

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of BNSF RAILWAY CO. Applicant, Requesting Disbursement from the Grade Crossing Protective Fund	DOCKET TR-240943 ORDER 01 GRANTING REQUEST FOR DISBURSEMENT FROM THE GRADE CROSSING PROTECTIVE FUND
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BACKGROUND

- 1 On December 9, 2024, BNSF Railway Co. (BNSF or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application (Application) requesting a disbursement of \$20,000 from the Grade Crossing Protective Fund (GCPF) to install approximately 470 lineal feet of tamper-resistant metal fencing at three locations along the BNSF right-of-way at Sunset Junction, located at milepost 1.3 on the Lakeside Subdivision in Spokane. According to vendor estimates submitted with the Application, the cost of the materials needed for this project is \$19,450.29. BNSF will be responsible for installation and maintenance of the fencing.
- 2 In its Application, BNSF describes in detail the problems occurring with trespassers illegally entering its property at Sunset Junction, resulting in law enforcement contacts, delays to trains, injuries, and fatalities. BNSF states that between 2015 and 2024, it stopped, warned, and removed approximately 366 trespassers in this area. During the same time period, 10 trespass-related injuries or fatalities occurred. The proposed installation of fencing by BNSF will close the three access points to its property, thereby preventing trespassers from entering.
- 3 Commission staff (Staff) recommends the Commission approve funding in the amount of \$19,450.29. Currently there are funds available to pay for this project.
- 4 Staff recommends the Commission approve the request for funds with the following conditions: (1) expenditure from the GCPF must not exceed \$19,450.29, (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, as well as the affidavit of project completion, must be filed with the Commission no later than June 15, 2025.

DISCUSSION

5 RCW 81.53.281 authorizes the Commission to disburse funds from the GCPF to pay for safety improvements at highway-rail grade crossings and along railroad rights-of-way. We find that the proposed project will improve safety for the public. Accordingly, the Commission grants the Application subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 6 (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.
- 7 (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.
- 8 (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 4, above.
- 9 (4) This matter came before the Commission at its regularly scheduled meeting on January 16, 2025.
- 10 (5) After reviewing BNSF's Application filed on December 9, 2024, 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:

11 BNSF Railway Co.'s Application for disbursement from the Grade Crossing Protective Fund for a project to install approximately 470 lineal feet of tamper-resistant metal fencing at three locations along BNSF Railway Co.'s right-of-way at Sunset Junction in Spokane, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$19,450.29.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the amended Application.
- (3) BNSF Railway Co. 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, as well as the affidavit of project completion, must be filed with the Commission no later than June 15, 2025.

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 January 16, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary