

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

PUGET SOUND AND PACIFIC)	DOCKET NO. TR-041729
RAILROAD,)	
)	
Petitioner,)	ORDER NO. 02
)	
v.)	
)	
THURSTON COUNTY,)	DISMISSAL ORDER
)	
Respondent.)	
.....)	

1 **Synopsis:** *The Commission grants the railroad’s request to withdraw its petition to close the Moon Road crossing, and dismisses the proceeding.*

2 **NATURE OF PROCEEDING.** Docket No. TR-041729 is a petition by Puget Sound and Pacific Railroad seeking to close the Moon Road railroad crossing in Rochester, Washington pursuant to RCW 81.53.060.

3 **APPEARANCES.** Ed McCullough and Bob Lesley, Elma, Washington, represent Puget Sound and Pacific Railroad Company (Railroad). Dave Nichols and Dale Rancour, Olympia, Washington, represent Thurston County Road and Transportation Department. Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (“Commission Staff” or “Staff”). Gary Fleming, homeowner, Rochester, Washington, represents himself.

4 **BACKGROUND.** On January 13, 2005, the Commission convened a prehearing conference before Administrative Law Judge Karen M. Caillé. Among other things, the Commission ruled on a petition to intervene, discussed issues and

resolution of those issues with the aid of a facilitator, and set a procedural schedule.

5 The parties met on three occasions, February 8, March 8, and June 7, 2005, to discuss settlement of the issues with Ann E. Rendahl, assigned Settlement Judge in this proceeding. The Commission suspended the procedural schedule to provide the parties additional time to resolve the issues in dispute.

6 **REQUEST TO WITHDRAW PETITION.** On June 20, 2005, the Railroad filed a letter with the Commission, requesting the withdrawal of its petition. The letter also informed the Commission that the Railroad “would remain involved in finding solutions to problems in the Moon Road area.”

7 On June 24, 2005, the Commission notified parties of the Railroad’s letter requesting withdrawal of the petition. In addition, the notice advised participants that Commission Staff would open an investigation docket to allow all parties and interested persons to continue discussions on how to address future changes to the Moon Road crossing and county roads involved.

8 The notice set also an additional discussion session for the new docket on September 20, 2005, and informed participants that the County intends to make certain improvements at the Moon Road—Gate Road intersection, including removing the southbound stop-sign at the Moon Road Railroad crossing, and placing a stop sign for westbound traffic along Gate Road at its intersection with Moon Road.

9 **DISCUSSION AND DECISION.** Based on our review of the record in this proceeding, we conclude that it is in the public interest to allow Puget Sound and Pacific Railroad to withdraw its petition. We commend the parties and interested persons on their work to settle their differences and encourage their

continuing efforts to resolve the issues associated with the Moon Road Crossing. Accordingly, the petition should be dismissed.

ORDER

10 THE COMMISSION grants the request of Puget Sound and Pacific Railroad to withdraw its petition in Docket No. TR-041729 and dismisses the proceeding.

Dated at Olympia, Washington, and effective this 7th day of July, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-07-870.