

**PROJECT AGREEMENT
GRADE CROSSING PROTECTIVE FUND**

Docket No.: TR-090597

Commission Approval Date: September 24, 2009

A. PARTIES OF THE AGREEMENT

This project grant agreement (agreement) is entered into between the Washington Utilities and Transportation Commission (UTC), P.O. Box 47250, Olympia, Washington 98504-7250 and Seattle Parks Department, 800 Maynard Avenue South, 3rd Floor, Seattle, Washington 98134, and shall be binding upon the agents and all persons acting by or through the parties.

B. PURPOSE OF THE AGREEMENT

This agreement sets out the terms and conditions by which grants are made from the Grade Crossing Protective Fund. These grants are administered by the UTC to the grantee for Docket No. TR-090597, identified above.

C. DESCRIPTION OF PROJECT

TR-090597 involves replacing and installing 300 feet of fencing within Carkeek Park in Seattle, Washington.

D. PERIOD OF PERFORMANCE

The project reimbursement period shall begin on September 24, 2009, and end February 28, 2010. No expenditure made before or after this period is eligible for reimbursement unless incorporated by written amendment into this agreement.

E. PROJECT FUNDING

Total grant funding awarded by the UTC for these projects shall not exceed \$14,420. The total approximate cost of the project is \$14,420. The grantee shall be responsible for all additional costs.

F. RIGHTS AND OBLIGATIONS

All rights and obligations of the parties to this agreement are subject to this agreement and its attachments, including the grantee's application, commission orders, and the general provisions, all of which are attached and incorporated into this agreement.

Except as provided, no alteration of any of the terms or conditions of this agreement will be effective unless provided in writing. All alterations must be signed by both parties.

The grantee has read, fully understands and agrees to be bound by all terms and conditions in these documents.

G. COMPLIANCE WITH APPLICABLE STATUTES, RULES, AND UTC POLICIES

This agreement is governed by, and the grantee shall comply with, all applicable state and federal laws and regulations, including RCW 81.53.281, the published agency

rules in 480-62 WAC, and the commission's order in this matter which are incorporated by this reference as if fully set forth.

H. PROJECT GRANT AGREEMENT REPRESENTATIVE

All written communications sent to the grantee under this agreement will be addressed and delivered to:

Seattle Parks Department
Randy Robinson
800 Maynard Ave. S. 3rd Floor
Seattle, WA 98134

Utilities and Transportation Commission
Kathy Hunter
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

These addresses shall be effective until receipt by one party from the other of a written notice of any change.

I. ENTIRE AGREEMENT

This agreement, along with all attachments, constitutes the entire agreement of the articles. No other understandings, oral or otherwise, regarding this agreement shall exist or bind any of the parties.

J. EFFECTIVE DATE

This agreement shall be effective upon signing by all parties.

State of Washington
Utilities and Transportation Commission

By: *John Dan* Date: 9/24/09
(Executive Director and Secretary)

Seattle Parks Department
By: *Kevin Duff* Date: 9.28.09
Title: Director, Planning & Development Division

Approved as to form:

By: /s/
Assistant Attorney General

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STATE OF WASH
UTIL. AND TRANSP
COMMISSION

BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

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

- (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