

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	)	DOCKET TR-110680
	)	
EASTERN WASHINGTON	)	ORDER 02
GATEWAY RAILROAD,	)	
	)	ORDER GRANTING ADDITIONAL
Petitioner,	)	EXPENDITURE FROM THE GRADE
	)	CROSSING PROTECTIVE FUND AND
Requesting an Additional Expenditure	)	EXTENSION OF TIME TO COMPLETE
and Extension of Time to Complete a	)	PROJECT AND SUBMIT REQUEST
Signal Project Funded from the Grade	)	FOR REIMBURSEMENT
Crossing Protective Fund	)	
.....	)	USDOT # 066086V

**BACKGROUND**

- 1     On April 19, 2011, Eastern Washington Gateway Railroad (Eastern Washington Gateway or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to upgrade active warning devices at a railroad-highway grade crossing. Petitioner further requested the Commission authorize an expenditure of \$7,140.51 from the Grade Crossing Protective Fund (GCPF) to pay for the project.
- 2     On April 29, 2011, the Commission issued an Order approving the request for disbursement from the GCPF for the proposal to upgrade the flashing lights and power off lights from incandescent to LED type lights. Petitioner will also replace the cross-bucks and all batteries and the obsolete battery chargers. The crossing is identified as USDOT #066086V and is located at the intersection of 3<sup>rd</sup> Avenue and the Petitioner’s tracks in the City of Almira. The upgrades will improve the overall safety at the crossing because motorists and pedestrians can rely on these active warning devices to determine if a train is approaching the crossing. The Order required the Petitioner to complete the project and submit the associated request for reimbursement by June 15, 2011.
- 3     On June 14, 2011, Eastern Washington Gateway submitted a request for an extension of time until June 28, 2011, to complete the project and submit the request for reimbursement. Eastern Washington Gateway also requested an additional expenditure of \$2,175.54 to cover the cost of the LEDs. In the original petition, Eastern Washington Gateway inadvertently omitted the cost of the LEDs when calculating the total grant amount needed for the upgrades. Staff recommends that the Commission extend the

project completion date until June 28, 2011, to provide additional time for all aspects of the project to be completed within the GCPF project completion deadline. In addition, the Commission approve the additional expenditure amount of \$2,175.54 for a revised total GCPF grant amount of \$9,316.05.

### **FINDINGS AND CONCLUSIONS**

- 4 (1) After reviewing Eastern Washington Gateway's request, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the extension of time to June 28, 2011, and the additional expenditure for a total grant amount of \$9,316.05

### **ORDER**

#### **THE COMMISSION ORDERS:**

- 5 The request of Eastern Washington Gateway Railroad for an additional expenditure and extension of time to complete the crossing safety upgrades at the 3<sup>rd</sup> Avenue crossing is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$9,316.05.
  - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
  - (3) Eastern Washington Gateway Railroad must sign and return the attached revised 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 June 28, 2011.

The Commissioners have delegated authority to the Executive Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective June 15, 2011.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**DAVID W. DANNER, Executive Director and Secretary**

**NOTICE:** This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).