

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

TACOMA RAIL,

 Petitioner,

Requesting Extension of Time to
Complete Project Funded from the Grade
Crossing Protective Fund

DOCKET TR-161009

ORDER 02

ORDER GRANTING EXTENSION OF
TIME TO COMPLETE PROJECT AND
SUBMIT REQUEST FOR
REIMBURSEMENT

BACKGROUND

- 1 On August 16, 2016, Tacoma Rail (Tacoma Rail or Petitioner) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval for signage upgrades at 70 railroad-highway grade crossings. The Petitioner further requested the Commission authorize an expenditure of \$7,910 from the Grade Crossing Protective Fund (GCPF) to pay for the new signs.
- 2 On October 6, 2016, the Commission entered Order 01, Order Granting Request for Disbursement from the GCPF (Order 01), which approved the Petitioner's request for disbursement from the GCPF for the signage upgrades. Order 01 required Tacoma Rail to complete the project and submit the associated request for reimbursement by December 31, 2016.
- 3 Tacoma Rail did not complete the project and submit the required documentation by December 31, 2016, as required.
- 4 On February 3, 2017, Tacoma Rail filed with the Commission a letter acknowledging its failure to meet the project deadline, and explained that other year-end competing demands and sign vandalism, which resulted in reorders and reinstallations, delayed the project. Tacoma Rail requested an extension until March 10, 2017, to allow time to take pictures of all of the installed signage and submit the reimbursement documents.
- 5 Staff reviewed the Petitioner's request and recommends the Commission extend the project completion date until March 31, 2017, to provide additional time for all aspects of the project to be completed within the GCPF project completion deadline.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the state of Washington having authority to approve and administer disbursements from the Grade Crossing Protective Fund.
- 7 (2) On August 16, 2016, Tacoma Rail requested disbursement from the GCPF to install signage upgrades at 70 railroad-highway grade crossings.
- 8 (3) On October 6, 2016, the Commission granted Tacoma Rail's request for disbursement from the GCPF to install signage upgrades at 70 railroad-highway grade crossings and required Tacoma Rail to complete the project and submit the associated request for reimbursement by December 31, 2016.
- 9 (4) Tacoma Rail did not complete the project and submit the request for reimbursement by December 31, 2016, as required.
- 10 (5) On February 23, 2017, Tacoma Rail contacted the Commission and requested an extension until March 10, 2017, to submit the request for reimbursement.
- 11 (6) Staff reviewed the Petitioner's request and recommends extending the deadline until March 31, 2017.
- 12 (7) This matter came before the Commission at its regularly scheduled open meeting on March 16, 2017.
- 13 (8) After reviewing Tacoma Rail's request, and giving due consideration to all relevant matters and for good cause shown, the Commission grants an extension until March 31, 2017.

ORDER

THE COMMISSION ORDERS:

- 14 Tacoma Rail's request for an extension of time to complete the crossing safety upgrades is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$7,910.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.

- (3) Tacoma Rail must sign and return the attached revised project agreement by March 24, 2017.
- (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 March 31, 2017.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective March 16, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary