

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

TACOMA RAIL,)	DOCKET NO. TR-032087
)	
Petitioner,)	ORDER NO. 01
)	
v.)	ORDER GRANTING PETITION TO
)	UPGRADE TRAIN DETECTION
PIERCE COUNTY)	CIRCUITRY AND AUTHORIZE
)	EXPENDITURE FROM THE GRADE
Respondent.)	CROSSING PROTECTIVE FUND
)	
)	USDOT: 396694A
)	WUTC: 20H 3.00
.....)	

BACKGROUND

- 1 On December 18, 2003, Tacoma Rail filed a petition with the Commission, seeking approval to upgrade train detection circuitry at a railroad-highway grade crossing. The crossing is located at the intersection of 22nd Avenue East and the petitioner’s tracks, in Section 11, Township 18 N., Range 3 E., W.M., in Pierce County, Washington. The petitioner further requests the Commission to authorize expenditure from the Grade Crossing Protective Fund to pay for the upgrade.
- 2 Respondent has consented to an entry of an Order by the Commission without further notice or hearing.
- 3 Railroad warning devices at the 22nd Avenue East grade crossing consist of cantilever-mounted flashing light signals that are activated by AC-type train detection circuitry. The petitioner proposes to replace the existing circuitry with state-owned constant warning-type circuitry in the interest of improving the efficiency and reliability of the warning system.

4 Grade Crossing Protection Fund money is available to pay for the crossing
upgrades. The total approximate cost of the project is \$10,662. An expenditure
of \$11,000 from the Grade Crossing Protective Fund should be approved for
unforeseen contingencies. The petitioner requests that \$6,000 of this
disbursement be made available immediately after approval of this request for
the purpose of ordering materials. The remainder of the costs will be reimbursed
after project completion.

FINDINGS AND CONCLUSIONS

- 5 (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.*
- 6 (2) The 22nd Avenue East grade crossing, identified as USDOT 396694A, is a
public railroad-highway grade crossing within the state of Washington.
- 7 (3) WAC 480-62-150 (2)(d) requires that the Commission grant approval prior
to making changes to train detection circuitry at public railroad-highway
grade crossings within the state of Washington.
- 8 (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 a cost-share by the
petitioner.
- 9 (5) Commission Staff investigated the petition and recommended that it be
granted, subject to specified conditions.
- 10 (6) This matter was brought before the Commission at its regularly scheduled
meeting on December 31, 2003.

- 11 (7) After examination of the petition filed by Tacoma Rail on December 18, 2003, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 12 The petition of Tacoma Rail to upgrade train detection circuitry at a railroad-highway grade crossing, located at the intersection of 22nd Avenue East and the petitioner's tracks, in Pierce County, Washington, is granted. The cost 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 \$11,000.
- (2) An expenditure of \$6,000 from the Grade Crossing Protective Fund will be paid to the petitioner, upon filing a request for advance funding and an itemized materials list. The remaining \$5,000 will be paid upon presentation of claim for reimbursement of installation costs, and verification by Commission Staff that the work has been satisfactorily completed.
- (3) All of the work authorized herein must be completed prior to June 30, 2004.
- (4) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (5) Upon completion of the upgrades authorized herein, petitioner must notify the Commission. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the

crossing is in full compliance with applicable laws, regulations,
and the conditions specified herein.

The Commissioners, having determined that this filing complies with the requirements of WAC 480-62-150, RCW 81.53.030, and RCW 81.53.271 directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 31st day of December, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary