

FINDINGS AND CONCLUSIONS

- 7 (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.*
- 8 (2) The proposed construction of a new crossing and the proposed closure of an existing crossing involve a public railroad-highway grade crossings as defined in RCW 81.53.010.
- 9 (3) RCW 81.53.060 requires the Commission grant approval prior to constructing a new, or closing an established, public railroad-highway grade crossing within the state of Washington.
- 10 (4) Commission staff investigated the petition and recommended that it be granted.
- 11 (5) This matter was brought before the Commission at its regularly scheduled meeting on June 28, 2006.
- 12 (6) After examination of the petition filed by Port of Pasco on March 12, 2006, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

ORDER

THE COMMISSION ORDERS:

- 13 The petition of Washington Port of Pasco to construct a public railroad-highway grade crossing at the intersection of State Route 397 and the tracks of the BNSF Railway at the Port of Pasco, Washington, is granted. In addition, the petition of Port of Pasco to close a public railroad-highway grade crossing at the intersection of State Route 397 and the tracks of the BNSF Railway at the Port of Pasco, Washington, is granted. Both actions are subject to the following conditions:

- (1) The existing crossing must be removed contemporaneously with the activation of the new crossing.

- (2) All construction and installation of the new crossing and removal of the existing crossing must conform to the plans filed in this proceeding.
- (3) 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*.
- (4) Traffic control devices and instrument housing must be installed in such a manner as to provide required clearances for both rail and vehicular traffic.
- (5) Upon completion of the construction of the new crossing and removal of the existing crossing authorized herein, Petitioner must notify the Commission.

The Commissioners, having determined that this filing complies with the requirements of RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective June 28, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary