

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

In the Matter of the Application of	)	DOCKET TR-060107
	)	
CITY OF SULTAN,	)	ORDER 03
	)	
Applicant,	)	
	)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the	)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund	)	CROSSING PROTECTIVE FUND
.....	)	

**BACKGROUND**

- 1     On January 19, 2006, the City of Sultan (City) filed an application with the Washington Utilities and Transportation Commission (Commission) requesting disbursement of \$20,000 from the GCPF to pay for a project related to crossing safety. The city planned to upgrade the BNSF Railway crossing at Foundry Road in Sultan, Washington. The Commission approved the filing and required the City to complete the work by June 30, 2007.
- 2     On March 28, 2007, the City contacted the Commission and explained that the developer contracted to perform the work has delayed the project and would neither start nor finish the project by the established deadline. In light of that, the Commission rescinded its order granting disbursement of the GCPF funds and the project was held over for consideration during the next call for projects scheduled for the following biennium.
- 3     On August 7, 2007, the Commission sent a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” for the 2007-2009 biennium. The City of Sultan’s 2006 application for GCPF funds was again considered for approval.
- 4     The City of Sultan seeks to improve the approaches and to replace and realign the crossing surface of the Foundry Road crossing in Sultan.
- 5     Foundry Road is a two-way, rural local road with a maximum vehicle speed of 25 miles per hour. The crossing consists of one main-line railroad track owned by BNSF Railway. An average of 50 vehicles move over the crossing each day, including three school buses. Additional development is taking place in this area and the vehicle traffic will increase.
- 6     The City proposes to bring the street elevation up to the height of the tracks and level out the steep grade at the crossing. There is a severe hump at the crossing that is a potential

hazard to public safety, particularly vehicles with low ground clearance. Drivers describe their vehicles bottoming out on the tracks and trucks and trailers becoming high-centered on the crossing. The approach grade improvement is part of a larger road building project and the cost of all roadwork will be paid by the developer. The City also proposes to replace the current wood plank crossing surface with concrete panels.

7 A site visit by Commission Staff confirmed that the safety problems described by the City exist. The proposed upgrades to the approaches and crossing will increase the overall safety of the crossing and eliminate potential vehicle damage.

8 The City seeks \$20,000 to pay for the cost of the crossing surface improvements. There currently are funds available to pay for the project.

#### 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. *RCW 81.53.271; RCW 81.53.281.*

10 (2) The project for which the City of Sultan seeks disbursement from the Grade Crossing Protective Fund is eligible for funding consideration under Commission rules and complies with the requirements of *RCW 81.53.271, RCW 81.53.281,* and *WAC 480-62.*

11 (3) Commission Staff investigated the request based on the review criteria specified in the Commission's rules and recommended that it be granted, subject to specified conditions for administering the grant.

12 (4) After reviewing the City of Sultan's application filed on January 19, 2006, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

**O R D E R**

**THE COMMISSION ORDERS:**

13 The City of Sultan's application for disbursement from the Grade Crossing Protective Fund for crossing surface improvements near Sultan, Washington, on Foundry Road, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- (3) The City of Sultan must sign and return the attached project agreement.
- (4) Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work, including the associated roadwork, has been satisfactorily completed.
- (5) The project must be completed and the associated request for reimbursement from the Grade Crossing Protective Fund must be filed with the Commission no later than June 30, 2009.

The Commissioners have delegated authority to the Executive Secretary to enter this Order pursuant to RCW 80.01.030 and WAC 480-07-904((1)(a)).

DATED at Olympia, Washington, and effective April 28, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary