

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

TACOMA RAIL,)	DOCKET NO. TR-030560
)	
)	ORDER NO. 01
Petitioner,)	
)	
)	ORDER GRANTING PETITION TO
v.)	TEMPORARILY CHANGE THE
)	METHOD OF TRAFFIC CONTROL
)	AT A RAILROAD-HIGHWAY
CENTRALIA, WASHINGTON,)	GRADE CROSSING
)	
)	USDOT: 396770R
Respondent.)	WUTC: 20J 14.30
.....)	

BACKGROUND

- 1 On April 23, 2003, Tacoma Rail filed a petition with the Commission, seeking approval to temporarily change the method of traffic control at a railroad-highway grade crossing. The crossing is located at the intersection of the petitioner’s tracks and Locust Street, in the NW ¼ of the NW ¼ of Section 8, Township 14 N., Range 2 W., W.M., in Centralia, Washington.
- 2 Respondent has consented to an entry of an Order by the Commission without further notice or hearing.
- 3 In the vicinity of the crossing, Locust Street is classified as an urban local road, with one lane for each direction of traffic and a vehicle speed limit of 25 mph. Average daily traffic through the crossing is estimated at 600 vehicles.
- 4 The city of Tacoma owns the rail line currently operated by Tacoma Rail. In the mid-1990s, it was operated by a company named the Tacoma Eastern Railroad. Without authority to do so, that railroad removed various components from the flashing light signals and gate mechanisms at the crossing, rendering them inoperable. Subsequently, the city of Tacoma revoked its contract with the

Tacoma Eastern Railroad and contracted with Tacoma Rail to operate this rail line. Since there has been no regular train activity on the line for over ten years, the warning system has not been upgraded to an operational level.

5 The Petitioner is currently working with Commission Staff to upgrade the active warning devices at the crossing in anticipation of resuming regular rail traffic on the line. In January of 2003, the Washington State Department of Transportation approved a request by Commission Staff to fund the necessary improvements at the Locust Street crossing as part of a larger proposal to rehabilitate all of the crossings on the same rail line that are in need of signal improvements. Funds for the improvements will be made available through the federal highway-grade crossing improvement program (section 130 program). All preliminary steps have been completed regarding the securing of these funds except for execution of local agency agreements. It is expected that the signals will be operational by fall of 2003.

6 Although there are no regular rail operations on the line, Tacoma Rail, and two other railroad companies that have contracts with Tacoma Rail, have limited need to operate on the line over the next several months. Since the signals are not operational, petitioner seeks authority to temporarily discontinue the use of the active warning signals at the crossing and control traffic by stopping all trains prior to entering the crossing and flagging them through when it is safe to do so. This authority is requested only until the signal system at the crossing can be upgraded and placed back in service pursuant to the previously-stated funding source.

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. *Chapter 81.53 RCW.*

- 8 (2) The Locust Street grade crossing, identified as USDOT 396770R, is a public
railroad-highway grade crossing within the state of Washington.
- 9 (3) RCW 81.53.261 requires that the Commission grant approval prior to
making changes in the method and manner of traffic control at public
railroad-highway grade crossings within the state of Washington.
- 10 (4) Commission Staff investigated the petition and recommended that it be
granted, subject to specified conditions.
- 11 (5) This matter was brought before the Commission at its regularly scheduled
meeting on April 30, 2003.
- 12 (6) After examination of the petition filed by Tacoma Rail on April 23, 2003,
and giving consideration to all relevant matters and for good cause
shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 13 The petition of Tacoma Rail to temporarily change the method of traffic control
at a public railroad-highway grade crossing, located at the intersection of Locust
Street and the petitioner's tracks, in Centralia, Washington, is granted, subject to
the following conditions:
- (1) All train moves through the crossing must be limited to
daylight hours as long as active warning is not in service at the
crossing;
 - (2) Each train must stop before entering the crossing and permit a
crew member to dismount and flag highway traffic to a stop.
The train may proceed through the crossing only when the
flagger determines that it is safe to do so;

- (3) Any train crew member or other individual controlling traffic at the crossing must be equipped with a reflectorized safety vest, high visibility hard hat, and official stop/slow paddle designed for flagging;
- (4) Tacoma Rail must issue instructions or orders to all train crews using the crossing, stating that the active warning devices at the crossing are not in service and that a "stop and flag" order is in effect. A copy of the order must be provided to Commission Staff;
- (5) All trains using the crossing must be operated by a certified locomotive engineer that is qualified to operate over the track involved for the subject train moves, pursuant to CFR 240, "Qualification and Certification of Locomotive Engineers"; and
- (6) Gate arms at the crossing must be removed, and the signal heads must be removed, hooded, or turned from view to clearly indicate that they are not in operation.

DATED at Olympia, Washington, and effective this 30th day of April, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner