

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

In the Matter of the Application of)	DOCKET NO. TR-040289
)	
THE CASCADE AND COLUMBIA)	ORDER NO. 01
RIVER 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 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 Cascade and Columbia River Railroad Company (CCRR) filed an application with the Commission, requesting disbursement from the Grade Crossing Protective Fund to pay for a project related to trespass prevention.
- 3 CCRR seeks to install a six-foot high chain link fence along its right-of-way in the CCRR rail yard in Omak, Washington, where trespassing is frequently observed. The application identifies the trespass area as the rail corridor beginning at the Omak rail yard and extending 1,300 feet to the south.
- 4 Trespass activity in the project area is related to schools and the city center being located on the west side of the CCRR tracks, and a residential area on the east side. Children often trespass across the CCRR rail yard as part of a short cut to

and from school or the city center. The portion of the yard that represents the greatest potential hazard area is contained within the northern 700 feet of the rail yard. This portion of the yard is the most frequently trespassed upon, and also the portion where daily train switching activities occur. The switching typically occurs during the morning hours when children use the tracks as a shortcut to school. In addition, stopped rail equipment within the yard often blocks sight distance of thru train movements on adjacent tracks. The remaining 600 feet also experiences trespass activity, but was identified by CCRR as a lower priority due to the relatively fewer number of trespassers and the area's further proximity from switching movements.

- 5 The project involves installing a 1,300-foot fence to block access across the rail yard and divert pedestrians to the legal grade crossing at Omak Avenue at the northern border of the rail yard.
- 6 The total project cost is estimated at \$20,800. 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. A disbursement of this amount would allow CCRR to fence the most critical portion of the yard (the northern 700 feet), and also fund approximately 40% of the remaining lower priority section (the southern 600 feet). There are currently funds available for this disbursement. Any remaining costs will be paid by the Cascade and Columbia River Railroad Company.

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 the Cascade and Columbia River 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:

- 12 The request of the Cascade and Columbia River Railroad Company, 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 Omak, 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