

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

In the Matter of the Application of	)	DOCKET TR-072009
	)	
CITY OF YAKIMA,	)	ORDER 03
	)	
Applicant,	)	ORDER GRANTING EXTENSION OF
	)	TIME TO COMPLETE TRESPASS
	)	PREVENTION PROJECT AND SUBMIT
Requesting Extension of Time to	)	REQUEST FOR REIMBURSEMENT
Complete Project funded from the	)	
Grade Crossing Protective Fund	)	
.....	)	

**BACKGROUND**

- 1     On October 5, 2007, the City of Yakima (City) filed an application with the Commission, requesting disbursement of \$20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a project related to trespass prevention. The total cost of the project is \$35,000.
- 2     On April 30, 2008, the Commission issued an Order approving the request for disbursement from the GCPF for the proposal to install fencing to prevent pedestrian and motor vehicle trespass onto the BNSF Railway and trolley bridge approaches to the bridges along the Naches River. The Order required the City to complete the project and submit the associated request for reimbursement by August 30, 2008.
- 3     On October 3, 2008, the City submitted a request for an extension of time until June 2009, to complete the project and submit the request for reimbursement. Staff recommended that the Commission extend the project completion date until May 30, 2009, to provide additional time for all aspects of the project to be completed within the GCPF project completion deadline.
- 4     On May 26, 2009, the City submitted a request for an extension of time until June 30, 2009, to complete the project due to a delay in obtaining proper permits from BNSF Railway. Staff recommends that the Commission extend the project completion date until June 30, 2009, to provide additional time for permits and all aspects of the project to be completed within the GCPF project completion deadline.

**FINDINGS AND CONCLUSIONS**

- 5 (1) After reviewing the City of Yakima's request, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the extension of time to June 30, 2009.

**ORDER**

**THE COMMISSION ORDERS:**

- 6 The request of the City of Yakima for an extension of time to complete the fencing project near the Naches River at the city of Yakima's northern city limits 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 Yakima must sign and return the attached revised project agreement.
  - (4) Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work 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 June 9, 2009.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

DAVID W. DANNER, Executive Director and Secretary

**NOTICE:** This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).