

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

In the Matter of the Petition of)	DOCKET TR-090406
)	
SPOKANE COUNTY,)	ORDER 02
)	
Applicant,)	ORDER GRANTING EXTENSION OF
)	TIME TO COMPLETE CROSSING
)	UPGRADES AND SUBMIT REQUEST
)	FOR REIMBURSEMENT
)	
)	
Requesting Disbursement from the)	USDOT: #058803V
Grade Crossing Protective Fund)	
.....)	

BACKGROUND

- 1 On January 2, 2007, Spokane County (County or Applicant) filed with the Utilities and Transportation Commission (Commission), a petition seeking approval to upgrade warning devices at a railroad-highway grade crossing. The upgrade includes replacing the cantilever mounted lights and gates with reconfigured shoulder mounted lights and gates; replacing the bungalow; and upgrading the signal equipment to accommodate advance pre-emption. The crossing is identified as USDOT# 058803V and is located at the intersection of Freya Street and BNSF Railway Company (BNSF) tracks in Spokane County. The Commission assigned docket TR-070026 to the petition. The Commission approved the petition on March 14, 2007. On March 12, 2009, the County filed a Grade Crossing Protective Fund (GCPF) grant application for the upgrade to the Freya Street crossing. The County requested the Commission authorize disbursement of \$20,000 from the GCPF to pay a portion of the upgrade, which is estimated at \$286,446.
- 2 On July 23, 2009, the Commission issued an Order approving the request for disbursement from the GCPF to pay a portion of the upgrade. The Order required the County to complete the project and submit the associated request for reimbursement by August 30, 2010.
- 3 On October 1, 2010, the County submitted a request for an extension of time until March 2011, to submit the request for reimbursement. The upgrades to the Freya Street crossing were completed in September 2010, however BNSF billing statements will not be available to the County for an additional 90 days. Staff recommends that the Commission extend the project completion date until May 30, 2011, to provide additional

time for the billing statement to be received from BNSF and for the County to submit reimbursement documents to the Commission for review.

FINDINGS AND CONCLUSIONS

- 4 (1) After reviewing Spokane County's request, giving due consideration to all relevant matters, and for good cause shown, the Commission grants the extension of time to May 30, 2011.

ORDER

THE COMMISSION ORDERS:

- 5 The request of Spokane County for an extension of time to submit the associated request for reimbursement for the signal upgrades at the Freya Street crossing is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
 - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - (3) Spokane County must sign and return the attached revised project agreement within 30 days.
 - (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 associated request for reimbursement from the Grade Crossing Protective Fund must be filed with the Commission no later than May 30, 2011.
 - (6) Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

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

DATED at Olympia, Washington, and effective October 8, 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).