

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of OLYMPIA & BELMORE RAILROAD, INC., Applicant, Requesting Disbursement from the Grade Crossing Protective Fund	DOCKET TR-190859 ORDER 01 GRANTING REQUEST FOR DISBURSEMENT FROM THE GRADE CROSSING PROTECTIVE FUND SUBJECT TO CONDITIONS
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BACKGROUND

- 1 On August 5, 2019, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a “Notice of Available Funds for Rail Safety Projects” from the Grade Crossing Protective Fund (GCPF).
- 2 On October 16, 2019, Olympia & Belmore Railroad, Inc., (Olympia & Belmore Railroad or Applicant) filed with the Commission an application requesting a disbursement of \$1,851.98 from the GCPF to pay for a project related to installing missing or replacing defective signs (Application). The project includes installing the required sign posts, hardware, and reflective striping at 12 public and private railroad crossings located on its line in Thurston County. An attachment to the Application lists each crossing and the signs and associated hardware needed. The Applicant filed an amended Application on November 7, 2019.¹ The Applicant filed an updated materials list on January 27, 2020.
- 3 The total cost of the project as amended is \$3,646.95. The Applicant has limited its funding request to \$250 per crossing for those crossings where the proposed project costs exceed that amount. Olympia & Belmore Railroad will cover the difference between the grant amount requested and total project cost.
- 4 Commission staff (Staff) reviewed the Application and amended Application and identified several minor discrepancies. The Applicant requested funding to install stop signs, posts, etc., at Deschutes Parkway (north), identified as USDOT 085295E. This is a

¹ The Applicant originally applied as the Puget Sound & Pacific Railroad Company. In its amended Application, the Applicant corrected the company name to Olympia & Belmore Railroad, Inc. There were no other changes to the Application.

public crossing with active warning devices. Therefore, stop signs, posts, etc., are not needed.

5 The Applicant also requested funding for three ENS signs at Deschutes Parkway, identified as USDOT 085294X. Staff believes two ENS signs at this location are adequate.

6 Staff recommends the Commission approve funding in the reduced amount of \$1,764.13. The Applicant supports Staff's changes and the reduced grant amount. Currently there are funds available to pay for this project.

7 Staff recommends the Commission approve the request for funds with the following conditions: (1) expenditure from the GCPF must not exceed \$1,764.13, (2) the work for which the GCPF disbursement is approved must conform to the project description specified in the Application, (3) Olympia & Belmore Railroad 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 must be filed with the Commission no later than June 30, 2020.

DISCUSSION

8 RCW 81.53.281 authorizes the Commission to disburse funds from the GCPF to pay for improvements to highway-rail grade crossings. We find that the proposed modifications will improve the overall safety for roadway users.

9 Under WAC 480-62-415(2)(b) the Commission, when granting funds, "will achieve the greatest gains in safety relative to their cost... [and] may condition an award on an amendment of the application regarding the requested level of funding, the suggested time limit for completion of the grant project, and any other proposed term or condition."

10 We agree with Staff that the conditions presented above are an appropriate way to manage grant funds in the public interest. Additionally, the reduction in funds is adequate for the proposed projects given the agreement between Staff and the Applicant.

11 Accordingly, the Commission grants the Application subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 12 (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.
- 13 (2) The project for which 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.
- 14 (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 7, above.
- 15 (4) This matter came before the Commission at its regularly scheduled meeting on February 6, 2020.
- 16 (5) After reviewing Olympia & Belmore Railroad's Application filed on October 16, 2019, and the amended Application filed on November 7, 2019, 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:

- 17 (1) Olympia & Belmore Railroad, Inc.'s Application for disbursement from the Grade Crossing Protective Fund for a project related to installing missing or replacing defective signs, as well as installing the required sign posts, hardware, and reflective striping, at 12 public and private crossings located on its line in Thurston County is granted, subject to the following conditions:
- (a) Expenditure from the Grade Crossing Protective Fund must not exceed \$1,764.13.
- (b) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the Application.

- (c) Olympia & Belmore Railroad, Inc., must sign and return the attached project agreement.
 - (d) Payment will be made upon presentation of claim for reimbursement and verification by Staff that the work has been satisfactorily completed.
 - (e) 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, 2020.
- (2) The Commission retains jurisdiction over this matter to effectuate the terms of this Order.

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 February 6, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary