#### BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of	)	DOCKET TR-931229
	)	
CITY OF VANCOUVER,	)	ORDER 02
	)	
Petitioner.	)	ORDER RESCINDING THE APPROVAL
	)	TO INSTALL R15-3 "EXEMPT"
	)	CROSSING SIGNS AT A PUBLIC
To Rescind the Approval to Install	)	HIGHWAY-RAIL GRADE CROSSING
Exempt Signs at a Public Highway-Rail	)	AT COLUMBIA WAY
Grade Crossing	)	
	)	USDOT 917959S
	)	

### BACKGROUND

- On June 10, 2010, Substitute Senate Bill 6213, passed by the 2010 Legislature and signed into law by the Governor, became state law. Revised Code of Washington (RCW)
  46.61.350 substantially expanded the number of highway-rail grade crossings where certain commercial motor vehicles are required to stop, listen, and look for approaching trains and signals indicating the approach of a train. The primary reason for the law was to make Washington State law consistent with the Code of Federal Regulations (CFR) relating to commercial motor vehicle operators.
- Both state law and the CFR contain some exceptions to the stopping requirements. The exception in the law pertinent to the Washington Utilities and Transportation Commission (Commission) states that certain commercial vehicles are not required to stop at any railroad grade crossing where the Commission has approved installation of an "exempt" sign in accordance with the procedures and standards under RCW 81.53.060. The Commission has approved installation of exempt crossing signs at highway-rail grade crossings around the state, including the Columbia Way crossing.
- 3 To ensure that exempt status is still appropriate, Commission staff is reviewing all Orders where the Commission previously approved the installation of exempt crossing signs at highway-rail grade crossings.
- 4 On October 11, 1993, the City of Vancouver filed a petition with the Commission seeking approval to install exempt crossing signs at a highway-rail grade crossing. The crossing is identified as USDOT 917959S and is located at the intersection of Columbia Way and tracks owned and operated by Columbia Business Center in the city of Vancouver, Washington.

- 5 On November 10, 1993, the Commission issued an Order, under docket TR-931229 approving the petition for installation of exempt crossing signs at the Columbia Way highway-rail grade crossing.
- During staff's recent review of highway-rail grade crossings approved by the Commission for exempt status, staff determined that the location of the Columbia Way crossing is within the city of Vancouver which is designated as a First Class city per RCW 81.53.240. The Commission has jurisdiction over public-highway rail grade crossings within the state of Washington except at public crossings located within the boundaries of a First Class city such as Vancouver. First Class cities have independent authority to authorize the installation of exempt signs at crossings within their boundaries.

### FINDINGS AND CONCLUSIONS

- 7 (1) The Washington Utilities and Transportation Commission is an agency of the state of Washington having jurisdiction over public highway-rail grade crossings located outside the boundaries of First Class cities within the state of Washington. Chapter 81.53 RCW.
- 8 (2) The Columbia Way highway-rail grade crossing is a public crossing located within the boundaries of a First Class city within the state of Washington.
- 9 (3) Commission staff investigated the appropriateness of the exempt status at the Columbia Way highway-rail grade crossing and recommended that it be rescinded because the highway-rail grade crossing is located within the city of Vancouver which is designated a First Class city. The Commission does not have authority to authorize the installation of exempt signs at highway-rail grade crossing located with First Class cities.
- (4) After examination of the petition filed by the City of Vancouver on October 11, 1993, under TR-931229 and approved by the Washington Utilities and Transportation Commission on November 10, 1993, and giving consideration to all relevant matters and for good cause shown, the Commission rescinds Order 01 authorizing the installation of exempt signs at the Columbia Way crossing.

# ORDER

### THE COMMISSION ORDERS:

- 11 The Commission's Order under docket TR-931229 authorizing the City of Vancouver to install R15-3 exempt signs a railroad-highway grade crossing at Columbia Way and Columbia Business Center's tracks in the City of Vancouver, is rescinded, as follows:
  - (1) The Columbia Way highway-rail grade crossing is located within the city of Vancouver and is designated a First Class city. The Commission does not have authority to authorize the installation of exempt signs at highway-rail grade crossing located with First Class cities.
  - (2) The City of Vancouver should remove the R15-3 exempt signs at the Columbia Way and Columbia Business Center's railroad-highway grade crossing within 60 days from the effective date of this order, unless the City of Vancouver exercises its independent authority to maintain exempt signs at the crossing.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective April 11, 2013.

## WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Acting Executive Director and Secretary