

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

In the Matter of the Application of)	DOCKET NO. TR-040284
)	
THE PUGET SOUND AND)	ORDER NO. 02
PACIFIC RAILROAD COMPANY)	
)	
Petitioner,)	
)	ORDER RESCINDING GRADE
Requesting Disbursement from the)	CROSSING PROTECTIVE FUND
Grade Crossing Protective Fund)	GRANT
.....)	

BACKGROUND

- 1 On June 9, 2004, the Washington Utilities and Transportation Commission (Commission) entered an order granting an application by the Puget Sound and Pacific Railroad Company (PSAP RR) for a disbursement from the Grade Crossing Protective Fund (GCPF) totaling \$2,800. The grant was to be used for installation of a fence intended to block illegal access to a PSAP railroad bridge in Grays Harbor County, where the PSAP RR tracks cross the Wynoochee River.
- 2 On February 7, 2005, PSAP RR filed a letter with the Commission, stating that the project for which GCPF funds were disbursed will not be completed by May 31, 2005, as required by the approving order. The reasons given for the project delay are unexpected difficulties regarding labor and costs. PSAP RR has indicated that the project will be implemented at an undetermined future date. The letter also requests that the \$2,800 awarded in Docket No. TR-040284 be redirected to fund a cost overrun for another GCPF-funded PSAP RR project in Docket No. TR-040285. That project involves the construction of a fence to prevent railroad trespassing in Aberdeen, Washington.
- 3 Although the Commission’s Grade Crossing Protective Fund Policy and Interpretive Statement (Statement) in Docket No. TR-031384 does not explicitly address the issue of transferring GCPF monies between projects approved for funding, doing so without considering other eligible uses for the funds is not

consistent with the Statement's emphasis on providing equal opportunity for all applicants in the Commission's review of projects. Accordingly, the petitioner's request will be addressed as two separate matters: 1) a statement filed in Docket No. TR-040284 relinquishing the GCPF grant previously awarded in that docket, which is addressed in this order; and 2) a request for additional funding for the project specified in Docket TR-040285 in the amount of \$2,800. The latter request will be addressed in the corresponding docket.

FINDINGS AND CONCLUSIONS

- 4 (1) On June 9, 2004, the Commission approved an application by the Puget Sound and Pacific Railroad Company for a Grade Crossing Protective Fund disbursement of \$2,800 in Docket No. TR-040284. The disbursement was approved after considering the relative priorities of all funding applications pending at the time.
- 5 (2) The Commission's approval of the application in Docket TR-040284 included a condition that the funds must be used by May 31, 2005.
- 6 (3) On February 7, 2005, the Puget Sound and Pacific Railroad Company, having determined that the project would not be completed by the required date, filed a request to relinquish the grant in Docket No. TR-040284 and to increase funding for another GCPF-funded project in Docket No. TR-040285.
- 7 (4) The matter of additional funding for the project in Docket No. TR-040285 will be addressed separately in that docket for the reasons stated in paragraph 3.
- 8 (4) This matter was brought before the Commission at its regularly scheduled meeting on March 31, 2005.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The Grade Crossing Protective Fund grant awarded to the Puget Sound and Pacific Railroad Company in Docket No. TR-040284 is rescinded, thereby returning the amount of \$2,800 to the Grade Crossing Protective Fund account for further disbursement consideration.

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