

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

In the Matter of the Petition of)	DOCKET TR-091526
)	
TACOMA RAIL,)	ORDER 01
)	
Petitioner,)	ORDER GRANTING PETITION TO
)	UPGRADE WARNING DEVICES AND
)	AUTHORIZING EXPENDITURE FROM
)	THE GRADE CROSSING PROTECTIVE
)	FUND
)	
Seeking approval to upgrade signals at)	USDOT: 396682F
a railroad-highway grade crossing)	
.....)	

BACKGROUND

- 1 On September 22, 2009, Tacoma Rail (Tacoma Rail or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to upgrade the active warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT 396682F and is located at the intersection of 128th Street East and the Petitioners’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 Railroad warning devices at the intersection of 128th Street East and the petitioner's tracks consist of a DC crossing circuitry system with shoulder mounted 12 inch lights. The Petitioner proposes to install a bungalow with HXP-1 predictors and associated components. Tacoma Rail will provide a TD-4 and track relay for island only side track circuit. These upgrades will improve the overall safety at the crossing because motorists and pedestrians can rely on these upgraded active warning devices to determine if a train is approaching the crossing.

- 3 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 \$35,000. Tacoma Rail is providing a TD-4 and track relay system and has committed to pay upgrades in excess of \$20,000. Commission Staff is facilitating the use of surplus equipment at this crossing which includes a bungalow complete with HXP-1 predictors. An expenditure of \$20,000 from the Grade Crossing Protective Fund is available to help fund the improvements.

FINDINGS AND CONCLUSIONS

- 4 (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](#).
- 5 (2) The grade crossing at the intersection of 128th Street East and the petitioner's tracks, identified as USDOT 396682F, is a public railroad-highway grade crossing within the state of Washington.
- 6 (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](#).
- 7 (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.
- 8 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 9 (6) After reviewing Tacoma Rail's petition filed on September 22, 2009, 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:

- 10 Tacoma Rail's petition to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of 128th Street East and the petitioner's tracks, 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 \$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 June 30, 2010.
- (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, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective October 5, 2009.

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).