

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

TACOMA RAIL

Applicant,

Requesting Disbursement from the
Grade Crossing Protective Fund

DOCKET TR-161009

ORDER 01

ORDER GRANTING REQUEST FOR
DISBURSEMENT FROM THE GRADE
CROSSING PROTECTIVE FUND

BACKGROUND

- 1 On July 15, 2015, 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 (GCPF).
- 2 On August 16, 2016, Tacoma Rail filed with the Commission an application requesting a disbursement of \$6,612 from the GCPF to pay for a project related to private crossing signs. On September 8 and 26, Tacoma Rail filed revised applications, requesting a disbursement of \$7,910 for signage upgrades at 70 private crossings. See Appendix A for a list of the crossings.
- 3 In 2015, Engrossed Substitute House Bill (ESHB) 1449 granted the Commission authority to develop safety standards for private railroad crossings where railroads haul or will haul crude oil tank cars. WAC 480-62-270 went into effect March 11, 2016, and requires private crossings on oil routes to include stop signs, private crossing signs, emergency notification signs and retroreflective tape on both the front and back of the sign posts.
- 4 A site visit by Commission Staff confirmed that the current signage does not fully meet the new standards. Commission Staff has been working with Tacoma Rail over the past few months and is confident that the proposal will be compliant with the Commission’s new regulations.
- 5 Tacoma Rail seeks \$7,910 to pay for the cost of 140 stop signs and 140 private crossing signs at the 70 crossings. Tacoma Rail will install the new signs. There currently are funds available to pay for the project.

6 Tacoma Rail must also meet the following conditions for administering the GCPF grant.

- Expenditure from the Grade Crossing Protective Fund must not exceed \$7,910.
- 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 December 31, 2016.

FINDINGS AND CONCLUSIONS

7 (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.

8 (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.

9 (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 \$7,910.
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- 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 December 31, 2016.

10 (4) This matter came before the Commission at its regularly scheduled meeting on October 6, 2016.

11 (5) After reviewing Tacoma Rail's application filed on August 16, 2016, and revised on September 8 and 26, 2016, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

O R D E R

THE COMMISSION ORDERS:

12 Tacoma Rail's application for disbursement from the Grade Crossing Protective Fund for private crossing signage on Tacoma Rail's crude oil private crossings, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$7,910.
- (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 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 December 31, 2016.

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 October 6, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary