

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

TACOMA RAIL,)	DOCKET TR-081713
)	
Petitioner.)	ORDER 01
)	
)	ORDER GRANTING PETITION TO
)	RECONSTRUCT A PUBLIC
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION,)	HIGHWAY-RAIL GRADE CROSSING
)	AT STATE ROUTE 7 IN MORTON
)	
Respondent.)	
)	USDOT: 397209T
)	UTC: 20G64.20
.....)	

BACKGROUND

- 1 On September 18, 2008, Tacoma Rail (Tacoma Rail or Petitioner) filed a petition with the Utilities and Transportation Commission (Commission) seeking approval to modify a grade crossing surface at a railroad-highway grade crossing at State Route 7 (SR-7) in the city of Morton. The modification of the SR-7 crossing is part of a larger project by Tacoma Rail to rehabilitate tracks along the Morton Wye and Fairhart Road. The project will also rehabilitate a trestle in Lewis County.

- 2 Respondent Washington State Department of Transportation (WSDOT) has consented to entry of an Order by the Commission without further notice or hearing.

- 3 Railroad warning devices at the intersection of SR-7 and the Petitioner’s tracks in the city of Morton consist of 12” cantilever mounted flashing lights.

- 4 SR-7 is a three-lane roadway, with two northbound lanes and one southbound lane. WSDOT estimates average daily vehicle traffic over the crossing at 3400, which includes commercial motor vehicles. The posted legal speed limit is 25 miles per hour.

- 5 Currently, Tacoma Rail trains do not have access to the crossing because of the damaged approaches to the Nisqually trestle at Elbe. The damage to the approaches is expected to be repaired around the fall of 2009. Mount Rainier Scenic Railroad operates seasonal excursion train over the mainline crossing and typically runs one train per week during the summer months. All trains travel at 10 miles per hour.

6 The petition proposes to upgrade from asphalt crossing surfaces to concrete panels and adjust track elevations through the crossing. Once completed, the track elevations will be in compliance with current AREMA standards that recommend that the top of rail should not be lower or higher than the roadway by more than three inches within a point 30 feet from the rail.

7 The proposed upgrades are in the interest of improving safety and convenience for roadway users.

FINDINGS AND CONCLUSIONS

8 (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*.

9 (2) The proposed reconstruction of a crossing involves a public railroad-highway grade crossing, as defined in *RCW 81.53.010*.

10 (3) *WAC 480-62-150(1)(g)* requires that the Commission grant approval prior to any changes to crossing surfaces at public railroad-highway grade crossings within the state of Washington.

11 (4) Commission Staff investigated the petition and recommends that it be granted.

12 (5) After examination of the petition filed by Tacoma Rail on September 18, 2008, 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 reconstruct a railroad-highway grade crossing at SR-7 and the Respondent's tracks in Lewis county is granted, as follows:

(1) The modifications must conform to those described in the petition.

- (2) Petitioner must notify the Commission of the installation. 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 have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(b)).

DATED at Olympia, Washington, and effective October 13, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, 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 Web site 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 Web site.

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