

PART 4: ((~~ADOPTION BY REFERENCE~~)) GRADE CROSSING PROTECTIVE  
FUND

NEW SECTION

**WAC 480-62-400 Purpose.** (1) As authorized by chapter 81.53 RCW, this chapter prescribes the manner in which a public, private or nonprofit entity may apply to the commission for grants from the grade crossing protective fund, and to prescribe a program for the award of such grants.

(2) Grade crossing protective fund grants are to fund projects that:

(a) Reduce accident frequency and severity at either public and private railroad crossings; or

(b) Reduce pedestrian, trespassing, and motorist injuries and deaths on railroad rights of way at places other than crossings.

NEW SECTION

**WAC 480-62-405 Applications.** (1) Any public, private or nonprofit entity may submit an application to the commission for a grant from the grade crossing protective fund. The commission will consider applications that propose projects that are within one of the following categories:

(a) **Grade crossing signals or other warning devices at public crossings.** This category includes safety improvement projects at public crossings under RCW 81.53.261 and 81.53.295.

(b) **Trespass prevention and pedestrian and motorist safety at locations other than crossings.** This category includes, but is not limited to, fencing or other physical barriers; warning devices; channeling devices; public information efforts; and enforcement-related activities.

(c) **Private crossing safety improvements.** This category includes, but is not limited to, crossing closures or consolidations; signals or warning devices; nighttime and off-hours locked gates; and making existing warning devices more noticeable.

(d) **Miscellaneous safety projects.** This category includes other projects within the scope of WAC 480-62-400(2) to foster creative and effective ideas and to address newly discovered problems. Such projects might include, but are not limited to, roadway improvements at or approaching grade crossings; mitigation of problems created by crossing closures; and removal of sight obstructions to signals or trains for the traveling public.

(2) An applicant may at any time submit an application on a

form provided by the commission for a grant to pay for costs of public grade crossing signals or other warning devices as described in subsection (1)(a) of this section. The commission will evaluate and act on such applications as they are received.

(3) An applicant may at any time submit an application for a grant to pay for projects falling within the categories described in subsection (1)(b), (c), and (d) of this section. When funds are available for disbursement, the commission will issue a call for grant applications with a deadline by which applications must be submitted for competitive consideration. The commission will evaluate and act on all pending applications, deciding whether each application should be granted, in whole or in part; whether the application should be retained for further consideration if funds become available; or whether the application should be denied. Applications that have not been denied may remain active until the next ensuing call for grant applications is issued, not to exceed two years from the date of the application, or such shorter time as the commission may specify.

(4) Applicants for projects described in subsection (1)(b), (c), and (d) of this section must submit grant applications on a form provided by the commission that requires applicants to provide the following information:

(a) A detailed summary of the hazard to be addressed, including location, accident history, and the identities of the relevant railroad company and local agency (local government that has jurisdiction over the issue and/or territory involved);

(b) A summary of the project and how its implementation will mitigate or eliminate the hazard;

(c) Cost estimates;

(d) An estimated timeline for project completion;

(e) A description of how the project's success can be measured;

(f) A summary of efforts to coordinate with the railroad and/or local government, and the results of those efforts; and

(g) Such other information as the commission may require.

NEW SECTION

**WAC 480-62-410 Funding for project categories.** The commission may set aside a specific amount for the category that includes public grade crossing signals and other warning devices. It may designate a portion of the total available funds for each of the other project categories. The commission may limit the amount of funding per project for each project category. The commission may also award a grant that pays a portion of a larger safety project.

NEW SECTION

**WAC 480-62-415 Evaluation and award process.** (1) The commission will evaluate each petition for a project involving grade crossing signals or other warning devices at a public crossing when it is filed. The commission will evaluate projects in other categories after the deadline specified in a call for grant applications. When evaluating projects, the commission may perform diagnostic reviews at the site of proposed projects and may inquire about possible revisions to improve the proposal. If the applicant modifies the grant application in response to commission inquiries, the commission will consider the application in its modified form.

(2) The commission will consider grant applications at regularly scheduled open meetings. Any interested person may speak at the open meeting regarding the grant applications.

(a) The commission will award a grant for a project involving grade crossing signals or other warning devices at a public crossing if funds are available and the commission determines that the public safety requires the project. The commission will consider the severity of the hazard addressed by the project and the safety benefits expected to be achieved.

(b) The commission will award grants to projects in other categories that, in the commission's judgment, will achieve the greatest gains in safety relative to their cost. The commission will consider the relative severity of the hazard being addressed in each application, the safety benefits expected to be achieved by the proposed projects, the costs of implementing each project, and whether the applicant coordinated with and sought approval from the relevant local agency and railroad.

The commission may also consider geographic diversity. The commission may condition an award on an amendment of the application regarding the requested level of funding, the suggested time limit for completion of the grant project, and any other proposed term or condition.

#### NEW SECTION

**WAC 480-62-420 Grant documents, timelines and fund transfers.** (1) As a condition of every grant award, award recipient must sign an agreement provided by the commission specifying the terms of the grant.

(2) If it appears that an award recipient is not meeting the timelines specified in the application, commission order, or agreement, the commission may set specific project milestones and deadlines for meeting them. The commission may withdraw the award if the award recipient does not achieve a milestone on time.

(3) When an award recipient completes a project, it must submit its request to the commission for disbursement of grant funds on a form provided by the commission.

(4) The commission will verify that the project is complete and meets all terms and conditions of the application, order, and agreement. When the commission confirms that the project has been completed consistent with the application, order, and agreement, the commission will disburse grant funds to the award recipient.

#### **PART 5: ADOPTION BY REFERENCE**