

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

In the Matter of the Application of)	DOCKET NO. TR-040290
)	
THE CASCADE AND COLUMBIA)	ORDER NO. 01
RIVER RAILROAD COMPANY)	
)	
Petitioner,)	
)	ORDER DENYING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On December 12, 2003, the Washington Utilities and Transportation Commission (Commission) sent a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” to various interested parties from the public and private sectors that were either directly eligible to apply for Grade Crossing Protective Fund (GCPF) grants, or represented local agencies that were eligible. The notice directed interested parties to submit applications for funding consideration to the Commission by February 17, 2004.
- 2 On February 17, 2004, the Cascade and Columbia River Railroad Company (CCRR) filed an application with the Commission, requesting disbursement from the GCPF to pay for a project related to trespass prevention.
- 3 In the Town of Pateros, Washington, the CCRR tracks divide the main residential portion of town from the riverfront area. In the vicinity of the project area, the CCRR railroad right-of-way abuts State Route (SR)-97, located just west of the tracks. The main trespass area in Pateros is located along a 1,500-foot section of track that runs between the Dawson Street grade crossing at the southern end of the trespass area and the Lake Shore Drive grade crossing at the northern end of the trespass area. A well-worn dirt trail runs east-west between the river front and the residential area, crossing the tracks at the midpoint between the two grade crossings.

- 4 The project involves installing a 1,500-foot fence to block access across the tracks and divert pedestrians to one of the legal grade crossings at Dawson Street and Lake Shore Drive.
- 5 The total project cost is estimated at \$24,000. Due to limited GCPF appropriations, Commission Staff recommended denying any disbursement from the GCPF after a review of this project and prioritization of the merits of the project against similar projects for which disbursements are sought.
- 6 Although trespassing is evident along the identified rail corridor, there are several mitigating factors, including clear visibility of approaching trains, relatively slow train speeds and volumes (two trains per day, traveling at 25 mph), and the presence of two signalized at-grade crossings approximately 750 feet on either side of the trespass location where trains sound their horns when approaching the crossings and warning signals at the crossings are activated, thus clearly alerting pedestrians of any approaching trains.
- 7 Commission Staff advised CCRR to use some of the signs approved in a corresponding request for GCPF grant monies in Docket No. TR-040287 at this location, and to encourage law enforcement officials to cite trespassers, who are in clear view of SR-97. In addition, Commission Staff will work with Washington Operation Lifesaver, Inc. to increase rail safety education Pateros.

FINDINGS AND CONCLUSIONS

- 8 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having authority to approve and administer disbursements from the Grade Crossing Protective Fund. *Chapter 81.53.271 RCW and 81.53.281 RCW.*
- 9 (2) The project for which disbursement from the Grade Crossing Protective Fund is sought is eligible for funding consideration under the Grade

Crossing Protective Fund Policy and Interpretive Statement in Docket No. TR-031384, and complies with the requirements of RCW 81.53.271 and RCW 81.53.281.

- 10 (3) Commission Staff investigated the request based on the review criteria specified in the Grade Crossing Protective Fund Policy and Interpretive Statement in Docket No. TR-031384, and recommended that it be denied.
- 11 (4) This matter was brought before the Commission at its regularly scheduled meeting on June 9, 2004.
- 12 (5) After examination of the application filed by the Cascade and Columbia River Railroad Company, on February 17, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission denies the railroad's request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The request of the Cascade and Columbia River Railroad Company, seeking disbursement from the Grade Crossing Protective Fund for the installation of a six-foot high chain link fence at a trespass location in Pateros, Washington is denied.

The Commissioners, having determined this Order to be consistent with the public interest, direct the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 9th day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary