**BEFORE THE WASHINGTON STATE**

**UTILITIES AND TRANSPORTATION COMMISSION**

|  |  |  |
| --- | --- | --- |
| In the Matter of the Application ofEASTERN WASHINGTON GATEWAY RAILROAD,Applicant,Requesting Disbursement from the Grade Crossing Protective Fund. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . | )))))))))) | DOCKET TR-111528ORDER 01ORDER GRANTING REQUEST FOR DISBURSEMENT FROM THE GRADE CROSSING PROTECTIVE FUND |

BACKGROUND

1. On August 18, 2011, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund.”
2. On August 19, 2011, Eastern Washington Gateway Railroad (EWG or the Applicant) filed with the Commission an application requesting a disbursement of $23,075.17 from the GCPF to pay for a project related to improving safety at 79 passive mainline crossings and 22 signalized crossings maintained by EWG, see Appendix A. On September 22, 2011, EWG submitted a revised application which included the addition of emergency notification signs. The revised application requested a disbursement of $24,444.16. Total project costs are estimated at $49,532.18 with EWG paying for all costs exceeding $24,444.16.
3. EWG seeks to install stop or yield signs, wood posts with retro-reflective tape, retro-reflective cross buck signs, multi-track crossing, and emergency notification signs at 79 passive crossings. EWG will also replace cross buck signs at 22 signalized crossings in eastern Washington. Specific information about each crossing is contained in EWG’s GCPF application.
4. In 2009, the Federal Highway Administration revised its Manual on Uniform Traffic Control Devices (MUTCD) to require either a yield or stop sign on all passively-protected grade crossings by 2019. Yield or stop signs make clear to motorists what is expected of them when approaching a passive crossing.
5. The MUTCD also requires retro-reflective cross buck signs and a strip of retro-reflective tape on cross buck sign posts by 2012. The retro-reflective signs and tape improve nighttime visibility, advising motorists of an approaching grade crossing.
6. Commission Staff worked with EWG to identify passive crossings eligible for these safety improvements. Commission Staff and EWG agree that the installation of the required signs and retro-reflective materials will significantly improve public safety at these passive crossings. EWG will be responsible for all labor, installation and long-term maintenance costs which is approximately $25,088.02.
7. EWG seeks $24,444.16 to pay for a portion of the cost of the passive crossing upgrades. The Commission established a maximum reimbursement of $250 per crossing for materials, with the applicant responsible for all labor costs. There currently are funds available to pay for the project.
8. EWG must also meet the following conditions for administering the GCPF grant.
* Expenditure from the Grade Crossing Protective Fund must not exceed $24,444.16.
* The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
* EWG 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 March1, 2012.
* Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.

**FINDINGS AND CONCLUSIONS**

1. (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.*
2. (2) The project for which EWGseeks 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.
3. (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 $24,444.16.

The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.

EWG 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 March 1, 2012.

Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.

1. (5) After reviewing EWG’s application filed on August 19, 2011, and revised on September 22, 2011, 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:**

1. Eastern Washington Gateway Railroad’s application for disbursement from the Grade Crossing Protective Fund for upgrades at its mainline crossings in Washington is granted, subject to the following conditions:
	1. Expenditure from the Grade Crossing Protective Fund must not exceed $24,444.16.
	2. The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
	3. Eastern Washington Gateway Railroad 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 March 1, 2012.
	6. Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.

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 October 3, 2011.

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).