

including 170 trucks and 10 school bus trips. Average daily traffic is expected to reach 2,468 by 2030.

4 Petitioner maintains one mainline track through the crossing. Average daily train traffic includes four freight trains, traveling at a maximum speed of 25 mph.

5 Warning at the crossing consists of minimum passive devices. Petitioner seeks to upgrade the existing devices by installing shoulder-mounted signals with gates. The plans filed in this proceeding indicate that the signal in the southeast quadrant will be protected by guardrail. The improvements 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 Curtis Street grade crossing, identified as USDOT 099255X, 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 29, 2004.

11 (6) After examination of the petition filed by the Toppenish Simcoe and Western Railroad Company on September 10, 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 the Toppenish Simcoe and Western Railroad Company to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of Curtis Street and the petitioner's tracks, in Yakima 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 29th day of September, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary