

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

In the Matter of the Application of	)	DOCKET NO. TR-040289
	)	
THE CASCADE AND COLUMBIA	)	ORDER NO. 02
RIVER RAILROAD COMPANY	)	
	)	
Petitioner,	)	ORDER AMENDING ORIGINAL
	)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the	)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund	)	CROSSING PROTECTIVE FUND
.....	)	

**BACKGROUND**

- 1 On June 9, 2004, the Washington Utilities and Transportation Commission (Commission) entered an order granting an application by the Cascade and Columbia River Railroad Company (CCRR) for a disbursement from the Grade Crossing Protective Fund (GCPF). The grant was to be used for installation of a fence intended to prevent trespassing in the CCRR rail yard in Omak, Washington.
  
- 2 The CCRR rail yard in Omak experiences regular trespass activity by school-aged children. In their application filed in Docket No. TR-040289, CCRR identified a 1,300-foot section of their rail corridor that encompasses the main problem area. The cost of fencing this portion of the rail corridor was estimated by CCRR at \$20,800. Due to limited funds available and in weighing the benefits of this project against other GCPF applications, the Commission partially funded the project in Docket No. TR-040289, awarding a total GCPF disbursement of \$15,000.
  
- 3 In November of 2004, CCRR used the GCPF grant to successfully install over 900 feet of fencing along the portion of the rail corridor specified in their application. To date, approximately 400 feet of the fencing project remains incomplete. The updated cost estimate for this remaining portion of the project is \$8,000.

- 4 In February of 2005, the GCPF grantees in Docket No. TR-040196 and TR-040284 relinquished the GCPF grants awarded in those dockets, thereby returning a total of \$17,800 to the Grade Crossing Protective Fund account for further funding consideration. In developing recommendations for the Commission on disbursement of these newly-available funds, Commission Staff re-reviewed GCPF applications considered by the Commission during the current biennium that were either denied or were partially funded due to limited GCPF funds available at the time of their review. The CCRR application in Docket No. TR-040289 was re-reviewed as part of this effort.
- 5 After re-reviewing the merits of this project against the remaining eligible projects for which GCPF funding is sought, Commission Staff recommended an additional disbursement of \$5,000 towards the completion of the project specified in Docket No. TR-040289. A GCPF grant in this amount would allow for the fencing of an additional 250 feet of the critical trespass area, while remaining within the maximum grant allowance of \$20,000 without requiring matching funds from the applicant. The additional installation would serve to further discourage trespassing along the CCRR tracks and encourage the use of the legal grade crossing located southwest of the rail yard at Eighth Avenue.

### FINDINGS AND CONCLUSIONS

- 6 (1) On June 9, 2004, the Commission approved a GCPF disbursement of \$15,000 in Docket No. TR-040289 to partially fund a trespass prevention project proposed by the Cascade and Columbia River Railroad Company. The project scope was limited to the installation of a fence along approximately 1,300 feet of the Cascade and Columbia River Railroad rail corridor in Omak, Washington. Although the total cost of the project was estimated at \$20,800, the Commission decided to partially fund the project after considering the relative priorities of all funding applications pending

at the time. The disbursement allowed for the installation of approximately 900 feet of fencing within the project area.

- 7 (2) To date, approximately 400 feet of the area proposed for fencing in Docket No. TR-040289 remains incomplete.
- 8 (3) In March of 2005, \$17,800 in previously allocated GCPF grants was returned to the Grade Crossing Protective Fund account due to relinquishment of grants in Docket No. TR-040196 and TR-040284. The newly available funds are currently available for disbursement consideration.
- 9 (3) Based on a re-review of the application in Docket No. TR-040289, Staff recommended that an additional disbursement of \$5,000 be made towards the project, subject to specified conditions.
- 10 (4) This matter was brought before the Commission at its regularly scheduled meeting on March 31, 2005.
- 11 (5) After examination of the application filed by the Cascade and Columbia River Railroad Company, on February 17, 2004, and for the reasons stated in paragraphs 4 and 5, the Commission approves an additional disbursement from the Grade Crossing Protective Fund.

## **ORDER**

### **THE COMMISSION ORDERS:**

- 12 The Grade Crossing Protective Fund grant awarded to the Cascade and Columbia River Railroad Company in Docket No. TR-040289 is amended to include an additional disbursement of \$5,000 from the Grade Crossing Protective Fund, subject to the following conditions:

- (1) Additional expenditure from the Grade Crossing Protective Fund must not exceed \$5,000.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- (3) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
- (4) The project must be completed, and the associated request for reimbursement from the Grade Crossing Protective Fund must be on file with the Commission no later than May 31, 2005.

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 31<sup>st</sup> day of March, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary