

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of)	DOCKET TR-090487
)	
CITY OF CHENEY,)	ORDER 01
)	
Applicant,)	ORDER GRANTING REQUEST FOR
)	DISBURSEMENT FROM THE GRADE
)	CROSSING PROTECTIVE FUND
Requesting Disbursement from the)	
Grade Crossing Protective Fund)	USDOT #065970L
.....)	

BACKGROUND

- 1 On August 7, 2007, the Washington Utilities and Transportation Commission (Commission) sent a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” in Docket TR-071597 to various interested parties from the public and private sectors that were eligible to apply for Grade Crossing Protective Fund (GCPF) grants.

- 2 On March 31, 2009, the City of Cheney (City of Cheney) filed with the Commission an application requesting a disbursement of \$20,000 from the GCPF to pay for a project related to improving crossing safety at the Cheney Spangle Road in Cheney. Total project costs are estimated at \$22,000, with the City of Cheney paying for all costs exceeding \$20,000.

- 3 On April 20, 2009, Commission Staff notified the City of Cheney that the Commission did not have sufficient funds for the project at that time; however, the application would be kept on file and evaluated when additional funds became available.

- 4 In December 2009, Commission Staff notified the City of Cheney that funds were available for the project. The City of Cheney filed revisions to its original GCPF application on February 9, 2010.

- 5 The City of Cheney seeks to improve pedestrian safety at the Cheney Spangle Road crossing by installing 320 feet of sidewalk with handicap ramps, a concrete barrier, and signage. The installation of the additional sidewalk will complete the sidewalks through the crossings and provide a continuous smooth walking surface for pedestrians. The concrete barrier will keep pedestrians on the sidewalk and restrict access to pedestrian and vehicles from the west side of the street. The City of Cheney also proposes to install

a 300-foot fence behind several restaurants located along First Street. The proposed fencing will channel pedestrians leaving these establishments to the designated crossing. The fence will be constructed on city property and be maintained by the City of Cheney. The City also requests funding for signage and flagging costs.

- 6 The City of Cheney is bisected by two railroads – BNSF Railway Company (BNSF) and Union Pacific Railroad (UP). On the south side of the railroad tracks is a residential area with apartment complexes and multi-family housing. Six blocks north of the tracks is Eastern Washington University. Between the residential area and the university are three tracks, including a BNSF mainline with approximately 30 to 35 trains per day operating at 35 miles per hour through Cheney, a siding track, and a UP mainline with approximately 10 trains per day operating at 45 miles per hour.
- 7 College students and other residents walk across the railroad crossing and along the shoulder of Cheney Spangle Road daily. Students have been observed walking around fully-activated crossing arms into the path of oncoming trains nearing the crossing. Pedestrians have also been observed leaving restaurants or other establishments and walking across the ballast section of the railroad tracks and not across the designated crossing.
- 8 The City of Cheney seeks \$20,000 to pay for the cost of the safety improvements. There currently are funds available to pay for the project.
- 9 The City of Cheney must also meet the following conditions for administering the GCPF grant.
 - Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - The City of Cheney must sign and return the attached project agreement.
 - Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.

- 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 15, 2011.

FINDINGS AND CONCLUSIONS

- 10 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having authority to approve and administer disbursements from the Grade Crossing Protective Fund. *RCW 81.53.271; RCW 81.53.281.*
- 11 (2) The project for which the City of Cheney seeks disbursement from the Grade Crossing Protective Fund 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.*
- 12 (3) Commission Staff investigated the request based on the review criteria specified in the Commission's rules and recommended that it be granted, subject to specified conditions for administering the grant.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - The City of Cheney must sign and return the attached project agreement.
 - Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
 - 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 15, 2011.
- 13 (4) This matter came before the Commission at its regularly scheduled meeting on May 13, 2010.

- 14 (5) After reviewing the City of Cheney's application filed on March 31, 2009, and the addendum filed on February 9, 2010, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

O R D E R

THE COMMISSION ORDERS:

- 15 The City of Cheney's application for disbursement from the Grade Crossing Protective Fund for crossing safety improvements near Cheney, Washington, on Cheney Spangle Road, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
 - (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 of Cheney must sign and return the attached project agreement.
 - (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 15, 2011.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective May 13, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary