

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Application of CITY OF MARYSVILLE, Applicant, Requesting Disbursement from the Grade Crossing Protective Fund</p>	<p>DOCKET TR-240258 ORDER 01 GRANTING REQUEST FOR DISBURSEMENT FROM THE GRADE CROSSING PROTECTIVE FUND</p>
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BACKGROUND

- 1 On April 16, 2024, the City of Marysville (City or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application (Application) requesting a disbursement of \$34,686 from the Grade Crossing Protective Fund (GCPF) to install approximately 850 lineal feet of residential grade metal fencing and gates along the BNSF Railway Co. (BNSF) right-of-way along Cedar Street, between 1st Street to 4th Street, in Marysville, Snohomish County. After discussions with Commission Staff (Staff), on April 23, 2024, the City filed an amended Application requesting a disbursement of \$70,805 to install tamper-resistant fencing instead of residential grade fencing.
- 2 In its Application, the City indicates that there are areas adjacent to Cedar Street that are not fenced. There are also gaps in the existing fence that allow pedestrian access to the tracks. The area has a history of pedestrian trespassing and near-miss incidents, as well as a pedestrian fatality. During the investigation of the fatality incident, Staff reached out to the City and provided information about the availability of GCPF funds for trespass prevention projects. The installation of 6-foot tamper-resistant fencing will help to deter trespassing by channeling pedestrian traffic to nearby public rail crossings.
- 3 Staff recommends the Commission approve funding in the amount of \$70,805. 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 \$70,805, (2) the work for which the GCPF disbursement as approved must conform to the project description specified in the amended 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

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 amended 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 May 9, 2024.
- 10 (5) After reviewing the City's Application filed on April 16, 2024, and the amended Application filed on April 23, 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 The City of Marysville's amended Application for disbursement from the Grade Crossing Protective Fund for a project to install approximately 850 lineal feet of 6-foot tamper-resistant metal fencing and gates parallel to the BNSF Railway Co. right-of-way along Cedar Street, between 1st Street to 4th Street, in Marysville, Snohomish County, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$70,805.
- (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) 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.

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 May 9, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary