

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

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| In the Matter of the Application of |) | DOCKET TR-100192 |
| |) | |
| CITY OF SPOKANE VALLEY, |) | ORDER 02 |
| |) | |
| Applicant, |) | ORDER GRANTING EXTENSION OF |
| |) | TIME TO COMPLETE A SAFETY |
| |) | PROJECT AND SUBMIT REQUEST |
| Requesting Extension of Time to |) | FOR REIMBURSEMENT |
| Complete Project funded from the |) | |
| Grade Crossing Protective Fund |) | USDOT: 066378S |
| |) | USDOT: 066377K |

BACKGROUND

- 1 On January 29, 2010, the City of Spokane Valley (Spokane Valley or the Applicant) filed an application with the Commission, requesting disbursement of \$40,000 from the Grade Crossing Protective Fund (GCPF) to pay for two projects related to installation of median barriers at two crossings located within 100 feet of each other on Park Road. For administrative convenience of the applicant, the Commission considered both GCPF funding requests in a single docket. The total cost of the project is \$44,000, with Spokane Valley paying for all costs that exceed \$40,000.
- 2 On March 25, 2010, the Commission issued an Order approving the request for disbursement from the GCPF for the proposal to install the median barriers at the Park Road railroad crossings. BNSF Railway Co., the owner of the crossings also supports the median barrier project. Spokane Valley will be responsible for long term maintenance of the median barriers. The Order required Spokane Valley to complete the project and submit the associated request for reimbursement by December 31, 2010.
- 3 On November 30, 2010, Spokane Valley submitted a request for an extension of time until April 29, 2011, to complete the project and submit the request for reimbursement. The extension of time is needed because of the delay in receiving the work permit from BNSF Railway Co., and poor weather conditions. Staff recommends that the Commission grant the request until this date, to provide additional time for all aspects of the project to be completed within the GCPF project completion deadline.

FINDINGS AND CONCLUSIONS

- 4 (1) After reviewing the City of Spokane Valley's request, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the extension of time to April 29, 2011.

ORDER

THE COMMISSION ORDERS:

- 5 The request of the City of Spokane Valley for an extension of time to complete the median barrier project at the Park Road railroad crossings is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$40,000.
 - (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 Spokane Valley 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 April 29, 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 December 2, 2010.

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).