

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of)	DOCKET TR-141121
)	
CITY OF WENATCHEE,)	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 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 May 22, 2014, the City of Wenatchee (City of Wenatchee or Applicant) filed with the Commission an application requesting a disbursement of \$19,984 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of a multi-phase project related to establishing a public safety fence along 1,920 feet of railroad frontage between the Columbia River, the Apple Capital Recreational Loop Trail and BNSF Railway’s (BNSF) tracks in southeast Wenatchee.
- 3 The City of Wenatchee acquired 4.97 acres of property for a park in July 2013 through a private property donation. The property has been used as a repository for construction debris and by a transient population. Working with the community, the City created a conceptual design for the park including picnic facilities, a skate park, an off-leash dog area, play equipment and other amenities. The fence will be constructed in phases over the next three years to avoid storm water construction work anticipated on the northern portion of the site in the fall of 2015.
- 4 In the first of three project phases, the City of Wenatchee seeks to construct approximately 628 feet of fencing and install two gates on the southern portion of the site. Phase two of the project involves construction of 714 feet of fencing in the center portion of the site, and phase three involves construction of the final 578 feet of fencing. “No Trespassing” signs will be posted as the fencing is installed. Three locked vehicle gates will be installed to provide access for railroad maintenance personnel. The fencing

will be installed on BNSF's right-of-way and the railroad has provided its consent to the project.

- 5 A site visit by Commission Staff confirmed the conditions described by the City of Wenatchee and that the proposed safety fence will deter pedestrian trespass onto the railroad right-of-way and increase public safety.
- 6 The City of Wenatchee seeks \$19,984 to pay for the cost of the first phase of fencing installation as outlined in the City's application. The City will be responsible for long-term maintenance and repair of the fencing. There currently are funds available to pay for the project.
- 7 The City of Wenatchee must also meet the following conditions for administering the GCPF grant.
 - Expenditure from the Grade Crossing Protective Fund must not exceed \$19,984.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - The City of Wenatchee 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 November 30, 2014.

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 the City of Wenatchee 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 \$19,984.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - The City of Wenatchee 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 November 30, 2014.
- 11 (4) This matter came before the Commission at its regularly scheduled meeting on June 26, 2014.
- 12 (5) After reviewing the City of Wenatchee's application filed on May 22, 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 The City of Wenatchee's application for disbursement from the Grade Crossing Protective Fund for installation the first phase of safety fencing along railroad frontage between the Columbia River, the Apple Capital Recreational Loop Trail and the railroad tracks in southeast Wenatchee is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$19,984.
 - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - (3) The City of Wenatchee 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 November 30, 2014.

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 June 26, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary