

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of)	DOCKET TR-143692
)	
TACOMA RAIL MOUNTAIN)	ORDER 01
DIVISION,)	
)	
Applicant,)	
)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On July 1, 2013, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” in Docket TR-131246.
- 2 On October 15, 2014, Tacoma Rail Mountain Division (Tacoma Rail or the Applicant) filed with the Commission an application requesting a disbursement of \$15,896.55 from the Grade Crossing Protective Fund (GCPF) to pay for a project related to establishing a public safety fence in Tacoma between the railroad right-of-way and an apartment complex.
- 3 Tacoma Rail’s right-of-way abuts the Coventry Court Apartment complex near McKinley Avenue and 73rd Street East in Tacoma. Tacoma Rail seeks to install 600 lineal feet of 84-inch high, nine-gauge chain link fence to abate persistent trespass and vandalism problems in the area. The fence will be installed on Tacoma Rail’s right-of-way and the railroad will be responsible for long-term maintenance.
- 4 The existing apartment complex fence is deteriorated to the point of being ineffective at preventing pedestrian trespassing. Tacoma Rail routinely uses the siding track at this location for staging and short-term storage of various types of rail cars. Constructing a fence will direct the public away from the railroad tracks, thereby enhancing rail and public safety.
- 5 A site visit by Commission Staff confirmed that the safety problem described by Tacoma Rail exists and that the proposed safety fence will deter pedestrian trespass onto the railroad right-of-way and increase public safety.

- 6 Tacoma Rail seeks \$15,896.55 to pay for the cost of the fencing. There currently are funds available to pay for the project.
- 7 Tacoma Rail must also meet the following conditions for administering the GCPF grant.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$15,896.55.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - Tacoma Rail must sign and return the attached project agreement.
 - Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
 - 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 January 31, 2015.

FINDINGS AND CONCLUSIONS

- 8 (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.
- 9 (2) The project for which Tacoma Rail 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.
- 10 (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.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$15,896.55.

- The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - Tacoma Rail must sign and return the attached project agreement.
 - Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
 - 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 January 31, 2015.
- 11 (4) This matter came before the Commission at its regularly scheduled meeting on November 14, 2014.
- 12 (5) After reviewing Tacoma Rail's application filed on October 15, 2014, 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:

- 13 Tacoma Rail Mountain Division's application for disbursement from the Grade Crossing Protective Fund for installation of safety fencing in Tacoma between the railroad's right-of-way and the Coventry Court Apartments is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$15,896.55.
 - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - (3) Tacoma Rail Mountain Division 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 January 31, 2015.

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 November 14, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary