

- 6 The Port does not propose to install active warning devices because of the low vehicle and train traffic at the crossing. The Port proposes to install the following:
- Cross-buck signs and standard yield signs on the same sign post.
 - Pavement markings.
 - Advance warning signs.
 - Concrete crossing surface.
- 7 The U.S. Department of Transportation, Surface Transportation Board – Section of Environmental Analysis and WSDOT are co-lead agencies for the environmental assessment of the project. These agencies have concluded that the proposed construction, acquisition, and operation of the new rail line in Grant County will not result in a significant environmental impact if the identified mitigation measures recommended in the “Final Environmental Assessment” dated, and published May 8, 2009, are implemented.
- 8 Examination of the petition and consideration of relevant facts support granting the Port’s petition subject to conditions, as outlined in this order.

FINDINGS AND CONCLUSIONS

- 9 (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. *Chapter 81.53 RCW.*
- 10 (2) The proposed construction of a crossing involves a public railroad-highway grade crossing, as defined in RCW 81.53.010.
- 11 (3) RCW 81.53.030 and WAC 480-62-150(1)(a) require the Commission grant approval prior to constructing a public railroad-highway grade crossing within the state of Washington.
- 12 (4) Commission staff investigated the petition and recommended that it be granted, subject to the following conditions:

- In addition to installing cross-buck signs, the Port must install a standard “yield” sign on the same sign post.
 - The Port must install advance railroad warning sign W10-1, and pavement markings, which tell travelers to expect a railroad crossing.¹
 - The Port must install advance railroad warning sign W10-13, which tells travelers the crossing is not equipped with gates or lights.
 - The Port must install emergency notification sign I-13 or I-13a, to provide information to travelers so they can notify the railroad about emergencies at this crossing.
- 13 (5) After examination of the petition filed by the Port of Moses Lake on January 7, 2010, and giving consideration to all relevant matters and for good cause shown, the Commission should grant the petition.

ORDER

THE COMMISSION ORDERS:

- 14 The petition of the Port of Moses Lake to construct a public railroad-highway grade crossing at the intersection of Graham Road and its industrial lead track at the Port of Moses Lake, Washington, is granted, subject to the following conditions:
- (1) All construction and installations must substantially conform to the petition and engineering design plans filed in this proceeding.
 - (2) Mitigation measures identified in the “Final Environmental Assessment” dated May 8, 2009, must be implemented prior to the construction, acquisition and operation of the rail line.
 - (3) In addition to the cross-bucks and on the same sign post, the Port must install a standard “yield” sign.

¹ All references to specific signage identification codes must be consistent with the U.S. Department of Transportation, Manual on Uniform Traffic Control Devices (MUTCD), Part 8.

- (4) The Port must install advance railroad warning sign W10-1, and pavement markings, which tell travelers to expect a railroad crossing.
- (5) The Port must install emergency notification sign I-13 or I-13a, to provide information to travelers so that they can notify the railroad about emergencies.
- (6) The Port must install advance railroad warning sign W10-13, which tells travelers the crossing is not equipped with gates or lights.
- (7) Traffic control devices, advance warning signs, and pavement markings must comply with applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (8) Upon completion of the authorized construction, Petitioner must notify the Commission within 30 days. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions as specified in this order.

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 January 28, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary