

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

In the Matter of the Application of)	DOCKET TR-100126
)	
BNSF RAILWAY COMPANY,)	ORDER 02
)	
Applicant,)	ORDER GRANTING AMENDMENT TO
)	APPLICATION AND ORDER 01 -
)	ORDER GRANTING REQUEST FOR
Requesting Amendment to Project)	DISBURSMENT FROM THE GRADE
funded from the Grade Crossing)	CROSSING PROTECTIVE FUND
Protective Fund)	
.....)	

BACKGROUND

- 1 On January 20, 2010, BNSF Railway Company (BNSF or the Applicant) filed an application with the Washington Utilities and Transportation Commission (Commission), requesting disbursement from the Grade Crossing Protective Fund (GCPF) to pay for a portion of a project related to improving safety at mainline passive crossings. On March 10, 2010, BNSF filed a revised application with updated crossing and cost information. Total revised project costs were estimated at \$103,200 with BNSF paying for all costs exceeding \$35,250.
- 2 BNSF seeks to install yield or stop signs, wood posts with retro-reflective tape, retro-reflective cross-buck signs and emergency notification signs at 141 passive crossings throughout Washington. Specific information about each crossing is contained in the revised GCPF application and attachment to Order 01.
- 3 On August 19, 2010, the Commission issued Order 01 approving the request for disbursement from the GCPF for the proposed upgrades to 141 mainline passive crossings. The Order required BNSF to complete the project and submit the associated request for reimbursement by June 30, 2011.
- 4 On June 1, 2011, BNSF submitted a letter requesting to amend their GCPF application. BNSF states it would like to exclude ten crossings from the GCPF grant because BNSF is uncertain that upgrades to these crossings will be completed before the June 30, 2011, deadline. A list of the ten crossings is attached to the June 1, 2011, BNSF letter and to Order 02. BNSF states that unforeseen events such as derailments and other emergency

events and a late spring thaw have negatively impacted their manpower to complete this project.

- 5 The maximum amount the Commission will reimburse per crossing for upgrades of this nature is \$250. The Commission previously approved \$35,250, based on upgrades to 141 crossings. BNSF now requests to amend their application to include only 131 crossings, which decreases the allowable grant amount to \$32,750.

FINDINGS AND CONCLUSIONS

- 6 (1) After reviewing BNSF Railway Company's request, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the amendment to the GCPF application and Order 01 previously approved and reduces the grant amount to \$32,750.

O R D E R

THE COMMISSION ORDERS:

- 7 The request of BNSF Railway Company to amend its application and Order 01, relating to upgrades to mainline passive crossings in Washington is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$32,750, which includes upgrades to 131 mainline passive crossings at \$250 per crossing, see attachment.
 - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - (3) BNSF Railway Company must sign and return the attached revised 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 30, 2011.

The Commissioners have delegated authority to the Executive Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective June 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).