

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

MEEKER SOUTHERN RAILROAD,)	DOCKET TR-100036
)	
Petitioner,)	ORDER 01
)	
)	ORDER GRANTING PETITION TO
)	MODIFY A PUBLIC HIGHWAY-RAIL
)	GRADE CROSSING AND UPGRADE
PIERCE COUNTY PUBLIC WORKS)	WARNING DEVICES AT 134 th
AND UTILITIES,)	AVENUE EAST
)	
Respondent.)	
)	
.....)	USDOT: #085536R

BACKGROUND

- 1 On January 4, 2010, Meeker Southern Railroad (Meeker Southern or Petitioner) filed with the Utilities and Transportation Commission (Commission), a petition seeking approval to modify a railroad-highway grade crossing and upgrade warning devices. The crossing is identified as USDOT #085536R and is located at the intersection of 134th Avenue East and Petitioner’s tracks in Pierce County.
- 2 Respondent Pierce County Public Works and Utilities consented to entry of an Order by the Commission without further notice or hearing.
- 3 Current railroad warning devices at the crossing consist of cross bucks, advance warning signs, and pavement markings.
- 4 134th Avenue East is classified as a collector arterial with two-lane, two-way traffic and a posted vehicle speed limit of 35 miles per hour (mph). Average annual daily traffic through the crossing is estimated at 2,525 vehicles, including eight school bus trips. Commercial motor vehicle traffic is minimal.
- 5 The Petitioner currently operates trains over the crossing 10 days per month. On these operating days, Meeker Southern operates four trains per day over a single main line track. The maximum allowable train speed limit is 10 mph. No passenger trains operate on these tracks.

- 6 Meeker Southern proposes to add a spur track to the crossing which will allow service to a new customer. Operations on the new spur track will increase the number of trains using the crossing on operating days to 12 and eventually up to 18 per operating day.
- 7 Meeker Southern will upgrade the passive warning devices to shoulder-mounted flashing lights. Motion sensitive train detection will be installed to detect approaching trains. Each assembly mast will have three pairs of 12-inch flashing LED light signals; pedestrian bell; cross buck sign; “2 Tracks” sign, and a “Stop Here When Flashing” sign. The signal equipment bungalow will contain a back-up power supply, power-on indicator light, and an emergency notification sign.
- 8 Meeker Southern will also install advance warning signs and pavement markings in accordance with the design drawings submitted with this petition. In addition, Meeker Southern will trim and maintain existing brush within the clearing sight distance triangles as specified in the design drawings. The existing crossing surface will be upgraded from plank to asphalt. The new spur track crossing surface will also be asphalt.
- 9 The proposed modification of this crossing is in the interest of providing rail access to industrial properties located to the east-southeast of 134th Avenue East and promoting economic development in Pierce County.

FINDINGS AND CONCLUSIONS

- 10 (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*.
- 11 (2) The 134th Avenue East grade crossing, identified as USDOT #085536R, is a public railroad-highway grade crossing within the state of Washington.
- 12 (3) WAC 480-62-150(1)(f) requires that the Commission grant approval prior to constructing multiple railroad tracks at a crossing and WAC 480-62-150(2)(b) requires that the Commission grant approval prior to adding active crossing signal warning devices at a public railroad-highway grade crossing within the state of Washington.
- 13 (4) Commission Staff investigated the petition and recommended that it be granted with conditions.

- 14 (5) After examination of the petition filed by Meeker Southern Railroad on January 4, 2010, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 15 The petition of Meeker Southern Railroad to modify a railroad-highway grade crossing and upgrade warning devices at the intersection of 134th Avenue East and Petitioner's tracks in Pierce County is granted. Approval of the petition is subject to the following conditions:

- (1) The modifications must conform to those described and attached to the petition and set forth on the five-sheet set of civil engineering design drawings. The drawings are identified by December 29, 2009, and October 20, 2009, approval signatures by Brian D. Stacy, P.E., on behalf of Pierce County Public Works Director.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- (3) All work for the proposed spur track and the Phase 1 Service Siding shown on the design drawings shall be completed to the reasonable satisfaction of Commission Staff and Pierce County Public Works and Utilities Staff prior to the Petitioner starting operation of the spur line and Phase 1 Service Siding.

The Commissioners, having determined that this filing complies with the requirements of WAC 480-62-150(1)(f), WAC 480-62-150(2)(b) and RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective January 12, 2010.

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).