

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

In The Matter of the Petition of	)	DOCKET TR-070942
)	
CENTRAL WASHINGTON	)	ORDER 01
RAILROAD,)	
)	
Petitioner,	)	ORDER GRANTING PETITION TO
	)	UPGRADE SIGNALS, AUTHORIZING
	)	EXPENDITURE FROM THE GRADE
	)	CROSSING PROTECTIVE FUND, AND
	)	GRANTING RULE WAIVER TO
	)	ALLOW FOR ADVANCE PAYMENT
Seeking Approval to Upgrade Obsolete)	
Motion Sensor Units and Replace	)	USDOT: 098470F
Existing Flashing Light Heads	)	WUTC: 48C3.10
.....)	

BACKGROUND

- 1 On May 14, 2007, Central Washington Railroad filed a petition with the Commission, seeking approval to upgrade obsolete motion sensor units and replace existing flashing light heads. The crossing is identified as USDOT 098470F and located at Terrace Heights Road and the petitioner’s tracks in Yakima County, Washington. The petitioner further requests the Commission to authorize expenditure from the Grade Crossing Protective Fund to pay for the upgrades and approve advance payment for materials. The petitioner requests \$19,497 in advance payment for materials.
- 2 The current motion sensor unit at Terrace Heights Road is obsolete and has reached its useful life. A new motion sensor unit will provide reliable train detection and will eliminate false activations of the warning system. The petitioner proposes to upgrade the motions sensor and replace the existing flashing light heads with retrofit LED type light assemblies. The upgrades will improve the crossing by providing greater visibility to the motoring public.
- 3 Petitioner requests that Grade Crossing Protective Fund monies be allocated to pay for the upgrades. The total approximate cost of the project is \$20,997. The petitioner further requests an advance payment of \$19,497 to pay for materials and partial labor. GCPF funding for the current fiscal period expires on June 30, 2007. This means the project must be completed by that date. The petitioner is not able to purchase and install the upgraded equipment by June 30 without advance payment for the materials.

4 The petitioner will pay all costs above the GCPF grant amount of \$20,000. An
expenditure of \$20,000, with an advance payment of \$19,497, is available from the Grade
Crossing Protective Fund to pay for 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. *RCW 81.53*.
- 6 (2) The Terrace Heights Road grade crossing, identified as USDOT 098740F, is a
public railroad-highway grade crossing within the state of Washington.
- 7 (3) WAC 480-62-150 (2)(a) requires that the Commission grant approval prior to any
changes to signals at public railroad-highway grade crossings within the state of
Washington.
- 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.
- 9 (5) The petitioner requests advance payment for materials. WAC 480-62-420(4)
requires verification that the project is complete before the Commission will
disburse grant funds. WAC 480-62-140 provides for exemption from rules in
WAC 480-62 when doing so is consistent with the public interest, the purpose of
underlying regulation, and applicable statutes.
- 10 (6) Commission Staff investigated the petition and recommended that it be granted,
subject to specified conditions and that the Commission grant an exemption to
WAC 480-62-420(4) to allow advance payment for materials.
- 11 (7) This matter was brought before the Commission at its regularly scheduled meeting
on May 23, 2007.
- 12 (8) After examination of the petition filed by the Central Washington Railroad on
May 14, 2007, and giving consideration to all relevant matters and for good cause
shown, the Commission grants the petition and finds it is in the public interest and

consistent with the purpose of underlying regulation and applicable statutes to grant an exemption to WAC 480-62-420(4).

ORDER

THE COMMISSION ORDERS:

13 The petition of the Central Washington Railroad to upgrade signals at a railroad-highway grade crossing, located at Terrace Heights Road and the petitioner's tracks in Yakima County, Washington, 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) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (3) An exemption to WAC 480-62-420(4) is granted. The request for advance payment of up to \$19,497 for materials is approved upon receipt by the Commission of acceptable written proof that materials have been ordered.
- (4) Payment of the remaining balance of \$503 will be made upon presentation of claim for reimbursement for costs incurred and verification by Commission Staff that the work has been satisfactorily completed.
- (5) The applicant sign and return the enclosed Project Agreement.

The Commissioners, having determined that this filing complies with the requirements of WAC 480-62-150, RCW 81.53.030, and RCW 81.53.271 directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective May 23, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary