

MEMORANDUM

October 17, 2003

To: Marilyn Showalter, Chairwoman
Richard Hemstad, Commissioner
Patrick Oshie, Commissioner

cc: Bob Wallis, ALD
Ann Rendahl, ALD
Dixie Linnenbrink, Director of Regulatory Services
Paul Curl, Regulatory Services
Jonathan Thompson, AAG
Mike Rowsell, Rail Safety Manager
Steve King, Director of Safety and Consumer Protection

From: Ahmer Nizam, Regulatory Analyst

Subject: Grade Crossing Protective Fund
Docket No. TR-031384

This memorandum is provided as background for a meeting scheduled on October 20, 2003, to discuss changes to the Grade Crossing Protective Fund (GCPF), Staff's proposal for a revised GCPF program, and options for its formal adoption. Staff's proposal is attached to this memorandum as Attachment A.

Background:

Legislative changes to RCW 81.53.271 and RCW 81.53.281 amended the Commission's Grade Crossing Protective Fund (GCPF) in three major areas:

- The purpose of the fund was broadened.
- Monetary match requirements for projects under \$20,000 were eliminated.
- Monies from the public services revolving fund were made available, if needed, to cover legislative appropriations for GCPF grants.

Posted

*log file per
Ahmer
RMS*

The changes necessitated a reevaluation of the GCPF program, particularly with regard to the manner by which funds are to be allocated between different types projects. On September 30, 2003, Staff held a workshop that included representatives from the public and private sectors with expertise in railroad safety analysis and grant administration. The workshop provided staff with guidance on how to interpret the changes and apply them to a revised GCPF program consistent with the intent of the statutory amendments.

Proposal:

The attached Staff proposal outlines Staff's recommendations for the manner in which the GCPF program should be implemented. Staff's proposal addresses the types of projects that should be considered for funding, grant application and review procedures, processes for Commission approval, and post-grant evaluation of projects.

Options for Adoption:

Options for adopting a formal document that provides policy and administrative guidance for the GCPF program include developing rules or an interpretive and policy statement. After discussing the available options, Staff believes that an interpretive and policy statement is the preferable adoption mechanism, due to the flexibility that it provides with respect to the distribution of Grade Crossing Protective Fund monies under the new statutory scheme. A draft Interpretive and Policy Statement is attached to this memorandum as Attachment B.

If implementing the changes to the GCPF program through an interpretive and policy statement is acceptable, Staff will incorporate any changes you may make to the draft statement, and bring the statement before the Commission at the next appropriate open meeting.