

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

TOPPENISH SIMCOE AND	)	DOCKET NO. TR-020796
WESTERN RAILROAD,	)	
	)	ORDER NO. 02
Petitioner,	)	
	)	ORDER AMENDING ORIGINAL
v.	)	ORDER TO REFLECT CHANGES TO
	)	THE TYPE WARNING DEVICES TO
YAKIMA COUNTY,	)	BE INSTALLED AT THE MEDICINE
	)	VALLEY ROAD RAILROAD-
Respondent.	)	HIGHWAY GRADE CROSSING
.....	)	

**BACKGROUND**

*1*    On July 30, 2002, the Commission entered an order approving a petition filed by the Toppenish Simcoe and Western Railroad (TSWRR), seeking approval to establish a railroad-highway grade crossing at the intersection of Medicine Valley Road and petitioner's tracks in Yakima County, Washington. On December 12, 2003, Yakima County, as owner of the TSWRR, filed a written request to amend the Order to reflect a change to the type of warning devices to be installed at the grade crossing. The petition, Order, and amendment request are all filed under Docket TR-020796.

*2*    Section 12 (a) of the petition filed by TSWRR on June 20, 2002, stated that warning devices at the crossing would consist of "automatic flashing light traffic control devices, shoulder-mount type, with gates and train activation devices." The Commission Order approving the petition was based on the language in the petition and specified that these devices were to be installed at the crossing. After examining the Order, Yakima County realized that the petition and Order did not reflect the intentions of either the County or TSWRR when petitioning for the new crossing, and that the inclusion of the language indicating that active warning devices would be installed was erroneous. The parties intended for the crossing to be protected with passive devices only, including standard crossbuck

signs and advance warning signs. The request to amend the Order seeks to correct this error and specify the original intent of the parties.

- 3 The primary factors that determine the appropriate level of warning at railroad-highway grade crossings include the amount of highway and rail traffic, rail and roadway speeds, and available sight distance for motorists. Medicine Valley Road is a local access road that primarily serves a lumber processing facility immediately northwest of the grade crossing. Average daily traffic across the grade crossing is approximately 150 vehicles, most of which is either entering or exiting the mill facility. Train traffic through the crossing is limited to four trips per day, including two “shove” moves. During the shove moves, train crews manually flag their train across Medicine Valley Road. Finally, sight distance at the crossing is not obscured by any structures or vegetation. For these reasons, Yakima County requests that the crossing be allowed by the Commission to be established as a passive crossing (i.e. without automatic warning signals).
- 4 After investigation and review of Yakima County’s request, Commission Staff concurs that passive devices would constitute an appropriate level of warning relative to the physical and operational characteristics of the Medicine Valley Road grade crossing.

### 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. *Chapter 81.53 RCW.*
- 6 (2) The proposed grade crossing constitutes a public railroad-highway grade crossing within the state of Washington, as defined in RCW 81.53.010.

- 7 (3) RCW 81.53.030 requires that the Commission grant approval prior to establishing new public railroad-highway grade crossings within the state of Washington.
- 8 (4) Commission Staff investigated Yakima County's request to amend the Order in TR-020796 and recommended that it be granted, subject to specified conditions.
- 9 (5) This matter was brought before the Commission at its regularly scheduled meeting on December 31, 2003.
- 10 (6) After examination of the request filed by Yakima County on December 12, 2003, and giving consideration to all relevant matters and for good cause shown, the Commission grants the request.

## O R D E R

### THE COMMISSION ORDERS:

- 11 The Order filed in TR-020796 on July 30, 2002 approving the petition of the Toppenish Simcoe and Western Railroad to establish a railroad-highway grade crossing, located at the intersection of Medicine Valley Road and the petitioner's tracks, in Yakima County, Washington, is hereby amended to exclude all requirements and conditions related to the installation of active warning devices, subject to the following conditions:

- (1) The Toppenish Simcoe and Western Railroad must notify the Commission at least 30 days prior to any changes in the frequency or speed of rail operations through the Medicine Valley Road grade crossing so that Commission Staff may re-evaluate the appropriateness of the warning devices relative to any changes.

- (2) All requirements and conditions from the original Order in TR-020796, except those related to the installation of active warning devices, remain applicable.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 31<sup>st</sup> day of December, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary