

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

In the Matter of the Petition of)	DOCKET TR-110412
)	
TACOMA RAIL,)	ORDER 01
)	
Petitioner,)	ORDER GRANTING PETITION TO
)	UPGRADE WARNING DEVICES AND
)	AUTHORIZING EXPENDITURE FROM
)	THE GRADE CROSSING PROTECTIVE
)	FUND
Seeking Approval to Upgrade Signals)	
at a Railroad-Highway Grade Crossing)	USDOT: 396674N
.....)	

BACKGROUND

- 1 On March 3, 2011, Tacoma Rail (Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to modify active warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT 396674N and is located at the intersection of 99th Street East and the Petitioner’s tracks in the City of Tacoma. 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 99th Street East consist of shoulder mounted flashing lights with DC track circuits train detection. The Petitioner proposes to replace the obsolete incandescent lights with 12 inch LED type lights and replace the bungalow which is complete with motion sensing train detection. Tacoma Rail will also add pedestrian bells to both signal masts and replace the cross-bucks. These upgrades will improve the overall safety at the crossing because motorists and pedestrians can rely on these active warning devices to determine if a train is approaching the crossing. The LED flashing lights will provide greater visibility for the motoring public.
- 3 99th Street East is a two-lane roadway, with one lane in each direction and a posted speed limit of 35 miles per hour. Average daily traffic through the crossing is estimated at 3,375.
- 4 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 \$27,095. Tacoma Rail will be responsible for all costs over \$20,000. Commission Staff is facilitating the use of surplus state equipment provided by the Washington State Department of Transportation at this

crossing which includes the bungalow. Tacoma Rail is providing the motion sensing train detection which will be installed in the new bungalow. An expenditure of \$20,000 from the Grade Crossing Protective Fund is available to help fund the improvements.

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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. *RCW 81.53; RCW 81.53.271; RCW 81.53.281.*
- 6 (2) The grade crossing at the 99th Street East, identified as USDOT 396674N, is a public railroad-highway grade crossing within the state of Washington.
- 7 (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.*
- 8 (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.
- 9 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 10 (6) After reviewing Tacoma Rail's petition filed on March 3, 2011, 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:

- 11 Tacoma Rail's petition to upgrade warning devices at a railroad-highway grade crossing, located at the 99th Street East, is granted. 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) Tacoma Rail must sign and return the attached project agreement.
- (4) The project must be completed no later than June 15, 2011.
- (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) Tacoma Rail 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 March 9, 2011.

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).