

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

In the Matter of the Petition of	)	DOCKET TR-072330
	)	
EASTERN WASHINGTON	)	ORDER 01
GATEWAY RAILROAD,	)	
	)	ORDER GRANTING PETITION TO
Petitioner,	)	UPGRADE WARNING DEVICES,
	)	MODIFY TRAIN DETECTION
v.	)	CIRCUITRY AND AUTHORIZING
	)	EXPENDITURE FROM THE GRADE
CITY OF WILBUR,	)	CROSSING PROTECTIVE FUND
	)	
Respondent.	)	USDOT: 066074B
.....	)	UTC: 51A74.40

**BACKGROUND**

- 1     On November 30, 2007, Eastern Washington Gateway Railroad (EWGRR or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to install an upgraded bungalow which includes style C train detection circuitry, upgrade the flashing lights with 12” lenses and replace all underground cable runs for light and track circuits at a railroad-highway grade crossing. The crossing is identified as USDOT 066074B and is located at the intersection of Division Street and the Petitioner’s tracks in the City of Wilbur. 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     On November 29, 2007, the City of Wilbur consented to entry of an Order by the Commission without further notice or hearing.
- 3     Railroad warning devices at the intersection of Division Street and the petitioner’s tracks in Lincoln County, Washington consist of 8” shoulder mounted flashing lights. The Petitioner proposes to install 12” lenses and upgrade the train detection circuitry from DC to style C. These upgrades will improve the overall safety at the crossing because motorists and pedestrians can more readily see the larger flashing lights and rely on the upgraded active warning devices to determine if a train is approaching the crossing.
- 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 \$34,445.55. Washington State Department of Transportation (WSDOT) has committed to pay costs in excess of

\$20,000. Commission staff is facilitating the use of surplus equipment at this crossing which was provided by WSDOT. The use of surplus equipment is reducing the overall project costs. 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 intersection of Division Street and the petitioner's tracks in Lincoln County, Washington, identified as USDOT 066074B, 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 EWGRR's petition filed on November 30, 2007, 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 Eastern Washington Gateway Railroad's petition to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of Division Street and the petitioner's tracks in Lincoln 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) 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) Eastern Washington Gateway Railroad must sign and return the attached project agreement.
- (4) The project must be completed no later than December 30, 2008.
- (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) Eastern Washington Gateway Railroad 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 have delegated authority to the Executive Secretary to enter this Order pursuant to [RCW 80.01.030](#) and [WAC 480-07-904\(\(1\)\(a\)\)](#).

DATED at Olympia, Washington, and effective April 10, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary