

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PORT OF MOSES LAKE,

Petitioner,

To Construct a Highway-Rail Grade
Crossing

DOCKET TR-100073

ORDER 02

RESCINDING APPROVAL TO
CONSTRUCT A PUBLIC
HIGHWAY-RAIL GRADE
CROSSING AT TYNDALL ROAD

USDOT 923003V

BACKGROUND

- 1 On January 7, 2010, the Port of Moses Lake (Port or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) five petitions seeking approval to construct or reconstruct various highway-rail grade crossings as part of the North Columbia Basin Rail Project (NCBRP) in the vicinity of Moses Lake, Grant County. One petition (Petition) requested approval to construct a new crossing at Tyndall Road, identified as USDOT 923003V.
- 2 On January 28, 2010, the Commission issued Order 01 approving the Petition.
- 3 In July 2022, Commission Staff (Staff) learned that the Port had revised its plans for the NCBRP and the five crossing projects approved in 2010 were no longer in the project plan. Staff requested the Port send a written request to the Commission to withdraw these five petitions.
- 4 On February 23, 2024, Port Facilities Director Milt Miller submitted a letter confirming that the NCBRP plan had changed significantly and that the Port wished to withdraw its crossing petitions from January 2010.
- 5 Staff supports the Port's request and recommends the Commission rescind the approval for construction of the crossing granted in Order 01.

DISCUSSION

6 RCW 81.53.060 requires that the Commission grant approval prior to the construction of
a new highway-rail crossing. We agree with Staff's recommendation. We rescind the
authority we granted to the Port in Order 01 without prejudice to the Port's ability to
submit additional petitions related to this project in the future.

FINDINGS AND CONCLUSIONS

- 7 (1) The Commission is an agency of the State of Washington having jurisdiction over
public crossings within the state of Washington.
- 8 (2) RCW 81.53.060 requires that the Commission grant approval prior to the
construction of a new crossing, or the alteration in the method and manner of an
existing crossing. See also WAC 480-62-150.
- 9 (3) Staff investigated the Port's request to withdraw its Petition and recommends that
it be granted.
- 10 (4) This matter came before the Commission at its regularly scheduled meeting on
June 13, 2024.
- 11 (5) After review of the Port's request received on February 23, 2024, and giving
consideration to all relevant matters and for good cause shown, the Commission
grants the request.

ORDER

THE COMMISSION ORDERS:

- 12 (1) The Commission rescinds the approval in Order 01 for the Port of Moses Lake to
construct a public highway-rail grade crossing at Tyndall Road in the vicinity of
Moses Lake, Grant County.
- 13 (2) If the Port of Moses Lake wishes to construct a public highway-rail crossing in the
future, it must submit a new petition for Commission approval.

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

DATED at Lacey, Washington, and effective June 13, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary