

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

In the Matter of the Petition of	)	DOCKET TR-110680
	)	
EASTERN WASHINGTON	)	ORDER 01
GATEWAY RAILROAD,	)	
	)	ORDER GRANTING PETITION TO
Petitioner,	)	UPGRADE ACTIVE WARNING
	)	DEVICES AND AUTHORIZING
	)	EXPENDITURE FROM THE GRADE
	)	CROSSING PROTECTIVE FUND
	)	
Seeking Approval to Upgrade Signals	)	USDOT: 066086V
at a Railroad-Highway Grade Crossing	)	
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**BACKGROUND**

- 1 On April 19, 2011, Eastern Washington Gateway Railroad (Eastern Washington Gateway or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to upgrade active warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT 066086V and is located at the intersection of 3<sup>rd</sup> Avenue and the Petitioner's tracks in the City of Almira. The Petitioner further requested the Commission authorize an expenditure of \$7,140.51 from the Grade Crossing Protective Fund (GCPF) to pay for the upgrades.
- 2 Railroad warning devices at the 3rd Avenue consist of shoulder mounted flashing lights and gates and cross-bucks. The Petitioner proposes to upgrade the incandescent flashing lights and power off indicator to LED type lights, replace the cross-bucks, and all batteries and the obsolete battery chargers. 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 3<sup>rd</sup> Avenue is a two-lane roadway with a posted speed limit of 25 miles per hour. Average daily traffic is estimated at 100 vehicles. Two freight trains per day operate at 25 miles per hour over the double track crossing.

4 The Petitioner is requesting a disbursement of \$7,140.51 to pay for the upgrades. The total approximate cost of the project is \$7,140.51. An expenditure of \$7,140.51 is available from the Grade Crossing Protective Fund is available to fund the improvements.

**FINDINGS AND CONCLUSIONS**

- 5 (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.*
- 6 (2) The grade crossing at 3rd Avenue, identified as USDOT 066086V, is a public railroad-highway grade crossing within the state of Washington.
- 7 (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.*
- 8 (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.
- 9 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 10 (6) After reviewing Eastern Washington Gateway's petition filed on April 19, 2011, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

**O R D E R**

**THE COMMISSION ORDERS:**

11 Eastern Washington Gateway Railroad's petition to upgrade warning devices at a railroad-highway grade crossing, located at 3rd Avenue, 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 \$7,140.51.
- (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) Eastern Washington Gateway Railroad must sign and return the attached project agreement.
- (4) The project must be completed no later than June 15, 2011.
- (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) Eastern Washington Gateway 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 April 29, 2011.

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).