

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Petition of	)	
	)	
THE BURLINGTON NORTHERN AND	)	DOCKET NO. TR-970866
SANTA FE RAILWAY COMPANY	)	
	)	ORDER GRANTING PETITION
For Modification of Order Regulating the	)	TO VACATE ORDERS SETTING
Speed of Passenger and Freight Trains in	)	TRAIN SPEED LIMITS IN
Winlock, Washington	)	WINLOCK
.....	)	

**BACKGROUND**

- 1 The Burlington Northern and Santa Fe Railway Company (Railroad) requests that orders regulating the speed of passenger and freight trains in Winlock be vacated to permit the Railroad to set the maximum limits at those allowed by the Federal Railroad Administration (FRA).
  
- 2 The Railroad owns the tracks involved in this petition. The Railroad operates freight trains on its tracks. The National Railroad Passenger Corporation (Amtrak) operates passenger trains on the tracks controlled by the Railroad. The Railroad sets the actual operating speeds for freight trains and the maximum speeds for all trains using its tracks. Amtrak sets the actual operating speeds for passenger trains within the maximum limits approved by the Railroad. The Union Pacific Railroad also operates freight trains on the tracks at the speeds set for Railroad's trains.
  
- 3 The Commission is authorized to set speed limits for trains under RCW 81.48.030 and 81.48.040 commensurate with the hazards presented and the practical operation of the trains. However, because the Federal Railroad Administration (FRA) has promulgated speed limits for trains at 49 CFR Sec. 213.9, federal law limits the Commission's authority to issue or maintain in effect train speed orders to situations in which an additional or more stringent order is necessary to eliminate or reduce an essentially local safety hazard; the order is not incompatible with a law, regulation, or order of the United States government; and the order does not unreasonably burden interstate commerce (49 U.S.C. §20106). The Commission may also limit train speeds at the request or agreement of the Railroad.
  
- 4 The Commission previously set speed limits in the city of Winlock for freight trains in docket T-7813 (setting freight train speed limits at 50 mph) and for passenger trains in docket TR-2251 (setting passenger train speed limits at 75 mph from the

5 south corporate limits to Mile Post 71.7, and 50 mph from Mile Post 71.7 to the north  
corporate limits). The speed limits set by the FRA for the class of tracks maintained  
through Winlock are 60 mph for freight trains and 79 mph for passenger trains.

6 Commission Staff investigated the conditions in Winlock as they relate to the  
proposed speed limits. Identified safety problems at Walnut and Campbell Streets  
were corrected by a joint project of the Railroad, the Washington State Department of  
Transportation, and the city of Winlock. No other evidence of essentially local safety  
hazards was identified or brought to Staff's attention.

### **FINDINGS**

7 The Commissioners, having reviewed the petition and being fully advised in the  
matter, find that no essentially local safety hazards exist within the city limits of  
Winlock for passenger train speeds of 79 mph and freight train speeds of 60 mph.  
The Commission finds that it is in the public interest to grant the petition and vacate  
previous speed limit orders in the city of Winlock. However, the Railroad should be  
required to notify the Commission in writing at least 90 days before increasing speeds  
above 79 mph for passenger trains and 60 mph for freight trains so that Commission  
Staff can investigate conditions in Winlock with city officials to determine whether an  
essentially local safety condition exists for the higher speeds proposed by the  
Railroad.

### **ORDER**

#### THE COMMISSION ORDERS:

8 The petition of the Railroad is granted. Existing Commission orders pertaining to  
train speed limits in the city of Winlock are vacated.

9 The Railroad shall notify the Commission in writing at least 90 days before increasing  
speeds above 79 mph for passenger trains and 60 mph for freight trains.

DATED at Olympia, Washington, and effective this 13th day of June 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner