

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CENTRAL WASHINGTON
RAILROAD,

Petitioner,

Seeking Approval to Upgrade Signals
at a Railroad-Highway Grade Crossing

DOCKET TR-160398

ORDER 01

ORDER GRANTING PETITION TO
MODIFY HIGHWAY-RAIL GRADE
CROSSING ACTIVE WARNING
DEVICES AT TEAR ROAD AND
AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT: 098601G

BACKGROUND

- 1 On April 8, 2016, the Central Washington Railroad (CWR or 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 098601G and is located at the intersection of Tear Road and the Petitioner's tracks in Yakima county. The Petitioner further requested the Commission authorize an expenditure of \$8,900 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the cost of the upgrades.
- 2 Tear Road is a two-lane roadway with a posted speed limit of 25 miles per hour. Average annual daily vehicle traffic through the crossing is estimated at 69 vehicles. Tear Road is part of an established school bus route with 14 buses traveling over the crossing daily. The crossing is not part of an established truck route. Two freight trains operate at 25 miles per hour over this single mainline track crossing per day. No passenger trains operate over the crossing.
- 3 Railroad warning devices at the Tear Road crossing consist of cantilever-mounted flashing lights, gates, crossbucks, a pedestrian warning bell, advance warning signs, and motion sensor train detection. The Petitioner proposes to upgrade the existing incandescent flashing lights to LEDs and to replace batteries and battery chargers.
- 4 Commission Staff reviewed the proposed upgrades and recommends approval of the project. The upgrades to LED flashing lights will improve the overall safety at the

crossing by providing greater visibility for the motoring public and pedestrians. The new batteries and chargers will improve reliability if there is a power failure at the crossing.

- 5 The total approximate cost of the project is \$8,900. The Petitioner is contributing labor toward the cost of the upgrades and is responsible for any additional project costs. An expenditure of \$8,900 from the Grade Crossing Protective Fund is available to help fund the improvements.

FINDINGS AND CONCLUSIONS

- 6 (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.
- 7 (2) The grade crossing at Tear Road, identified as USDOT 098601G, is a public railroad-highway grade crossing within the state of Washington.
- 8 (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.
- 9 (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.
- 10 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 11 (6) After reviewing CWR's petition filed on April 8, 2016, 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:

12 Central Washington Railroad's petition to upgrade warning devices at a railroad-highway grade crossing, located at Tear Road, 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 \$8,900.
- (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) CWR must sign and return the attached project agreement.
- (4) The project must be completed no later than April 1, 2017.
- (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) CWR 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 Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective April 27, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVEN V. KING, 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 website 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 website.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).