

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

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| In the Matter of the Application of |) | DOCKET NO. TR-040196 |
| |) | |
| WASHINGTON STATE PARKS |) | ORDER NO. 01 |
| AND RECREATION |) | |
| COMMISSION |) | |
| |) | |
| 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 February 10, 2004, the Washington State Parks and Recreation Commission (Washington State Parks), with the cooperation of the Burlington Northern Santa Fe Railway Company (BNSF), filed an application with the Commission, requesting disbursement from the GCPF to pay for closure of a public highway-rail grade crossing.

- 3 The project is located within Horsethief Lake State Park in the Columbia Gorge. The park currently provides a boat access to Horsethief Lake, and a separate boat access to the Columbia River. Both access points are located off of Spearfish Road (AKA Horsethief Lake Road). The lake and river are separated by the BNSF tracks, with no break for boats to cross between the two bodies of water.

The boat access to the Columbia River requires vehicles towing boats to cross the BNSF tracks.

- 4 The crossing consists of a two-lane roadway that terminates at the boat launch area. A railroad curve, 200 feet east of the crossing, and uneven topography limit sight distance of approaching westbound trains. Average daily traffic at the crossing mainly consists of park visitors hauling boats to the Columbia River. Each vehicle must cross the tracks four times – twice with the boat and twice without (*i.e.* after launching the boat, the vehicles must park on the other side of the tracks). ADT is estimated at 50 crossings per day, with a majority of use during weekends, warmer months, and fishing seasons. Warning devices at the crossing include signs only.
- 5 BNSF maintains a single main line across the roadway. Average daily train traffic is estimated at 50 trains per day. The maximum timetable speeds for trains are 70 MPH for passenger trains and 60 MPH for freight trains.
- 6 State Parks seeks to close the Spearfish Road grade crossing and divert traffic hauling boats to the other boat launch, located to the north. Since the other boat launch only serves Horsethief Lake, the project also requires establishing a bridge under the BNSF tracks for boats to access the Columbia River via Horsethief Lake. The project would eliminate the need for any traffic to cross over the BNSF tracks within the park and would result in closure of the crossing to the public.
- 7 The project is currently in its first phase, which includes design, permitting, environmental review, and completion of construction documents. The total cost of this first phase is \$275,150. For the completion of this first phase, BNSF has agreed to pay for \$175,000 and a Federal Boating Facilities grant was awarded to Washington State Parks for \$80,150. Applicant seeks \$20,000 to pay towards the balance for phase one costs.

8 Commission Staff recommended limiting GCPF disbursements for a single application to \$15,000 in order to fund the greatest number of projects, while still contributing a significant amount to those projects where the costs exceeded \$15,000. There are currently funds available for this disbursement. Staff verified with the applicant that the remaining costs associated with the implementation of this project would be paid per agreement between BNSF and State Parks.

FINDINGS AND CONCLUSIONS

9 (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.*

10 (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.

11 (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.

12 (4) This matter was brought before the Commission at its regularly scheduled meeting on June 9, 2004.

13 (5) After examination of the application filed by Washington State Parks on February 10, 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:

- 14 The request of Washington State Parks seeking disbursement from the Grade Crossing Protective Fund for the closure of a public railroad-highway grade crossing, identified as USDOT 090183R in Horsethief Lake State Park is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$15,000.
 - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - (3) Payment will be made upon presentation of claim for reimbursement for project costs, and verification by Commission Staff that the work has been satisfactorily completed.
 - (4) The portion of the project for which the GCPF disbursement was approved 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