

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

In the Matter of the Application of)	DOCKET NO. TR-040280
)	
THE CITY OF PUYALLUP,)	ORDER NO. 01
WASHINGTON)	
)	
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, 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 city of Puyallup filed an application with the Commission, requesting disbursement from the Grade Crossing Protective Fund to pay for a project related to trespass prevention.
- 3 Puyallup seeks to install a six-foot high chain link fence at a location within its city limits where frequent trespassing along the Burlington Northern Santa Fe (BNSF) rail line has been observed. The application identifies the area as the BNSF corridor between 12th Street NW and the city limits, located approximately 2,000 feet to the west.
- 4 Trespass activity in the project area is related to schools and city parks being located on the south side of the BNSF main line, and a residential area on the north side. Children often trespass on the BNSF mainline as part of a short cut to

and from school. Puyallup conducted a trespass study in this area, which documented that trespassing is especially problematic among children under the age of 14 during weekday mornings. The trespass area spans 2,000 feet along a section of track that averages 46 trains per day, traveling at speeds of 50 mph for freight trains and 79 mph for passenger trains.

5 The project involves installing a 2,000-foot fence along the BNSF rail corridor to block access across the tracks and divert pedestrians to the legal grade crossing at 12th Street NW.

6 The total project cost is estimated at \$50,000. Applicant seeks \$20,000 from the GCPF to incorporate into a cost-share that would include contributions from BNSF and a private individual owning property adjacent to the rail corridor, and city of Puyallup funds.

7 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 would be paid per agreement between the parties.

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 granted, subject to specified conditions.
- 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 city of Puyallup, on February 17, 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:

- 13 The request of the city of Puyallup, seeking disbursement from the Grade Crossing Protective Fund for the installation of a six-foot high chain link fence at a high trespass location in Puyallup, Washington 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 materials and labor, 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.

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary