

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

TACOMA RAIL,	)	DOCKET NO. TR-041469
	)	
Petitioner,	)	ORDER NO. 01
	)	
v.	)	ORDER GRANTING PETITION TO
	)	UPGRADE RAILROAD WARNING
PIERCE COUNTY,	)	DEVICES AT ORTING-KAPOWSIN
	)	HIGHWAY
Respondent.	)	
	)	USDOT: 397148E
	)	WUTC: 20G 23.05
.....	)	

**BACKGROUND**

- 1     On August 13, 2004, Tacoma Rail filed a petition with the Commission, seeking approval to upgrade warning devices at a railroad-highway grade crossing. The crossing is located at the intersection of Orting-Kapowsin Highway and the petitioner’s tracks, in the SW ¼ of the SE ¼ of Section 36, Township 18 N., Range 4 E., W.M., in Pierce County, Washington. Funding for the upgrades is pursuant to the Inter-modal Surface Transportation Efficiency Act, in cooperation with the Washington State Department of Transportation.
- 2     Respondent has consented to an entry of an Order by the Commission without further notice or hearing.
- 3     In the vicinity of the crossing, Orting-Kapowsin Highway is classified as a collector roadway, with one lane for each direction of traffic and a vehicle speed limit of 45 mph. The roadway crossing the Tacoma Rail tracks at an acute angle, and both approaches consist of roadway curves. Sight distance at the crossing is diminished by vegetation, the roadway curves, and the crossing angle. Average daily traffic through the crossing is estimated at 2,650 vehicles, including school bus and truck traffic.

- 4 Petitioner maintains one mainline track through the crossing. Average daily train traffic includes two freight trains, traveling at a maximum speed of 20 mph. Daily train traffic is expected to increase to four by 2006.
- 5 Warning devices at the crossing consist of crossbucks only. Petitioner seeks to install shoulder-mounted flashing light signals with gates. The upgrades are proposed in the interest of improving safety for roadway users.

### 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. *Chapter 81.53 RCW.*
- 7 (2) The Orting-Kapowsin Highway grade crossing, identified as USDOT 397148E, is a public railroad-highway grade crossing within the state of Washington.
- 8 (3) RCW 81.53.261 requires that the Commission grant approval prior to a change in the method and manner of traffic control at public railroad-highway grade crossings within the state of Washington.
- 9 (4) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 10 (5) This matter was brought before the Commission at its regularly scheduled meeting on September 8, 2004.
- 11 (6) After examination of the petition filed by Tacoma Rail on August 13, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

## ORDER

### THE COMMISSION ORDERS:

12 The petition of Tacoma Rail to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of Orting-Kapowsin Highway and the petitioner's tracks, in Pierce County, Washington, is granted, subject to the following conditions:

- (1) The upgrades must conform to the plans filed in this proceeding.
- (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) Traffic control devices and instrument housing must be installed in such a manner as to provide required clearances from both the roadway and railroad tracks.
- (4) Upon completion of the upgrades authorized herein, petitioner must notify the Commission. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.261, directed the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 8<sup>th</sup> day of September, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary