

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

CWW LLC,

Petitioner,

Requesting Extension of Time to
Complete Project Funded by the Grade
Crossing Protective Fund

DOCKET TR-210228

ORDER 02

GRANTING EXTENSION OF TIME
TO COMPLETE PROJECT AND
SUBMIT REQUEST FOR
REIMBURSEMENT

BACKGROUND

- 1 On April 7, 2021, CWW LLC (CWW or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) seeking approval to modify the active warning devices at a highway-rail grade crossing, identified as USDOT 808621G, located at the intersection of State Route 124 and the Petitioner's tracks near Waitsburg, Walla Walla County. The Petitioner further requested the Commission authorize an expenditure of \$3,979.42 from the Grade Crossing Protective Fund (GCPF) to pay for the modifications.
- 2 On April 28, 2021, the Commission issued Order 01 approving the proposed modifications and the request for disbursement from the GCPF. The Order required the Applicant to complete the project and submit the associated request for reimbursement by June 15, 2021.
- 3 On May 13, 2021, the Petitioner submitted a request for an extension of time until September 30, 2021, to complete the project and submit the request for reimbursement. The Petitioner cites unexpected delays in obtaining materials as the reason for the extension request.
- 4 Commission staff (Staff) reviewed the Petition and recommends that the Commission extend the project completion date until September 30, 2021, to provide additional time for the Petitioner to complete the project and request reimbursement within the GCPF project completion deadline. Upon completion, the Petitioner will be reimbursed from 2021-2023 biennium funds.

DISCUSSION

5 As authorized by RCW 81.53, the GCPF provides funding for projects that reduce
accident frequency and severity at public and private railroad crossings or reduce
pedestrian trespassing and motorist injuries and deaths on railroad rights-of-way at places
other than crossings. We find that the proposed modifications will increase safety for
roadway users, and that extending the deadline is appropriate to ensure project
completion.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington having authority under
RCW 81.53.281 to approve and administer disbursements from the GCPF for rail
safety projects.
- 7 (2) On April 7, 2021, CWW submitted a petition seeking to modify active warning
devices at a highway-rail grade crossing and requesting funding from the GCPF.
- 8 (3) On April 28, 2021, the Commission approved CWW's application for funding.
- 9 (4) On May 13, 2021, CWW requested an extension of the project period and
deadline for applying for reimbursement to September 30, 2021.
- 10 (5) Staff investigated the Applicant's request for extension and recommends that it be
granted. Granting the extension helps ensure timely completion of the project and
submission of reimbursement documents. Although the funding was approved
during the 2019-2021, biennium, the project will be reimbursed from 2021-2023
funds.
- 11 (6) After reviewing CWW's request for extension and giving due consideration to all
relevant matters and for good cause shown, the Commission finds that granting
additional time to complete this project and apply for reimbursement is
appropriate and in the public interest and grants the extension of time to
September 30, 2021.

ORDER

THE COMMISSION ORDERS:

12 The terms of Order 01 remain in full force and effect with the following change:

- (1) 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 September 30, 2021.

13 The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-180762. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective June 7, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON,
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.