

# Meeker's Report #3

concerning limited operation of the spur track and concerning operation of the main line track prior to completion and commencement of operation of the 134th Avenue East flashing lights grade crossing signal system

**Prepared February 15, 2011**

Covering the period from January 30, 2011 through February 12, 2011

I, James Forgette, the Operations Manager for Meeker Southern Railroad, hereby certify that the (a) the data in the enclosed one-page crossing spreadsheet and (b) the comments in the enclosed VERIFICATION OF COMPLIANCE WITH TABLE 2 are true and correct to my best knowledge and belief.

 2-15-11  
James Forgette Date

**Meeker Southern Railroad  
 Log for 134th Ave. E Spur crossing and Mainline crossing  
 For January 30, 2011 through February 12, 2011**

<u>Date</u>	<u>Time</u>	<u>Track</u>	<u>Direction</u>	<u>Destination</u>	<u>Length (ft)</u>	<u>Train Components</u>
1/31/2011	10:04 AM	main	west	mainline/spur switch		
	10:05 AM	spur	east	Sound Delivery	50	engine
	10:09 AM	spur	west	mainline/spur switch	100	engine + 1 car
	10:10 AM	main	east	mainline east of 134th		
	10:15 AM	main	west	BNSF interchange		
	10:45 AM	main	east	siding east of 134th		
2/7/2011	9:45 AM	main	west	BNSF interchange		
	10:20 AM	main	east	Sound Delivery		
2/9/2011	12:15 PM	main	west	BNSF interchange		
	12:40 PM	main	east	Optimus Transport		
	1:00 PM	main	west	BNSF interchange		
	1:35 PM	main	east	locomotive pen		

end report

# CERTIFIED PAYROLL REPORT

For the week ending:		Meeker Southern Railroad Flagging Personnel								
Month	Day	Year	134th Avenue East & Pioneer Way East Rail Crossing							
			Day and Date (e.g. 10/10/11)							
Name and Address of Employee			Sun	Mon	Tues	Wed	Thu	Fri	Sat	Total Hrs
			30	31	1	2	3	4	5	
1 Jim Rose			Hours Worked Each Day (e.g. 9:00 AM - 3:00 PM)							
			10:04 AM 11:10 AM							
2 Sharon Ward										1 1/4
3										
4										
5										
Today's Date:			Printed name of party signing this report:					Title:		
2-14-2011			Christy Tuttle					Payroll Clerk		
The party signing this report pays or supervises the payment of the persons employed by:			(Name of Flagging Company) Asphalt Patch Systems Inc							
Project Name:			For the week starting:				For the week ending:			
134 Av E Railroad Crossing			January 30, 2011				February 5, 2011			
<b>The party signing below declare under penalty of perjury that all information contained in this Certified Payroll Report is correct and complete and that all persons hold a current certified flagging card.</b>										
Print name of party signing this report:			Title:				Signature:			
Christy Tuttle			Payroll				Christy Tuttle			

# CERTIFIED PAYROLL REPORT

For the week ending:		Meeker Southern Railroad Flagging Personnel						
Month	Day	Year						
2	12	11						
Name and Address of Employee		134th Avenue East & Pioneer Way East Rail Crossing						
		Day and Date (e.g. 10/10/11)						
		Sun	Mon	Tues	Wed	Thu	Fri	Sat
		6	7	8	9	10	11	12
		Hours Worked Each Day (e.g. 9:00 AM - 3:00 PM)			Total Hrs			
1	JIM ROSE	9:45 AM 12:10	12:14 PM 1:50					4
2	SHARON WARD	9:45 AM 12:10	12:14 PM 1:50					4
3								
4								
5								
Today's Date:		Printed name of party signing this report:		Title:				
2-14-2011		Christy Tuttle		Payroll				
The party signing this report pays or supervises the payment of the persons employed by:		(Name of Flagging Company)						
Project Name:		Asphalt Patch Systems Inc						
134 Av E Railroad Crossing		For the week starting:		For the week ending:				
		Feb 6, 2011		Feb 13, 2011				
<p><b>The party signing below declare under penalty of perjury that all information contained in this Certified Payroll Report is correct and complete and that all persons hold a current certified flagging card.</b></p>								
Print name of party signing this report:		Title:		Signature:				
Christy Tuttle		Payroll		Christy Tuttle				

**Portion of Meeker's Report #3 dated February 15, 2011  
VERIFICATION OF COMPLIANCE WITH TABLE 2**

(a table attached as Exhibit B to WUTC Order 03, which table sets forth "Special Requirements and Operational Limitations Concerning Meeker Southern Railroad's Crossings of 134th Avenue East Via the Mainline and Recently Installed Spur Track Prior to Completion and Commencement of Operation of the Planned Flashing Lights Crossing Signal System")

Requirement/ Limitation #	Description of Requirement/Limitation	Comments
1	Average number of days per week that the spur track will be used for crossings of 134th: <b><u>3 days</u></b>	<p>The period covered by Meeker's Report #3 is Sunday January 30, 2011 through Saturday, February 12, 2011 (a 2-week period). During the week ending Saturday, February 5, 2011, the spur was used for crossings on one day (January 31). During the week ending Saturday, February 12, 2011, the spur was not used for crossings or any other purpose. Thus, <b>the average number of days per week that the spur track was used during the reporting period is calculated as follows:</b></p> $\frac{1 \text{ day}}{2 \text{ weeks}} = 0.50 \text{ day per week}$ <p><b>That is less than the subject limitation.</b></p>
2	Maximum number of crossings per day that the spur track may be used for crossings of 134th: <b><u>4</u></b>	As Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For January 30, 2011 through February 12, 2011" shows, <b>(a) 2 crossings of 134th along the spur track occurred on January 31, 2011 and (b) no crossings of 134th along the spur track occurred on any of the other days in the above time frame.</b>
3	Hours during the day that spur crossings will be limited to: <b><u>9:00 AM to 3:00 PM</u></b>	As Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For January 30, 2011 through February 12, 2011" shows, <b>all spur crossings occurred between the hours of 9:00 AM to 3:00 PM.</b>
4	Maximum number of train cars per train to be operated through the spur crossing: <b><u>3 cars plus an engine</u></b>	As Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For January 30, 2011 through February 12, 2011" shows, <b>the maximum number of train cars per train operated through the spur crossing was 1 car plus an engine.</b>
5	Traffic flagging of 134th Avenue East on the north and south sides of the	During the period of Sunday, January 30, 2011 through Saturday, February 12, 2011, traffic flagging of 134th Avenue East on the north and

	<p>crossing must be performed in accordance with WAC 296-155-305 by certified flaggers provided by Meeker during all train crossings of 134th via either the spur track or the main line track.</p>	<p>south sides of the crossing was performed by certified flagger James L. Rose and Washington State Traffic Control Supervisor Sharon K. Ward, who are employees of Asphalt Patch Systems, Inc. (a third-party company providing flagging services to Meeker) during all train crossings of 134th via either the spur track or the main line track.</p>
<p>6</p>	<p>Meeker will be required to submit to Commission Staff and to Public Works a report (which may be submitted by email), due on the 1st and 15th day of each month, containing the following information verifying compliance with the conditions in this Table 2:</p> <ul style="list-style-type: none"> <li>a. Daily number of trains crossing 134<sup>th</sup> Avenue East on the spur track, their length, and the date and time of each crossing.</li> <li>b. Daily number of trains crossing 134<sup>th</sup> Avenue East on the mainline track, and the date and time of each crossing.</li> <li>c. Certified Payroll Reports (in conformance with the form proposed by Pierce County in its December 30, 2010 response to Meeker's Motion to Amend Order 01) listing the flaggers controlling traffic at the 134<sup>th</sup> Avenue East crossing, and showing the dates and times worked by each flagger.</li> </ul>	<ul style="list-style-type: none"> <li><b>a. Data regarding the daily number of trains crossing 134<sup>th</sup> Avenue East on the spur track, their length, and the date and time of each crossing is set forth on Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For January 30, 2011 through February 12, 2011"</b></li> <li><b>b. Data regarding the daily number of trains crossing 134<sup>th</sup> Avenue East on the mainline track, and the date and time of each crossing is set forth on Meeker's accompanying "Log for 134th Ave. E Spur crossing and Mainline crossing For January 30, 2011 through February 12th, 2011"</b></li> <li><b>c. Two Certified Payroll Reports (one for each week of this reporting period) are included as a part of this Report #3.</b></li> </ul>