

**REVISED
PROJECT AGREEMENT
GRADE CROSSING PROTECTIVE FUND**

STATE OF WASHINGTON
DEPARTMENT OF TRANSPORTATION
2010 FEB -5 AM 10:01
RECEIVED

Docket No.: TR-091351
Commission Approval Date: September 9, 2009

A. PARTIES OF THE AGREEMENT

This revised project grant agreement (agreement) is entered into between the Washington Utilities and Transportation Commission (UTC), P.O. Box 47250, Olympia, Washington 98504-7250 and Puget Sound and Pacific Railroad, 510 N. 2nd Street, Elma, Washington 98541, 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-091351, identified above.

C. DESCRIPTION OF PROJECT

TR-091351 involves upgrading obsolete train detection to current motion sensor technology. The crossing is identified as USDOT 096563T and located at Lynch Road and Puget Sound and Pacific Railroad's tracks in Mason County, Washington.

D. PERIOD OF PERFORMANCE

The project reimbursement period shall begin on September 9, 2009, and end June 30, 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 \$11,362.21. The total approximate cost of the project is \$12,706.21. The grantee shall be responsible for all labor 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:

Puget Sound & Pacific Railroad
Larry Sorenson
501 N. 2nd Street
Elma, WA 98541

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.

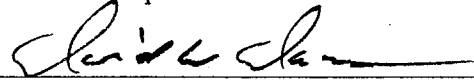
I. ENTIRE AGREEMENT

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

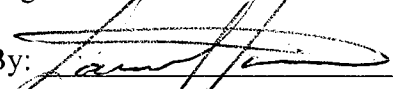
This agreement shall be effective upon signing by all parties.

State of Washington
Utilities and Transportation Commission

By: 
(Executive Director and Secretary)

Date: 1/19/10

Puget Sound and Pacific Railroad

By: 
Title: Assistant General Manager

Date: 1-26-10

Approved as to form:

By: /s/
Assistant Attorney General

BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of) DOCKET TR-091351
)
PUGET SOUND AND PACIFIC) ORDER 02
RAILROAD,)
) ORDER GRANTING EXTENSION OF
Petitioner.) TIME TO COMPLETE UPGRADES
) AND SUBMIT REQUEST FOR
) REIMBURSEMENT
)
)
Seeking approval to upgrade signals at) USDOT: #096563T
a railroad-highway grad crossing.)
.....)

BACKGROUND

- 1 On August 25, 2009, Puget Sound and Pacific Railroad (PSAP or Petitioner) filed a petition with the Utilities and Transportation Commission (Commission), requesting a disbursement of \$11,362.21 from the Grade Crossing Protective Fund (GCPF) to pay for a project to upgrade the train detection at a railroad-highway grade crossing. The crossing is identified as USDOT #096563T and is located at the intersection of Lynch Road and PSAP's tracks in Mason County. The Petitioner further requested the Commission authorize an expenditure of \$11,362.21 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
2 On September 9, 2009, the Commission issued an Order approving the request for disbursement from the GCPF for the proposal to upgrade the train detection. The Order required PSAP to complete the project and submit the associated request for reimbursement by January 31, 2010.
3 On January 12, 2010, PSAP submitted a request for an extension of time until May 2010, to complete the project and submit the request for reimbursement. Staff recommends that the Commission extend the project completion date until June 30, 2010, to provide additional time for the project to be completed within the GCPF project completion deadline.

FINDINGS AND CONCLUSIONS

- 4 (1) After reviewing Puget Sound and Pacific Railroad's request, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the extension of time to June 30, 2010.

ORDER

THE COMMISSION ORDERS:

- 5 The request of Puget Sound and Pacific Railroad for an extension of time to complete the upgrades to the train detection at the Lynch Road crossing is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$11,362.21.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- (3) Puget Sound and Pacific must sign and return the attached revised project agreement within 30 days.
- (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 30, 2010.
- (6) Puget Sound and Pacific Railroad must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

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

DATED at Olympia, Washington, and effective January 21, 2010.

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).