

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

In the Matter of the Petition of)	DOCKET TR-091659
)	
PEND OREILLE VALLEY)	ORDER 01
RAILROAD,)	
)	ORDER GRANTING PETITION TO
Petitioner,)	UPGRADE WARNING DEVICES AND
)	AUTHORIZING EXPENDITURE FROM
)	THE GRADE CROSSING PROTECTIVE
)	FUND
)	
Seeking approval to upgrade signals at)	
a railroad-highway grade crossing)	USDOT: 399656B
.....)	

BACKGROUND

- 1 On October 13, 2009, Pend Oreille Valley Railroad (Pend Oreille Valley 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 399656B and is located at the intersection of State Route 31 (SR-31) and the Petitioner’s tracks in Pend Oreille County. The Petitioner further requested the Commission authorize an expenditure of \$9,812.23 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
- 2 Railroad warning devices at the intersection of SR-31 and the petitioner’s tracks in Pend Oreille County consist of cantilever mounted flashing lights. The Petitioner proposes to replace the obsolete incandescent lights with LED type lights, replace system batteries, chargers, and the cross-bucks. These upgrades will improve the overall safety at the crossing because motorists and pedestrians can rely on these active warning devices to determine if a train is approaching the crossing. The LED flashing lights will provide greater visibility for the motoring public.
- 3 The Petitioner is requesting a disbursement of \$9,812.23 to pay for a portion of the upgrades. Pend Oreille Valley is contributing the cost of labor for installation of the upgrades. The total approximate cost of the project, exclusive of labor is \$9,812.23. An expenditure of \$9,812.23 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 State Route 31 and the petitioner's tracks in Pend Oreille County, Washington, identified as USDOT 399656B, 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 Pend Oreille Valley's petition filed on October 13, 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 Pend Oreille Valley Railroad's petition to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of State Route 31 and the petitioner's tracks in Pend Oreille 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 \$9,812.23.
- (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) Pend Oreille Valley Railroad 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) Pend Oreille Valley Railroad 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 27, 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).