad represented that the activation circuits for the signals are capable of operating properly at the higher speeds; however,

they agreed to reinspect all circuits before allowing trains to operate at higher speeds. The Railroad agreed that the safety improvements recommended in the crossing diagnostic study performed by Hoy Richards & Associates for Sound Transit will be constructed before speeds increase. The recommended improvements include median barriers at all crossings except Maple Street (Zehnder Street needs barriers only on the west side), and changing traffic flow on an alley between Maple and Main Street to ensure that vehicles cannot possibly enter the crossings when a train approaches.

A traffic light should be constructed at the intersection of Wood and Zehnder Street, and a repeater signal installed on the west side of the Zehnder Street crossing. The lights should be interconnected with the railroad crossing warning devices. An extra set of warning lights should be mounted to warn drivers on Pease Road of approaching trains.

Sound Transit is planning to construct a commuter rail station in Sumner. It presents a potential safety hazard for pedestrians unless fencing is constructed between the tracks that will funnel pedestrian traffic to crossings. As a condition of speed increases, the Railroad should not allow any trains to stop at the station before the fencing is completed. Also, the Railroad should be required to inform the Commission at least 30 days before the station becomes operational so that Commission Staff may inspect the station and its surroundings for pedestrian safety.

City officials and citizens have had substantial opportunity to participate in the investigation and the Commission's process of considering the petition. The City Council passed and submitted an ordinance stating that it would not oppose speed increases if appropriate safety improvements were completed. Citizens had the opportunity to inform the Commission of any unreasonably dangerous conditions at a public meeting on August 30, 1999, and at any time by calling or writing the Commission. Staff's investigation and input from citizens did not reveal essentially local safety conditions other than any that would be eliminated by the improvements mentioned above.

The Commissioners, having reviewed the petition and being fully advised in the matter, believe that it is in the public interest to grant the petition to set speed limits at those allowed by the FRA, subject to the conditions set forth below.

ORDER

IT IS HEREBY ORDERED that the petition of the Railroad to set the train speed limits in the city of Sumner at those allowed by the Federal Railroad Administration shall be granted subject to the following conditions:

- a. The maximum passenger train speed shall be 79 mph.
- b. The maximum freight train speed shall be 60 mph.

c. The increased speed limits are effective immediately except for the area south of railroad mile post 28.0.

d. Speed limits for the area south of railroad mile post 28.0 shall not increase until Staff verifies by declaration filed with the Commission that the following conditions have been met:

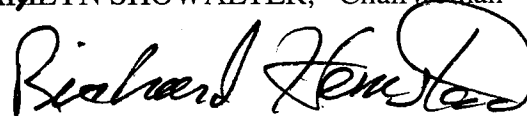
- 1. Permanent median barriers must be constructed at Williams Avenue, the west side of the Zehnder Street crossing, and at Main Street.
- 2. The Railroad shall inspect the circuitry at all crossings to ensure that it is capable of operating properly at the higher speeds.
- 3. A traffic light shall be constructed at the intersection of Wood and Zehnder Streets, and a repeater signal installed on the west side of the Zehnder Street crossing. The signals shall be interconnected with the crossing warning system. An extra set of warning lights shall be installed directed towards Pease Road.


e. The Railroad shall not allow the commuter rail station to be operated until fencing between the tracks is constructed. The Railroad shall notify the Commission 30 days before the commuter rail station becomes operational to allow Commission Staff to inspect the facility and immediate environs for pedestrian safety. Staff will verify satisfaction of this condition by declaration filed with the Commission.

DATED at Olympia, Washington, and effective this 22<sup>nd</sup> day of June, 2000

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

  
MARILYN SHOWALTER, Chairwoman

  
RICHARD HEMSTAD, Commissioner

  
WILLIAM R. GILLIS, Commissioner