

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

In the Matter of the Application of)	DOCKET NO. TR-040284
)	
THE PUGET SOUND AND)	ORDER NO. 01
PACIFIC RAILROAD COMPANY)	
)	
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 Puget Sound and Pacific Railroad Company (PSAP) filed an application with the Commission, requesting disbursement from the Grade Crossing Protective Fund to pay for a project related to trespass prevention.
- 3 PSAP seeks to install a chain link fence in Grays Harbor County, where the PSAP tracks cross the Wynoochee River. The railroad trestle crossing the river is identified as bridge 59, and is located in section 12, township 17 N., range 8 W., W.M.
- 4 Trespass activity in the project area is related to swimming and other recreational activities in or along the Wynoochee River. In the vicinity of the railroad trestle,

individuals currently access the river by walking across the railroad trestle and down to the river on the opposite bank.

5 Train traffic in the vicinity of the project area averages six freight trains per day, traveling at maximum speeds of 25 mph.

6 The project involves installing a 800-foot fence along the railroad right-of-way east of the river to block access to the railroad trestle.

7 Applicant seeks \$2,800 from the GCPF to cover the cost of the fence materials. Installation of the fence will be done by PSAP. There are currently funds available to pay for the project.

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 Puget Sound and Pacific Railroad Company, 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 Puget Sound and Pacific Railroad Company, seeking disbursement from the Grade Crossing Protective Fund for the installation of a chain link fence at a high trespass location at a PSAP railroad trestle, identified as bridge 59, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$2,800.
 - (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