

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

In the Matter of the Application of)	DOCKET NO. TR-040290
)	
THE CASCADE AND COLUMBIA)	ORDER NO. 02
RIVER RAILROAD COMPANY)	
)	
Petitioner,)	ORDER AMENDING ORIGINAL
)	ORDER DENYING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On June 9, 2004, the Washington Utilities and Transportation Commission (Commission) entered an order denying an application by the Cascade and Columbia River Railroad Company (CCR) for a disbursement from the Grade Crossing Protective Fund (GCPF).
- 2 The applicant sought funds for installation of a 1,500-foot long, six-foot high chain link fence intended to prevent trespassing across the CCR tracks in Pateros, Washington. The cost of the project was estimated at \$24,000.
- 3 Although Commission Staff’s investigation of the application affirmed that pedestrian trespassing along the CCR tracks in Pateros was a common occurrence, Staff recommended denying the petition at the time of review after prioritizing the merits of the project against similar projects for which disbursements were sought.
- 4 In February of 2005, the GCPF grantees in Dockets TR-040196 and TR-040284 relinquished the GCPF grants awarded in those dockets, thereby returning a total of \$17,800 to the Grade Crossing Protective Fund account for further funding consideration. In developing recommendations for the Commission on disbursement of these newly-available funds, Commission Staff re-reviewed GCPF applications considered by the Commission during the current biennium

that were either denied or were partially funded due to limited GCPF funds available at the time of their review. The CCRR application in Docket No. TR-040290 was re-reviewed as part of this effort.

- 5 After re-reviewing the merits this project against the remaining eligible projects for which GCPF funding is sought, Commission Staff recommended that a disbursement of \$10,000 be made in Docket No. TR-040290. A GCPF grant in this amount would not fund the entire project, but would allow for the fencing of 400 feet of the most critical portion of the rail corridor. The installation would serve to discourage trespassing along the CCRR tracks in Pateros and encourage the use of the legal grade crossings located north and south of the trespass area.

FINDINGS AND CONCLUSIONS

- 6 (1) On June 9, 2004, the Commission denied an application by the Cascade and Columbia River Railroad Company (CCRR) in Docket No. TR-040290 for a Grade Crossing Protective Fund Disbursement to fund a trespass prevention project in Pateros, Washington. The total cost of the project was estimated at \$24,000.
- 7 (2) The application was denied due to a combination of limited funds available at the time of review and the merits of the project being prioritized by Commission Staff as lower than those of other projects competing for the funds.
- 8 (2) To date, the project in Docket No. TR-040290 has not been completed.
- 9 (3) In March of 2005, \$17,800 in previously allocated GCPF grants was returned to the Grade Crossing Protective Fund account due to relinquishment of grants in Docket No. TR-040196 and TR-040284. The newly available funds are currently available for disbursement consideration.

- 10 (3) Based on a re-review of the application in Docket No. TR-040290, Staff recommended that a disbursement of \$10,000 be made towards the project, subject to specified conditions.
- 11 (4) This matter was brought before the Commission at its regularly scheduled meeting on March 31, 2005.
- 12 (5) After examination of the application filed by the Cascade and Columbia River Railroad Company on February 17, 2004, and for the reasons stated in paragraphs 4 and 5, the Commission grants the request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 13 The original Order in Docket No. TR-040290, denying an application by the Cascade and Columbia River Railroad Company for a disbursement from the Grade Crossing Protective Fund, is amended to include a disbursement of \$10,000 towards the project specified in the application filed in the same docket, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$10,000.
 - (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 31st day of March, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary