

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

PORT OF MOSES LAKE,)	DOCKET TR-100074
)	
Petitioner,)	ORDER 01
)	
)	ORDER GRANTING PETITION TO
)	RECONSTRUCT A PUBLIC
)	HIGHWAY-RAIL GRADE CROSSING
)	AT FORBES ROAD
COLUMBIA BASIN RAILROAD,)	
Respondent.)	
)	
)	USDOT: #923006R
.....)	

BACKGROUND

- 1 On January 7, 2010, the Port of Moses Lake (Port or Petitioner) filed with the Utilities and Transportation Commission (Commission), a petition seeking approval to reconstruct a railroad-highway grade crossing. The crossing is identified as USDOT #923006R and is located at the intersection of Forbes Road and Columbia Basin Railroad's (Columbia Basin) tracks at the Port of Moses Lake. The Port proposes to add a second track to the crossing and realign the existing track.
- 2 Construction of the rail line and grade crossing is part of Washington State Department of Transportation's (WSDOT) Northern Columbia Basin Railroad Segment 2 Project. The Port proposes to build the new rail line associated with this crossing to serve a growing demand for rail service on the east portion of the Port's industrial area.
- 3 Respondent Columbia Basin consented to entry of an Order by the Commission without further notice or hearing. The Port, in this instance, is both the builder/owner of the proposed new rail line and the road authority. Columbia Basin operates over the existing spur line and is anticipated to be the operator on the new rail line.
- 4 Forbes Road is classified as a local access port road with two-lane, two-way traffic and a posted vehicle speed limit of 20 miles per hour. Average annual daily traffic through the crossing is estimated at less than 50 vehicles, including less than 25 percent commercial vehicles. No school buses use this crossing on a regular basis.

- 5 Currently there are no railroad warning devices at the Forbes Road crossing.
- 6 The Columbia Basin maintains one siding/spur track at this location. The Port's proposal adds an additional industrial lead track across the Forbes Road crossing. Average daily train traffic is one freight train. The authorized speed is 10 miles per hour for freight trains. No passenger trains operate on these tracks.
- 7 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.
 - Skewed crossing signs.
 - Concrete crossing surface.
- 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 Forbes Road grade crossing, identified as USDOT #923006R, is a public railroad-highway grade crossing within the state of Washington.
- 11 (3) WAC 480-62-150(1)(f) and WAC480-62-150(1)(g) require that the Commission grant approval prior to reconstructing 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.
 - The Port must install skewed crossing sign W10-12, which tells travelers that the railroad tracks are not perpendicular to the roadway.
- 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 grants the petition.

ORDER

THE COMMISSION ORDERS:

- 14 The petition of the Port of Moses Lake to reconstruct a railroad-highway grade crossing at the intersection of Forbes Road and Columbia Basin Railroad’s tracks in Grant County 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) 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.

- (3) The Port must install advance railroad warning sign W10-1, and pavement markings, which tell travelers to expect a railroad crossing.
- (4) 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.
- (5) The Port must install advance railroad warning sign W10-13, which tells travelers the crossing is not equipped with gates or lights.
- (6) The Port must install skewed crossing sign W10-12, which tells travelers that the railroad tracks are not perpendicular to the roadway.
- (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 that this filing complies with the requirements of WAC 480-62-150(1)(f), WAC 480-62-150(1)(g), and RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective January 27, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).