

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

In the Matter of the Application of)	DOCKET TR-090406
)	
SPOKANE COUNTY,)	ORDER 01
)	
Applicant,)	ORDER GRANTING REQUEST FOR
)	DISBURSEMENT FROM THE GRADE
)	CROSSING PROTECTIVE FUND
)	
)	
)	USDOT: 058803V
Requesting Disbursement from the)	
Grade Crossing Protective Fund)	
.....)	

BACKGROUND

- 1 On January 2, 2007, Spokane County (County or Applicant) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to upgrade warning devices at a railroad-highway grade crossing. The crossing is identified as USDOT# 058803V and is located at the intersection of Freya Street and the BNSF Railway Co.'s (BNSF) tracks in Spokane County. The Commission assigned docket TR-070026 to the petition. The Commission approved the petition on March 14, 2007. On March 12, 2009, the County filed a Grade Crossing Protective Fund (GCPF) grant application to pay a portion of the cost of the upgrades to the Freya Street crossing. The County requested the Commission authorize disbursement of \$20,000 from the GCPF to pay for a portion of the upgrades.
- 2 Railroad warning devices at the intersection of Freya Street and the respondent's tracks in Spokane County, Washington consist of cantilever- mounted signals and gates, crossbucks, and pavement markings. BNSF will relocate and replace the cantilever-mounted signals with shoulder-mounted signals and gates. BNSF will also replace the bungalow and signal equipment to accommodate the advance pre-emption approved by the Commission on March 14, 2007. The crossing upgrade is necessary to fully implement the Commission order approving advance pre-emption at the crossing and bring the crossing configuration up to current standards. On an interim basis, the railroad and highway warning systems were interconnected and are currently operating under simultaneous pre-emption. The upgrades will support the advance pre-emption requirement.

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3 The Applicant is requesting a disbursement of \$20,000 to pay for a portion of the project. The total cost of the project is estimated at \$286,446. BNSF, the County and the Transportation Improvement Board will also contribute to the project. A disbursement of \$20,000 from the Grade Crossing Protective Fund is available to fund a portion of the cost of the improvements. The upgrades to the Freya Street crossing will be completed by June, 2010.

FINDINGS AND CONCLUSIONS

- 4 (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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. *RCW 81.53; RCW 81.53.271; RCW 81.53.281.*
- 5 (2) The grade crossing at the intersection of Freya Street and the respondent's tracks in Spokane County, Washington, identified as USDOT #058803V is a public railroad-highway grade crossing within the state of Washington.
- 6 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also WAC 480-62-150.*
- 7 (4) RCW 81.53.271 allows the Commission to disburse up to \$20,000 from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device, without requiring the Petitioner to share the cost.
- 8 (5) Commission Staff investigated the application and recommended that it be granted, subject to specified conditions.
- 9 (6) After reviewing County's application filed on March 12, 2009, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the application and request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

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10 Spokane County's application for disbursement to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of Freya Street and the respondent's tracks in Spokane County, Washington, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
- (2) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
- (3) Spokane County must sign and return the attached project agreement.
- (4) The project must be completed and the request for reimbursement submitted to the Commission no later than August 30, 2010.

The Commissioners have delegated authority to the Executive Director and Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective July 23, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

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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).