

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

In the Matter of the Application of)	DOCKET NO. TR-040292
)	
WASHINGTON OPERATION)	ORDER NO. 01
LIFESAVER, INC.)	
)	
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, Washington Operation Lifesaver, Inc. (WOL) filed an application with the Commission, requesting disbursement from the Grade Crossing Protective Fund to pay for a project related to trespass prevention.
- 3 WOL, with the cooperation of the Washington State Department of Transportation (WSDOT), seeks to install a 50-foot section of guardrail along State Route (SR)-14 in the Columbia River Gorge.
- 4 The project is located where SR-14 intersects with Bergen Road, approximately six miles east of Stevenson, Washington. Bergen road intersects with SR-14 at a “T” intersection on the north side of the highway, and the BNSF tracks parallel SR-14 to the south. Although a guardrail runs along most of the south edge of

SR-14 in the project vicinity, a 50-foot gap exists in the guardrail directly across from the Bergen Road/SR-14 intersection.

5 Trespass activity includes trucks and off-road recreation vehicles driving through the break in the guardrail and over the railroad tracks in order to gain access to the Columbia River. Vehicles driving over tracks without any crossing surface may result in the vehicles becoming high centered on the tracks in an area with high volumes and speeds of trains. BNSF train crews and railroad police have observed frequent incidents of trespassing at this location.

6 WOL proposes to close the break in the guardrail at this location to prevent access across the BNSF tracks.

7 WSDOT and BNSF are the sole property owners in the area between SR-14 and the BNSF tracks. Neither party objects to the implementation of the proposal.

8 Applicant seeks \$4,000 from the GCPF to pay for the project. WSDOT has agreed to install the guardrail if WOL's request for GCPF disbursement is granted. There are currently 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. *Chapter 81.53.271 RCW and 81.53.281 RCW.*

10 (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.

- 11 (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.
- 12 (4) This matter was brought before the Commission at its regularly scheduled meeting on June 9, 2004.
- 13 (5) After examination of the application filed by Washington Operation Lifesaver, Inc., on February 17, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission grants request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 14 The request of Washington Operation Lifesaver, Inc., seeking disbursement from the Grade Crossing Protective Fund for the installation of a 50-foot section of guardrail along SR-14, near Stevenson, Washington is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$4,000.
 - (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