

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

| | | |
|-------------------------------------|---|-----------------------------|
| In the Matter of the Application of |) | DOCKET NO. TR-040294 |
| |) | |
| 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 Burlington Northern Santa Fe Railway Company (BNSF), seeks to install a six-foot high chain link fence at a BNSF trestle at railroad milepost 74.6 in the Columbia River Gorge, near White Salmon, Washington.
- 4 The trestle is frequently used by fishermen to gain access to the banks of the Columbia River. BNSF train crews report an average of four trespass-related near misses in the vicinity of the trestle each week. In addition, there have been at least 10 trespass-related deaths at this location (the latest being 10/10/03).

- 5 Train traffic in the vicinity of the project area averages 50 trains per day, including both freight and passenger trains. Maximum train speeds in the vicinity are 65 MPH for passenger trains and 55 MPH for freight trains.
- 6 The project involves installing 750 feet of fencing, divided between both ends of the trestle, to block access to either entrance.
- 7 Applicant seeks \$7,730 from the GCPF to pay for the project. 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 Washington Operation Lifesaver, Inc., 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.

O R D E R

THE COMMISSION ORDERS:

13 The request of Washington Operation Lifesaver, Inc., seeking disbursement from the Grade Crossing Protective Fund for the installation of fencing at a BNSF railroad trestle at railroad milepost 74.6 is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$7,730.
- (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.

DOCKET NO. TR-040294
ORDER NO. 01

PAGE 4

DATED at Olympia, Washington, and effective this 9th day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary