

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET TR-121622
)	
THE NORTHWEST RAILWAY	)	ORDER 01
MUSEUM,)	
	)	ORDER GRANTING PETITION TO
Petitioner,	)	MODIFY A RAILROAD-HIGHWAY
	)	GRADE CROSSING AND
	)	AUTHORIZING EXPENDITURE FROM
	)	THE GRADE CROSSING PROTECTIVE
Seeking Approval to Modify a	)	FUND
Railroad-Highway Grade Crossing)	
.....	)	USDOT: 092040A

BACKGROUND

- 1 On October 4, 2012, The Northwest Railway Museum (Northwest Railway or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify a railroad-highway grade crossing. The crossing is identified as USDOT 092040A and is located at the intersection of State Route 202/Bendigo Street (SR-202) and Northwest Railway’s tracks in the City of North Bend. 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 SR-202 crossing consist of cantilever mounted lights and gates. The Petitioner proposes to increase the length of the west bound approach block to a minimum of 270 feet from the present 238 feet. Moving the approach block out to 270 feet will allow Northwest Railway to increase the total warning time for users at the crossing from 32 to 40 seconds. The Petitioner states that during heavy traffic times, cars do not always properly clear the crossing before the crossing gates descend. This upgrade will improve the overall safety at the crossing because all vehicles will consistently clear the crossing before the gates lower.
- 3 SR-202 is a three lane roadway with a posted speed limit of 30 miles per hour. Average daily traffic through the crossing is estimated at 11,060 which includes commercial motor vehicles and six school buses. No freight trains operate over the crossing. Northwest Railway operates seasonally over the crossings with most operations on Saturdays and Sundays, April through October. Northwest Railway plans to extend passenger service in the future with a goal of operating all year round.

4 The Washington State Department of Transportation, the road authority, consented to entry of an Order by the Commission without further notice or hearing.

5 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 \$42,300. The City of North Bend is waiving \$9,000 in user fees for the project and the City of Redmond is donating crossing tubs. The Petitioner has committed to pay costs in excess of \$20,000. An expenditure of \$20,000 from the Grade Crossing Protective Fund is available to help fund the improvements.

FINDINGS AND CONCLUSIONS

- 6 (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.
- 7 (2) The grade crossing at State Route 202/Bendigo Street, identified as USDOT 092040A, is a public railroad-highway grade crossing within the state of Washington.
- 8 (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.
- 9 (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.
- 10 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 11 (6) After reviewing Northwest Railway's petition filed on October 4, 2012, 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:

- 12 The Northwest Railway Museum's petition to modify a railroad-highway grade crossing, located at State Route 202/Bendigo Street, is granted. A portion of 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) The Northwest Railway Museum must sign and return the attached project agreement by November 30, 2012.
 - (4) The project must be completed no later than March 1, 2013.
 - (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) The Northwest Railway Museum 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 18, 2012.

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).