

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

In the Matter of the Application of)	DOCKET NO. TR-040285
)	
THE PUGET SOUND AND)	ORDER NO. 02
PACIFIC RAILROAD COMPANY)	
)	
Petitioner,)	ORDER DENYING REQUEST FOR
)	ADDITIONAL DISBURSEMENT
Requesting Disbursement from the)	FROM THE GRADE CROSSING
Grade Crossing Protective Fund)	PROTECTIVE FUND
.....)	

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 \$5,000. The grant was to be used for installation of a fence intended to block illegal access along the tracks of the PSAP RR in the vicinity of the Aberdeen Waterfront Park in Aberdeen, Washington.

- 2 The project was completed in January of 2005, but an unexpected cost overrun resulted in a total expenditure of \$8019. On February 7, 2005, PSAP RR filed a letter with the Commission, relinquishing a GCPF disbursement of \$2,800 in Docket No. TR-040284 and requesting that the same amount be transferred towards the project in Docket No. TR-040285 to help cover the additional cost.

- 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, PSAP RR’s

request was reviewed against other pending requests for additional GCPF funds and other applications that were previously denied grants due to lack of funds.

- 4 After re-reviewing the merits of this project against the remaining eligible applications for which GCPF funding is sought, and in consideration of the limited GCPF funds available at this time, Commission Staff recommended denying an additional disbursement for the project.

FINDINGS AND CONCLUSIONS

- 5 (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 \$5,000 in Docket No. TR-040285. The disbursement was approved after considering the relative priorities of all funding applications pending at the time.
- 6 (2) The project was completed in January of 2005 at a cost of \$8,019; \$3,019 more than the total cost estimated by the railroad.
- 7 (3) On February 7, 2005, the Puget Sound and Pacific Railroad Company filed a request to relinquish a \$2,800 grant in Docket No. TR-040284 and to increase funding in Docket No. TR-040285 by the same amount.
- 8 (4) Commission Staff investigated the request based on the review criteria specified in the Grade Crossing Protective Fund Policy and Interpretive Statement in Docket No. TR-031384, and recommended that it be denied.
- 9 (5) This matter was brought before the Commission at its regularly scheduled meeting on May 24, 2005.
- 10 (6) After examination of the request filed by the Puget Sound and Pacific Railroad Company on February 7, 2005, and for the reasons stated in

paragraphs 3 and 4, the Commission denies the request for additional disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 11* The request of the Puget Sound and Pacific Railroad Company, seeking an additional disbursement of \$2,800 from the Grade Crossing Protective Fund in Docket No. TR-040285 is denied.

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 24th day of May, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary