



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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August 9, 2019

Adam Assenza
Docket No. FD 34936
Surface Transportation Board
395 E Street SW
Washington, DC 20423

RE: Draft Supplemental Environmental Assessment – Northern Columbia Basin Railroad Project (FD 34936)

Dear Mr. Assenza:

The Washington Utilities and Transportation Commission (UTC) submits the following comments in response to the Surface Transportation Board's (STB) draft supplemental environmental assessment (DSEA) for Docket No. FD 34936, published on July 11, 2019.

The UTC has responsibility under Washington State law for regulating, inspecting, and establishing standards for safety at more than 2,800 public railroad crossings. The UTC also reviews and approves construction of new crossings and alteration, modification, or closure of existing crossings.

Background

In 2008, the Port of Moses Lake (Port) filed a Petition for Exemption with the STB for authority to construct a new rail line and acquire an existing rail line for the Northern Columbia Basin Railroad Project (NCBRP). The project has three components: Segment One will construct approximately 4.5 miles of new track from Wheeler to Moses Lake, Segment Two will construct approximately 3.1 miles of new track from an existing rail line to the east side of the Grant County International Airport (GCIA), and Segment Three involves acquisition and rehabilitation of approximately three miles of existing track that connects Segments One and Two. The Port of Moses Lake will own and construct the rail lines and the Columbia Basin Railroad Company will be the railroad operator. The purpose of the project is to provide rail service to lands and

properties designated for industrial development in the northern area of Moses Lake, as well as the east side of the GCIA.

The UTC did not offer specific comments on the Port's 2008 preliminary environmental assessment, but provided a copy of a Jan. 9, 2009, letter from the UTC to a state legislator regarding rail safety issues at an elementary school located in the area of Segment Three of the project.

The STB authorized construction and acquisition of the rail lines in 2009. In 2010, the Port submitted petitions to the UTC to construct four new at-grade railroad crossings and reconstruct one existing crossing in the project area. The UTC approved these petitions with specific conditions; however, to the UTC's knowledge, the Port has not commenced construction or modification of these crossings.

According to the DSEA, the NCBRP was delayed due to regional economic downturn and lack of funding. However, in 2017, the Port received grant funding to proceed with the project.

Proposed Modifications

To minimize impacts on existing land uses and otherwise fulfill the economic development objectives of the project, the Port requested that the STB approve modifications to the original petition for the NCBRP. The UTC limits its comments to these proposed modifications.

- **Modification 1B:** This proposed modification involves construction of new at-grade crossings at Wheeler Road and Industrial Street. The proposed alignment for each crossing would be perpendicular with the roadway, instead of a skewed track alignment as originally proposed. No new crossing would be constructed at Hamilton Road NE.

UTC comments: The UTC supports the proposed modification. Whenever possible, crossings should be constructed with an alignment perpendicular to the roadway at or near 90 degrees, to improve safety and line of sight for crossing users. A description of the proposed warning devices at these crossings was not provided. The Port will need to file petitions with the UTC to receive approval for the construction of these new crossings.

- **Modification 2B:** This proposed modification involves construction of two new at-grade crossings at Randolph Road with skewed track alignment and one new at-grade crossing each at Turner Road, Graham Road, and Tyndall Road with perpendicular track alignment. The crossings at Turner, Graham, and Tyndall could potentially be blocked simultaneously for

short periods of time due to their proximity (approximately 500 to 1,000 feet apart). Crossings would be protected with flashing lights but no gates.

UTC comments: The UTC granted approval for construction of at-grade crossings at Graham, Tyndall, Turner, and a single at-grade crossing on Randolph Road in 2010; however, the Port's petitions at that time did not indicate the potential for crossing blockages. The UTC approved the Tyndall and Randolph crossings to be constructed with a skewed track alignment, but the proposed perpendicular track construction is preferable. The UTC also approved installation of passive warning devices (signage only, no lights) at Graham, Tyndall, and Turner, and active warning devices (lights and gates) at Randolph Road.

If Modification 2B is selected, the Port will need to submit revised petitions to the UTC articulating the changes proposed for each crossing and receive approval for those changes. The Port will also need to petition the UTC for approval for the construction of the second crossing on Randolph Road.

- **Modification 2C:** This proposed modification reduces the number of new at-grade crossings from four to two. New crossings would be constructed at Tyndall Road and Road 7 NE, with perpendicular track alignment. Crossings would not be constructed at Randolph Road, Turner Road, and Graham Road.

UTC comments: The UTC prefers Modification 2C, because it involves construction of fewer new at-grade crossings. The perpendicular track alignment is also preferred. In addition, this modification avoids the possibility for blocked crossings.

If Modification 2C is selected, because the UTC has already approved new crossings at Randolph, Turner, and Graham, the Port will need to formally withdraw its petitions from the UTC to construct these crossings. The Port will also need to submit a revised petition for Tyndall Road to reflect the proposed modifications, and file a petition to construct the new at-grade crossing on Road 7 NE.

Prior to petition filing, UTC staff recommends that the Port convene diagnostic review meetings with affected parties, including the appropriate road authority, the railroad, and UTC staff. The diagnostic review team would appropriately evaluate the proposed crossings and surrounding areas with input from all parties and agree on the appropriate levels of protection.

UTC staff reiterates the concerns expressed in its 2009 letter, which involve an area of pedestrian trespass over the railroad tracks located in Segment Three of the project area. At the time, citizens including students were crossing over the tracks (not at a crossing) to reach Longview Elementary School and crossing them again when they returned home. There is no designated pedestrian crossing at this location, making it particularly hazardous for students. At the time of the letter, multiple ideas were discussed for improving safety at this location, including construction of a pedestrian crossing or underpass, redirecting students to existing crossings, installing fencing to channel students to a single crossing site, or replacing existing fencing to keep students off of the tracks. UTC staff recommends that the Port focus particular attention on this public safety issue during the acquisition and rehabilitation of Segment Three of the project. UTC staff is available to provide additional historical information and guidance to the Port on this matter.

We appreciate the opportunity to comment on the DSEA. For questions, please contact Betty Young, Rail Safety Program Advisor, at betty.young@utc.wa.gov or (360) 664-1202.

Sincerely,



Mark L. Johnson
Executive Director and Secretary

cc: Jeffrey Bishop, Executive Director, Port of Moses Lake
Fred Snoderly, Municipal Services Director, City of Moses Lake
Tim Marshall, General Manager, Columbia Basin Railroad Company
Ron Pate, Director, WSDOT Rail, Freight and Ports Division