

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

In the Matter of the Application of)	DOCKET NO. TR-040017
)	
WASHINGTON OPERATION)	ORDER NO. 01
LIFESAVER, INC.)	
)	
Petitioner,)	
)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On December 12, 2003, 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 January 7, 2004, Washington Operation Lifesaver, Inc. (WOL) filed an application with the Commission, requesting disbursement from the GCPF to pay for a project related to trespass prevention.
- 3 WOL seeks to install 60 new “Danger-No Trespassing” signs along the Burlington Northern Santa Fe Railway (BNSF) right-of-way in the vicinity of Kelso, Washington, and along the Columbia River Gorge at locations that have been identified by WOL and BNSF as high trespass areas. The signs are intended to warn and educate would-be trespassers about the illegality and hazards associated with the railroad trespassing.

- 4 The application states that railroad trespassing along the identified BNSF corridor is primarily related to recreational activities including fishing, wind surfing, and swimming. During the warmer months, BNSF train crews report an average of 12 trespass-related near misses per week along the identified corridors.
- 5 BNSF has agreed to install and maintain the signs. The requested disbursement includes funds for 20 replacement signs that would be stored and used at BNSF's discretion.
- 6 Applicant seeks \$2,600 to pay for the cost of the signs. There are currently funds available to pay for the project.

FINDINGS AND CONCLUSIONS

- 7 (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.*
- 8 (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.
- 9 (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 granted, subject to specified conditions.
- 10 (4) This matter was brought before the Commission at its regularly scheduled meeting on June 9, 2004.

- 11 (5) After examination of the application filed by Washington Operation Lifesaver, Inc., on January 7, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 12 The request of Washington Operation Lifesaver, Inc., seeking disbursement from the Grade Crossing Protective Fund for the installation of "Danger-No Trespassing" signs at high trespass locations along the Burlington Northern Santa Fe Railway right-of-way is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$2,600.
 - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - (3) Payment will be made upon presentation of claim for reimbursement for materials, and verification by Commission Staff that the work has been satisfactorily completed.
 - (4) The project must be completed, and the associated request for reimbursement from the Grade Crossing Protective Fund must be on file with the Commission no later than May 31, 2005.

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