

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

In the Matter of the Petition of	)	DOCKET TR-080635
	)	
TACOMA RAIL,	)	ORDER 01
	)	
Petitioner,	)	ORDER GRANTING PETITION TO
	)	UPGRADE WARNING DEVICES AND
v.	)	AUTHORIZING EXPENDITURE FROM
	)	THE GRADE CROSSING PROTECTIVE
PIERCE COUNTY,	)	FUND
	)	
Respondent.	)	USDOT: 396670L
	)	UTC: 20G 6.40
.....	)	

**BACKGROUND**

- 1 On April 14, 2008, Tacoma Rail (Tacoma Rail or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to upgrade warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT 396670L and is located at the intersection of 85<sup>th</sup> Street East and the Petitioner’s tracks in Pierce County. The Petitioner further requested the Commission authorize an expenditure of \$20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
- 2 On April 14, 2008, Pierce County consented to entry of an Order by the Commission without further notice or hearing.
- 3 Railroad warning devices at the intersection of 85<sup>th</sup> Street East and the petitioner’s tracks in Pierce County, Washington consist of shoulder mounted 12” flashing lights. The Petitioner proposes to install gates and replace the signal relay case with a Washington State Department of Transportation (WSDOT) provided bungalow. The bungalow is complete with upgraded train activation equipment including motion sensor type train detection. These upgrades will improve the overall safety at the crossing because motorists and pedestrians can rely on the updated active warning devices to determine if a train is approaching the crossing. The new gates will provide a physical barrier to the crossing for motorists when the active warning devices are engaged.
- 4 The Petitioner is requesting a disbursement of \$20,000 to pay for a portion of the upgrades. The total approximate cost of the project is \$30,000.00. Tacoma Rail has

committed to pay upgrades in excess of \$20,000. Commission Staff is facilitating the use of surplus equipment at this crossing which was provided by the WSDOT. An expenditure of \$20,000 from the Grade Crossing Protective Fund is available to help fund the improvements.

### 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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. *RCW 81.53; RCW 81.53.271; RCW 81.53.281.*
- 6 (2) The grade crossing at the intersection of 85<sup>th</sup> Street East and the petitioner's tracks in Pierce County, Washington, identified as USDOT 396670L, is a public railroad-highway grade crossing within the state of Washington.
- 7 (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.*
- 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 the Petitioner to share the cost.
- 9 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 10 (6) After reviewing Tacoma Rail's petition filed on April 14, 2008, 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:

- 11 Tacoma Rail's petition to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of 85<sup>th</sup> Street East and the petitioner's tracks in Pierce County, Washington, is granted. A portion of 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 \$20,000.
- (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) Tacoma Rail must sign and return the attached project agreement.
- (4) The project must be completed no later than October 30, 2008.
- (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) Tacoma Rail 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 Commissioners have delegated authority to the Executive Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective April 28, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary