

5 The proposed wayside horns will be mounted on poles located in the same quadrants as the flashing lights at the crossing. A remote confirmation signal will be installed 439 feet to the northeast of the crossing on the outside of the curve of the track to address sight restrictions. Two additional dual confirmation signals will be installed on the same poles with the wayside horns. The wayside horns will be aimed across the tracks at the crossing to minimize the impact of the 92 decibel horn sound on the nearby pedestrians.

6 On September 10, 2008, the Respondent consented to entry of an Order by the Commission without further notice or hearing.

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. *RCW 81.53.*

8 (2) The grade crossing at the intersection of the Sunnyside Beach pedestrian crossing and the Petitioner's tracks, identified as USDOT 085754X, is a public railroad crossing within the state of Washington.

9 (3) RCW 81.53.261 requires that the Commission grant approval prior to any changes to public railroad grade crossings within the state of Washington. *See also 480-62-150.*

10 (4) Commission Staff investigated the petition and recommended that it be granted, provided that upon completion of the construction, the Petitioner notifies the Commission. The crossing is subject to inspection by Commission Staff, verifying that it is in full compliance with applicable laws and regulations.

11 (5) After reviewing the petition filed on September 23, 2008, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 12* The Town of Steilacoom's petition to install wayside horns at a highway-railroad grade crossing, located at the Sunnyside Beach pedestrian crossing and BNSF Railway Company tracks, is granted.
- 13* The Petitioner must notify the Commission upon completion of the installation. The crossing is subject to inspection by Commission Staff, to verify that it is in full compliance with applicable laws and regulations.

The Commissioners have delegated authority to the Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective October 8, 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).