

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

In the Matter of the Application of)	DOCKET TR-060107
)	
CITY OF SULTAN,)	ORDER 04
)	
Petitioner,)	ORDER RESCINDING ORDER 03
)	GRANTING DISBURSEMENT FROM
)	THE GRADE CROSSING PROTECTIVE
)	FUND
Request of City of Sultan to rescind)	
the disbursement from the Grade)	USDOT: 084546T
Crossing Protective Fund)	UTC: 2A1760.40
.....)	

BACKGROUND

- 1 On January 19, 2006, the City of Sultan (City) filed an application with the Washington Utilities and Transportation Commission (Commission) requesting disbursement of \$20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a project related to crossing safety. The City planned to upgrade the BNSF Railway Co., crossing at Foundry Drive in Sultan, Washington. On August 16, 2006, the Commission approved the application conditioned upon the City completing the work by June 30, 2007. On March 28, 2007, the City informed the Commission that the developer they contracted with to perform the work had delayed the project and would not complete it by the deadline.
- 2 On May 7, 2007, the Commission issued Order 02 granting the City’s request to withdraw its application for funding and rescinded Order 01 granting disbursement from the GCPF. Order 02 notified the City that its application for funding would be reconsidered during the next call for projects in the 2007/2009 biennium.
- 3 On April 28, 2008, the Commission issued Order 03 granting request for disbursement from the GCPF to improve the crossing at Foundry Drive conditioned upon completion of the project by June 30, 2009.
- 4 On May 27, 2009, the City contacted the Commission and explained that due to the economic downturn, neither the City nor the private partner in this project could provide the necessary matching funds to complete the project by June 30, 2009. The City requested the Commission rescind its application for funding related to the Foundry Drive project.

FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the
State of Washington having authority to approve and administer disbursements
from the Grade Crossing Protective Fund. *RCW 81.53.271 and RCW 81.53.281.*
- 6 (2) Commission staff agrees with the City's request to rescind Order 03.
- 7 (3) This matter was brought before the Commission at its regularly scheduled meeting
on June 11, 2009.
- 8 (4) After giving consideration to all relevant matters and for good cause shown, the
Commission grants the request to rescind Order 03 granting disbursement from
the Grade Crossing Protective Fund.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request of the City of Sultan to rescind Order 03, granting disbursement from
the Grade Crossing Protective Fund for crossing improvements at Foundry Drive
in Sultan, Washington, is granted.

The Commissioners, having determined this Order to be consistent with the public
interest, directed the Executive Director and Secretary to enter this Order.

DATED at Olympia, Washington, and effective June 11, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary