

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Petition of	)	
	)	DOCKET NO. TR-970861
THE BURLINGTON NORTHERN	)	
AND SANTA FE RAILWAY	)	ORDER GRANTING PETITION TO
COMPANY	)	VACATE ORDERS SETTING
	)	TRAIN SPEED LIMITS
For Modification of Order Regulating	)	
the Speed of Passenger and Freight	)	
Trains in Bucoda, Washington	)	
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**BACKGROUND**

1 The Burlington Northern and Santa Fe Railway Company (Railroad) requests that orders regulating the speed of passenger and freight train speeds in Bucoda 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 also operates freight trains on the tracks within speed limits 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 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 Bucoda for freight trains in Docket T-7814 (65 mph for freight trains and 70 mph for passenger trains). The speed limits set by the FRA for the class of tracks maintained through Bucoda are 60 mph for freight trains and 79 mph for passenger trains.

Commission staff investigated the conditions in Bucoda as they relate to the proposed speed limits. Identified safety problems included a pedestrian crossing at a curve with restricted sight distance used by small children, and false activations at the city's only road crossing. The Railroad and Puget Sound Energy worked together to eliminate the false activation problem. The Washington State Department of Transportation constructed a sidewalk and fenced the right-of-way to prevent further use of the pedestrian crossing. No other safety concerns were identified or brought to Staff's attention.

### FINDINGS

5 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 Bucoda 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 Bucoda on the condition that the Railroad notify the Commission in writing at least 90 days before increasing speeds above 79 mph for passenger trains and 60 mph for freight trains. The Secretary is directed to enter this order.

### ORDER

6 THE COMMISSION GRANTS the petition of the Railroad to vacate existing Commission orders pertaining to train speed limits in the city of Bucoda.

7 THE COMMISSION ORDERS That the Railroad 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 22nd day of August, 2001.

THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*Paul Cune*  
for CAROLE J. WASHBURN, Secretary