

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CITY OF MILLWOOD,

Petitioner,

Seeking Approval to Install Signals at a
Railroad-Highway Grade Crossing

DOCKET TR-161023

ORDER 03

ORDER AMENDING ORDER 01 TO
AUTHORIZE ADDITIONAL
EXPENDITURE FROM THE GRADE
CROSSING PROTECTIVE FUND

USDOT: 662513B

BACKGROUND

- 1 On August 23, 2016, the City of Millwood (City) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to install active warning devices at a railroad-highway grade crossing, identified as USDOT 662513B, on Marguerite Street in the city of Millwood. The petitioner further requested the Commission authorize an expenditure of \$254,222 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
- 2 On September 19, 2016, the Commission entered Order 01 approving the City's request for disbursement from the GCPF and the petition to install active warning devices at the Marguerite Street crossing. The Order required the City to complete the project and submit the associated request for reimbursement by June 15, 2017.
- 3 On January 30, 2017, the City submitted a request for an extension of time to complete the project and submit the request for reimbursement due to unforeseen delays in Union Pacific Railroad's (UPRR) construction schedule. The Commission entered Order 02 granted an extension of the project completion date to December 31, 2017, to provide additional time for all aspects of the project to be completed within the GCPF project completion deadline.
- 4 On October 19, 2017, the City submitted a second request for an extension of time to complete the project due to additional delays in the UPRR construction schedule. The City later rescinded its request for an extension, believing it had received all invoices from UPRR related to the signal installation. On October 23, 2017, the City submitted its

request for reimbursement from the GCPF in the amount of \$250,907.85. The Commission issued the reimbursement on November 3, 2017.

5 On December 20, 2017, the City informed Commission staff (Staff) that it had received an additional invoice from UPRR in the amount of \$44,402.87. The City requests reimbursement for these unanticipated costs.

6 Funds are available in the GCPF to pay for these additional project costs. Staff recommends that the Commission increase the funding cap for this project and authorize reimbursement from the GCPF to pay this invoice.

DISCUSSION

7 We agree with Staff's recommendation. The Commission established the amount of funding for this project based on the City's good faith belief that it had accounted for all costs. The City should not be held responsible for the unanticipated additional invoice from UPRR. Accordingly, the Commission grants the request for the additional disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 8 (1) The Commission amends Order 01 to approve additional funding for the cost of installing active warning devices at the Marguerite Street crossing, to be paid from the Grade Crossing Protective Fund. Specifically, the Commission amends ordering paragraph (1) in paragraph 8 to provide that expenditure from the Grade Crossing Protective Fund must not exceed \$295,310.72.
- 9 (2) Orders 01 and 02 otherwise remain in full force and effect.

The Secretary of the Commission has delegated authority over this matter pursuant to Order 01 in Docket A-151775. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective January 11, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVEN V. KING, 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).