

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Application of CITY OF PUYALLUP, Applicant, Requesting Disbursement from the Grade Crossing Protective Fund</p>	<p>DOCKET TR-240834 ORDER 01 GRANTING REQUEST FOR DISBURSEMENT FROM THE GRADE CROSSING PROTECTIVE FUND</p>
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BACKGROUND

- 1 On October 29, 2024, the City of Puyallup (City or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application (Application) requesting a disbursement of \$73,000 from the Grade Crossing Protective Fund (GCPF) to install a total of approximately 678 lineal feet of 6-foot tall, 5/8-inch gauge mesh security fencing along the BNSF Railway Co. (BNSF) right-of-way at 15th Street NW, 17th Street NW, and 19th Street NW, in Puyallup, Pierce County.
- 2 In its Application, the City indicates there is a significant safety concern, especially with students from nearby Aylen Junior High School taking shortcuts across the tracks. The area has a history of pedestrian trespassing and near-miss incidents, as well as multiple pedestrian fatalities. During the investigation of a fatality incident, Commission staff (Staff) reached out to the City and provided information about the availability of GCPF funds for trespass prevention projects.
- 3 The City states that the installation of security fencing will help to deter trespassing by channeling pedestrian traffic to the nearby 12th Street NW public crossing. The cut-resistant mesh fencing has tightly spaced openings specifically chosen to resist cutting and climbing, and the fence design omits a top rail, eliminating any grip points. The fence ends will be strategically anchored to existing private property barriers where feasible, or otherwise extended into dense vegetation to create a continuous, impassable barrier. Additionally, fencing at critical points will be reinforced with angled or heightened sections to discourage climbing. The City proposes to install approximately 105 feet of fencing at 15th Street NW, 148 feet at 17th Street NW, and 390 feet at 19th Street NW.
- 4 Staff recommends the Commission approve funding in the amount of \$73,000. Currently there are funds available to pay for this project.

5 Staff recommends the Commission approve the request for funds with the following conditions: (1) expenditure from the GCPF must not exceed \$73,000, (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, as well as the affidavit of project completion, must be filed with the Commission no later than May 31, 2025.

DISCUSSION

6 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

- 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 November 21, 2024.
- 11 (5) After reviewing the City's Application filed on October 29, 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:

- 12 The City of Puyallup's Application for disbursement from the Grade Crossing Protective Fund for a project to install a total of approximately 678 lineal feet of 6-foot tall, 5/8-inch gauge mesh security fencing parallel to the BNSF right-of-way at 15th Street NW, 17th Street NW, and 19th Street NW, in Puyallup, Pierce County, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$73,000.
 - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the Application.
 - (3) The City 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 May 31, 2025.
- 13 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 November 21, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary