

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

BNSF RAILWAY COMPANY,

Petitioner,

Requesting Extension of Time to
Complete Project Funded by the Grade
Crossing Protective Fund

DOCKET TR-200478

ORDER 02

GRANTING EXTENSION OF TIME
TO COMPLETE PROJECT AND
SUBMIT REQUEST FOR
REIMBURSEMENT

BACKGROUND

- 1 On May 27, 2020, the BNSF Railway Company (BNSF or Applicant) filed with the Commission an application requesting a disbursement of \$20,000 from the Grade Crossing Protective Fund (GCPF) to partially pay for a project related to replacing damaged chain-link fencing with cut-resistant fencing to prevent pedestrian trespass over its railroad tracks in Kelso.
- 2 On June 11, 2020, the Commission issued an Order approving the request for disbursement from the GCPF. The Order required the Applicant to complete the project and submit the associated request for reimbursement by December 31, 2020.
- 3 On July 7, 2020, BNSF submitted a request for an extension of time to June 30, 2021, to complete the project and submit the request for reimbursement. BNSF cited its own administrative delays as the reason for the extension request.
- 4 Staff recommends that the Commission extend the project completion date until June 20, 2021, to provide additional time for the project to be completed within the GCPF project completion deadline, which will ensure reimbursement documents are submitted before the current biennium ends on June 30, 2021.

DISCUSSION

- 5 As authorized by RCW 81.53, the GCPF provides funding for projects that reduce accident frequency and severity at public and private railroad crossings, or reduce pedestrian trespassing and motorist injuries and deaths on railroad rights-of-way at places other than crossings. We find that the proposed modifications will reduce pedestrian trespassing, and that extending the deadline is appropriate to ensure project completion.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington having authority under RCW 81.53.281 to approve and administer disbursements from the GCPF for rail safety projects.
- 7 (2) On May 27, 2020, BNSF submitted an application for funding from the GCPF to pay for a portion of a fencing project to deter trespassing in Kelso, Washington.
- 8 (3) On June 11, 2020, the Commission approved BNSF's application for funding.
- 9 (4) On July 7, 2020, BNSF requested an extension of the project period and deadline for applying for reimbursement to June 30, 2021.
- 10 (5) Commission Staff investigated the Applicant's request for extension and recommends that it be granted. Granting the extension helps ensure timely completion of the project and submission of reimbursement documents.
- 11 (6) After reviewing BNSF's request for extension, and giving due consideration to all relevant matters and for good cause shown, the Commission finds that granting additional time to complete this project and apply for reimbursement is appropriate and in the public interest, and grants the extension of time to June 20, 2021.

ORDER

THE COMMISSION ORDERS:

- 12 The terms of Order 01 remain in full force and effect with the following change:
- (1) 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 20, 2021.

- 13 The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-180762. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective July 22, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

A handwritten signature in black ink, appearing to read "Mark L. Johnson", written in a cursive style.

MARK L. JOHNSON,
Executive Director and Secretary

NOTICE TO PARTIES: This is an order delegated to the Executive Secretary for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.