

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

In the Matter of the Application of	)	DOCKET TR-090597
	)	
SEATTLE PARKS DEPARTMENT,	)	ORDER 01
	)	
Applicant,	)	
	)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the	)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund	)	CROSSING PROTECTIVE FUND
.....	)	

**BACKGROUND**

- 1     On July 29, 2009, the Washington Utilities and Transportation Commission (Commission) sent a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” in Docket TR-091450 to various interested parties from the public and private sectors that were eligible to apply for Grade Crossing Protective Fund (GCPF) grants.
- 2     On April 23, 2009, Seattle Parks Department (Seattle Parks or the Applicant) filed with the Commission an application requesting a disbursement of \$14,420 from the GCPF to pay for a project to install fencing adjacent the railroad right-of-way within Carkeek Park to prevent trespassers from accessing the tracks. On September 10, 2009, Seattle Parks filed a revised application.
- 3     In the past 16 years, there have been five fatalities in this general area. Seattle Parks proposes to replace 200 feet of damaged fencing and add an additional 100 feet of six foot high chain link fencing. The fencing will be located on the east side of the BNSF Railway tracks, entirely on Seattle Parks’ property. Seattle Parks will be responsible for long-term maintenance costs.
- 4     A site visit by Commission Staff confirmed that the safety problem described by Seattle Parks exists and that the proposed fencing project will deter pedestrian traffic from accessing the railroad tracks at this location. Staff will continue to work with Seattle Parks to determine if additional fencing to deter trespassing in the park is needed.
- 5     Seattle Parks seeks \$14,420 to pay for the cost of the fencing. There currently are funds available to pay for the project.

## FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having authority to approve and administer disbursements from the Grade Crossing Protective Fund. [RCW 81.53.271](#); [RCW 81.53.281](#).
- 7 (2) The project for which Seattle Parks seeks disbursement from the Grade Crossing Protective Fund is eligible for funding consideration under Commission rules and complies with the requirements of [RCW 81.53.271](#), [RCW 81.53.281](#), and [WAC 480-62](#).
- 8 (3) Commission Staff investigated the request based on the review criteria specified in the Commission's rules and recommended that it be granted, subject to specified conditions for administering the grant.
- 9 (4) This matter came before the Commission at its regularly scheduled meeting on September 24, 2009.
- 10 (5) After reviewing Seattle Parks' application filed on April 23, 2009, and revised on September 10, 2009, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

## ORDER

### THE COMMISSION ORDERS:

- 11 Seattle Parks Department's application for disbursement from the Grade Crossing Protective Fund for trespass prevention fencing near Seattle, Washington, within Carkeek Park, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$14,420.
  - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.

- (3) Seattle Parks Department must sign and return the attached project agreement.
- (4) Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
- (5) The project must be completed and the associated request for reimbursement from the Grade Crossing Protective Fund must be filed with the Commission no later than February 28, 2010.

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 September 24, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary