

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

NORTHWEST RAILWAY MUSEUM

Petitioner,

Seeking Approval to Upgrade Signals
at a Highway-Rail Grade Crossing and
Requesting Disbursement from the
Grade Crossing Protective Fund

DOCKET TR-190689

ORDER 01

GRANTING PETITION TO MODIFY
ACTIVE WARNING DEVICES AT A
PUBLIC HIGHWAY-RAIL GRADE
CROSSING AT STATE ROUTE 202
AND AUTHORIZING EXPENDITURE
FROM THE GRADE CROSSING
PROTECTIVE FUND

USDOT: 092040A

BACKGROUND

- 1 On August 15, 2019, the Northwest Railway Museum (Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to modify active warning devices at a highway-rail grade crossing (Petition). The crossing is identified as USDOT 092040A and is located at the intersection of State Route 202 (SR-202), also known as Bendigo Boulevard, and the Petitioner's tracks in the city of North Bend, King County. The Petitioner further requests the Commission authorize an expenditure of \$5,230 from the Grade Crossing Protective Fund (GCPF) to pay for the modifications.
- 2 SR-202 is a three-lane roadway with a speed limit of 30 miles per hour. Estimated average annual daily vehicle traffic through the crossing is 10,000 vehicles. SR-202 is part of an established truck route, with approximately 10 percent commercial vehicle traffic. SR-202 is also part of an established school bus route with 25 school buses traveling over the crossing each school day. No freight trains operate over this crossing. Two passenger trains operate over the crossing daily at up to 15 miles per hour, on a seasonal basis.
- 3 Railroad warning devices at the SR-202 crossing consist of cantilever and mast-mounted flashing lights, gates, bells, crossbucks, and constant-warning train detection. The Petitioner proposes to replace the 25-year-old Harmon/General Electric crossing controller with Alstom solid state relays. The existing controller has experienced partial activation failures and the new equipment will improve reliability and safety at the crossing.

4 The total amount requested for the equipment is \$5,230. GCPF funds are available for this project. The Petitioner will provide the labor needed for installation.

5 Commission staff (Staff) has investigated the Petition and recommends that it be granted subject to the following conditions: (1) the modifications must conform to those described in and attached to the Petition, (2) traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, and (3) the Petitioner must notify the Commission within 60 days upon completion of the modifications authorized herein. Acceptance of the changes is subject to inspection by Staff, who will verify that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

DISCUSSION

6 RCW 81.53.261 requires that the Commission grant approval prior to modifying a public railroad-highway grade crossing within the state of Washington. RCW 81.53.271 authorizes the Commission to disburse funds from the GCPF to pay for improvements to highway-rail grade crossings. We find that the proposed modifications will improve overall safety for roadway users. Accordingly, the Commission grants the Petition subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

7 (1) The Commission is an agency of the State of Washington having jurisdiction over public highway-rail grade crossings within the state of Washington, and authority to approve and administer disbursements from the Grade Crossing Protective Fund.

8 (2) The grade crossing at SR-202, identified as USDOT 092040A, is a public highway-rail grade crossing within the state of Washington.

9 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public highway-rail grade crossings within the state of Washington. *See also* WAC 480-62-150.

10 (4) RCW 81.53.271 allows the Commission to disburse funds 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.

11 (5) Commission Staff investigated the Petition and recommends that it be granted subject to the conditions set out in paragraph 5 above.

- 12 (6) After reviewing the Petition filed by the Northwest Railway Museum on August 15, 2019, 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:

- 13 The Northwest Railway Museum's Petition to upgrade warning devices at a highway-rail grade crossing, located at State Route 202, is granted. The cost of the equipment for 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 \$5,230.
 - (2) Payment will be made upon presentation of claim for reimbursement for materials and verification by Commission Staff that the work has been satisfactorily completed.
 - (3) The the Northwest Railway Museum must sign and return the attached project agreement.
 - (4) The project must be completed no later than June 30, 2020.
 - (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) The Northwest Railway Museum 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.

14 The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-180762. The Secretary finds this Order to be consistent with the public interest.

DATED at Lacey, Washington, and effective December 4, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.