

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Application of  TACOMA RAIL,  Applicant,  Requesting Disbursement from the Grade Crossing Protective Fund</p>	<p>DOCKET TR-210860  ORDER 01  GRANTING REQUEST FOR DISBURSEMENT FROM THE GRADE CROSSING PROTECTIVE FUND</p>
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**BACKGROUND**

- 1 On August 2, 2021, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a Notice of Available Funds for Rail Safety Projects from the Grade Crossing Protective Fund (GCPF).
- 2 On November 10, 2021, Tacoma Rail (Tacoma Rail or Applicant) filed with the Commission an application (Application) requesting \$40,000 from the GCPF to partially fund a project to install fencing along its Mountain Division line between East 65<sup>th</sup> and East 68<sup>th</sup> Streets west of East McKinley Avenue in Tacoma, Pierce County. This area is located at railroad milepost 5.2.
- 3 Tacoma Rail right-of-way abuts privately-owned wooded property at this location where the City of Tacoma and the railroad have ongoing issues with encampments. Camp inhabitants access the area by trespassing on foot along the railroad right-of-way from either East 65<sup>th</sup> or East 68<sup>th</sup> Streets. Vehicles have been reported on the tracks attempting to reach the encampment. Tacoma Rail switch crews have also reported close calls with trespassers at this location.
- 4 To deter trespassing, Tacoma Rail proposes to install 530 lineal feet of 84-inch galvanized chainlink fencing with one-inch mesh along the west side of its track. According to the Application, materials and installation for this project will cost \$60,878.62. Tacoma Rail requests \$40,000 in GCPF funds and will provide the balance of the funds required for this project. Fencing materials and installation will be provided by a contracted vendor.
- 5 Staff recommends the Commission approve funding in the amount of \$40,000 to assist with the cost of this project subject to the following conditions: (1) expenditure from the

GCPF must not exceed \$40,000, (2) the work for which the GCPF disbursement is approved must conform to the project description specified in the Application, (3) the Applicant must sign and return the attached project agreement, (4) payment will be made upon presentation of claim for reimbursement and verification by Staff that the work has been satisfactorily completed, and (5) the project must be completed, and the associated request for reimbursement from the GCPF must be filed with the Commission, no later than October 31, 2022.

### DISCUSSION

6 RCW 81.53.281 authorizes the Commission to disburse funds from the GCPF to pay for improvements to highway-rail grade crossings. We find that the proposed modifications will help prevent trespassing on railroad property. Accordingly, the Commission grants the Application subject to the conditions that Staff recommends.

### FINDINGS AND CONCLUSIONS

- 7 (1) The Commission is an agency of the State of Washington having authority to approve and administer disbursements from the GCPF. RCW 81.53.271; RCW 81.53.281.
- 8 (2) The project for which the Applicant seeks disbursement from the GCPF 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.
- 9 (3) Staff investigated the request based on the review criteria specified in the Commission's rules and recommended that it be granted with the conditions set out in paragraph 5, above.
- 10 (4) This matter came before the Commission at its regularly scheduled meeting on February 10, 2022.
- 11 (5) After reviewing Tacoma Rail's Application filed on November 10, 2021, 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:**

- 12 Tacoma Rail's Application for disbursement from the Grade Crossing Protective Fund for a project to install fencing along its Mountain Division line between East 65<sup>th</sup> and East 68<sup>th</sup> Streets, in Tacoma, Pierce County, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$40,000.
  - (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 must sign and return the attached project agreement.
  - (4) Payment will be made upon presentation of claim for reimbursement and verification by 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 October 31, 2022.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective February 10, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL  
Executive Director and Secretary