



PORT OF PEND OREILLE dba PEND OREILLE VALLEY RAILROAD

1981 Black Road, Usk, WA 99180 • (509) 445-1090 • 445-1750 • FAX: (509) 445-1522

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STATE OF WASH.
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COMMISSION

January 13, 2004

Mr. Ahmer Nizam
Washington Utilities and Transportation Commission
Attention: Grade Crossing Protective Fund
1300 S. Evergreen Park Drive SW
Olympia, WA. 98504-7250

Dear Mr. Nizam,

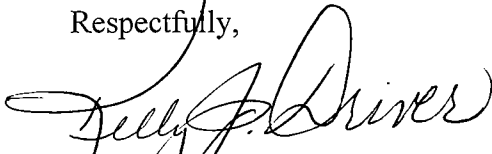
On behalf of the Port of Pend Oreille Commissioners and staff I respectfully submit our application for funding of Trespass Prevention through the Washington Utilities and Transportation Commission's Grade Crossing Protection Fund.

In 1998 the Port District entered into a 20-year lease with BNSF for the rail line between Newport, Washington and Dover, Idaho. Both areas for which funding is being requested are along BNSF owned, Port leased, right-of-way. Since taking over the line from BNSF in 1998 we have had problems in this area not only with trespassing but with vandalism to rail cars and with fires in being set in the cars as well.

Enclosed please find the original and two (2) copies of our application including maps and pictures of the areas where we would like to install fencing to increase safety and eliminate the risks for pedestrians and train crews.

If you have any questions regarding our application please call me or Cliff Bauer at 509-445-1090.

Respectfully,


Kelly J. Driver,
Manager



MEMBER



Grade Crossing Protection Fund APPLICATION FOR FUNDING

The Commission's objectives in distributing monies from its Grade Crossing Protective Fund (GCPF) are as follows: To reduce accident/incident frequency and severity at both public and private railroad crossings; and to reduce pedestrian trespassing and the frequency of trespass-related deaths and injuries along railroad rights-of-way. Any public, private, or nonprofit entity may submit an application to the Commission for GCPF monies.

The focus of the GCPF program is to fund projects that demonstrate a need for improved public safety related to one of the following four categories:

- **Grade crossing safety projects** (the Commission's original GCPF program).
- **Trespass prevention projects.** Examples of projects in this category include fencing or other physical barriers that prevent trespassing on railroad rights-of-way; pedestrian warning devices; establishing new public grade crossings; installing channeling devices; media/public relations campaigns; and enforcement-related activities.
- **Private crossing safety improvements.** Examples of projects in this category include private crossing closures; installation of private crossing-specific warning devices; installation of nighttime/off-hours locked gates; and improvements to reflectorization/conspicuousness of existing warning devices.
- **Miscellaneous safety projects.** Examples of projects in this category include improvements to motorists' ability to see approaching trains, including the removal of physical obstructions; participation in roadway improvements at or approaching grade crossings; and mitigation of crossing closures.

All projects that fall within any of these four general categories are eligible for funding consideration.

Applicant Name: Port of Pend Oreille, Db a Pend Oreille Valley Railroad

Organization: Pend Oreille Valley Railroad

Address: 1981 Black Road, Usk, WA. 99180

Office Phone: 509-445-1090

E-mail: kellyd@povarr.com

Cell Phone: 509-671-1195

Fax Number: 509-445-1522

Type of Application: Trespass Prevention

- Private crossing safety improvement
- Trespass prevention
- Miscellaneous

Please list all of the other companies (e.g., railroad companies) organizations, or state or local agencies that may be involved in implementing this proposal and the name, address and phone number of each. City of Newport, Ray King, 200 S. Washington, Newport, WA. 99156 509-447-5611; Burlington Northern Railroad, Chris Randall, 2500 Lou Menk Drive, Fort Worth, TX. 76131-2828 817-352-6132

L Note: Requests for public grade crossing safety projects will be continue to be processed through the Commission's regular petition process.

Project Information – Please attach additional information if needed.

- 1) *Provide a detailed summary of the hazard being addressed, including any accident/incident information or other supporting data. If filing this application electronically, photographs, drawings, or other optional materials that are not in electronic format may be sent to the mailing address specified in the “instructions” section and should be clearly identified as an attachment to your application:*

The Port of Pend Oreille, Dba Pend Oreille Valley Railroad (POVA) operates two (2) round trip trains per day, Monday through Friday, in and out of Newport, WA. Newport serves as the main switching yard for POVA operations. Most switching operations occur during the same hours that children are using the rail yard as a short cut to and from school. Train crew members have witnessed children crawling under, as well as climbing over, rail cars; this is verified by the photos showing the paths going over and/or under the rail cars. POVA has posted “No Trespassing” signs in this area; these signs have not deterred pedestrians from using this land as a short cut to the school and downtown area.

There are two separate areas of concerns within the Newport Yard. The first area is where children from a housing development, located along Newport’s “Railroad Avenue” and just south of POVA’s yard and main line tracks, have several trails where they cross the tracks on their way to and from Newport schools. The second area is located east of the crossing at 4th and Union. The second area is also a foot path for children and adults when traveling into and out of Newport.

Fencing of these areas, particularly Area One, will virtually eliminate the opportunity to use railroad property as a short cut to the schools and other areas of Newport. Creating a physical barrier to block access to these trails will force individuals to use the crossing and 4th and Union Streets and will create a safer environment for the pedestrians as well as train crews.

- 2) *Provide a detailed description of your proposed project and explain how its implementation will eliminate or mitigate the hazard. If available, please attach any drawings or construction plans for your proposed project (see section 1 if filing electronically):*

In order to improve public safety within the City of Newport, POVA proposes to install 6-foot chain link 11-gauge fencing, preferably with barbed wire above the top of the fencing, in order to create a physical barrier that would eliminate the foot traffic in both of these areas.

In Area One, the highest priority due to the high volume of foot traffic, ages of those trespassing on railroad property and sight limitations for train crews, we would construct the fence along the south side of the tracks from the crossing at 4th and Union Street extending west approximately 2,425 feet. In conjunction with this project the City of Newport would also install similar fencing, on City property, to further eliminate the foot traffic from the housing site. The City’s fence would extend approximately 1,200 feet west of the end of POVA’s fence and would then turn south for an estimated 800 feet; POVA and the City would share a common end post to make the fencing continuous. The City’s fence would end at a swamp which creates a geographic barrier to prohibit foot traffic and trespass activity in the area naturally. The combined fencing project will force those in the housing development near Railroad Avenue to use the crossing at 4th and Union Streets, which is protected by gates and lights, for their journey to Newport schools and downtown businesses.

In the second area we propose 500 feet of fencing along the south side of POVA's tracks to again force pedestrians to use the crossing at 4th and Union Streets. This area is a lower priority for fencing as it has better visibility for railroad employees and it is not as well traveled as the area described above.

3) *Provide cost estimates, including those related to long-term maintenance:*

POVA obtained estimates from two fencing companies in Spokane for these projects. Area One costs would range from \$22,000 to \$25,700 and between \$4,500 - \$5,300 for Area Two. Maintenance costs are estimated to be minimal each year due to the distance between the tracks and the fence. This distance allows for save train movements, track maintenance and for snow removal without compromising the area near the fence.

4) *Estimated timeline of project, if approved:*

If funding is received for only one project we would address Area One as it has a greater risk for injuries and/or fatalities with the higher volumes of pedestrian traffic. It is estimated that the fencing would begin as soon as weather permits in the spring and would take approximately 7-10 days to complete; this includes the time for the concrete to set for the placement of the poles. If both areas are funded, Area Two would begin at approximately the same time and could add another two to three days to complete the both sections of fencing.

5) *If known, provide a description of how the project's success would be measured:*

Success will be measured by monitoring the crossing activity of individuals in the morning and afternoon hours by POVA management and employees as well as by observing whether the foot paths continue to be used.

6) *Other comments:*

POVA management would work with the Newport School District Administration prior to work being initiated to inform them that this access is to be blocked and to request that the school notify affected families in advance that fencing will be placed in these areas and access across the tracks is prohibited.

For questions or assistance, please contact Ahmer Nizam at 360-664-1345 (e-mail anizam@wutc.wa.gov) or Sally Turnbull at 360-664-1230 (e-mail Sturnbul@wutc.wa.gov)

Instructions

After completing the Grade Crossing Protective Fund application, please send the original and two copies to:

**Washington Utilities and Transportation Commission
Attention: Grade Crossing Protective Fund
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250**

Applications are available at www.wutc.wa.gov/GCPFgrants, and may be filed electronically at railinfo@wutc.wa.gov. When filing electronically, please specify "Grade Crossing Protective Fund" in the subject line.

Please ensure that the names and addresses of representatives from the relevant railroad company and local jurisdiction are correct and listed in the application.

Funding

RCW 81.53.271 allows the Commission to grant up to twenty thousand dollars for selected projects without requiring a monetary match. The Commission, however, may limit the amount of funding per project to a lesser amount so that an optimal number of projects may be funded with regard to relative safety benefits and project costs. The Commission may also consider funding for larger safety projects for which the GCPF grant would constitute some portion of the total cost.

Selection of Projects

The Commission will initiate a "call for projects," soliciting applications within a specific timeframe. After the specified submittal deadline, all applications will be reviewed simultaneously. Further information about the Grade Crossing Protective Fund may be obtained on the Commission's website at www.wutc.wa.gov/GCPFgrants, or by contacting Ahmer Nizam at (360) 664-1345 or Sally Turnbull at (360) 664-1230.

The Commission will review and select projects for funding based on the relative severity of the hazard being addressed, the safety benefits resulting from a project, the costs of implementing a project, and geographic diversity. For projects that require physical installations and are selected after an initial prioritization of applications,* Commission Staff will organize an on-site meeting with representatives of the railroad, local agency, the applicant (if different from the railroad or local agency), and other entities if appropriate. The purpose of the meeting is to verify information included in the application, gain first-

* Since funding is limited, an initial prioritization will reduce the number of eligible applicants to a number consistent with the amount of funding available.

hand knowledge of the hazard and proposal, and give all relevant parties an opportunity to recommend alternatives or additional safety needs. The Commission will approve at an open meeting all projects that receive GCPF funds, as well as the amount of any GCPF funding, if any, to be awarded to each project. Final award of GCPF grants will be contingent upon the recipient signing an agreement specifying the terms of the grant.



CITY OF NEWPORT, WASHINGTON

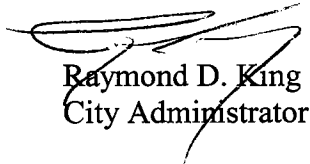
January 8, 2004

Re: Letter of Support for Public Safety Fencing

To Whom It May Concern:

The City of Newport strongly supports the Port of Pend Oreille/Pend Oreille Valley Railroad's grant application for fencing beginning at the Fourth and Union Street Railroad Crossing and extending West. In conjunction with POVA, the City of Newport would be extending the fence down the track to enclose the City's well field. There are many children/teenagers living in the trailer park in the local area. There has been a high degree of vandalism to the City's property as well as numerous fires started in the railway cars. In addition to the vandalism, there is also a public safety concern due to kids crawling on and camping in the railway cars. Due to the seclusion and lack of roads in the area outlined on the enclosed map, it is difficult for the Police Department to patrol the area. Enclosing the outlined area would be a positive step toward public safety in this area as well as a reduction in vandalism to public property.

Respectfully Submitted,



Raymond D. King
City Administrator

RDK:nas

Enclosure

CITY OF NEWPORT - CITY LIMITS

POVA PROPOSED
FENCE "AREA ONE"

CITY OF NEWPORT
FENCE

POVA PROPOSED
FENCE "AREA TWO"

