

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	DOCKET TR-210227
NIPPON DYNAWAVE PACKAGING COMPANY, LLC,	ORDER 01
Applicant,	GRANTING REQUEST FOR DISBURSEMENT FROM THE GRADE CROSSING PROTECTIVE FUND
Requesting Disbursement from the Grade Crossing Protective Fund	USDOT 974352V

BACKGROUND

- 1 On August 5, 2019, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a “Notice of Available Funds for Rail Safety Projects” from the Grade Crossing Protective Fund (GCPF).
- 2 On April 6, 2021, Nippon Dynawave Packaging Company, LLC, (Nippon Dynawave or Applicant) filed with the Commission an application (Application) requesting an unspecified disbursement from the GCPF to partially fund materials for a project to completely rebuild the private grade crossing of the BNSF Railway Company track and the roadway serving Gate 10 at the Nippon Dynawave complex. This crossing is identified as USDOT 974352V and is located at the intersection of State Route 432/Industrial Way and Washington Way near Longview, Cowlitz County. On April 30, 2021, the Applicant clarified with Commission staff (Staff) that it was seeking \$25,000 from the GCPF to assist with purchasing the necessary materials.
- 3 The Applicant proposes to completely rebuild the crossing with new roadbed, ties, and rail, and to upgrade the existing asphalt crossing surface with new concrete crossing panels. According to the Application, the materials needed for this project will cost \$52,438.78. BNSF will provide labor valued at \$10,000 to install the new crossing materials. On June 18, 2021, Staff notified the Applicant that because the project could not be completed within the 2019-2021 biennial GCPF grant cycle, Staff would hold the Application for consideration during the 2021-2023 biennium.
- 4 Approximately 500 vehicles, many of them large commercial vehicles, use the crossing daily. The Applicant reports that the asphalt crossing has deteriorated to the point that it

is unsafe for bicyclists and pedestrians, and that vehicles must slow considerably while crossing. This means that large commercial vehicles take longer to travel over the crossing and create congestion outside the Applicant's facility on Industrial Way and Washington Way. Additional details regarding the proposed project are found in the Application.

5 Staff recommends the Commission approve funding in the amount of \$10,000 to assist with the cost of materials for this project.

6 Staff recommends the Commission approve the request for funding with the following conditions: (1) expenditure from the GCPF must not exceed \$10,000, (2) the work for which the GCPF disbursement is approved must conform to the project description specified in the Application, (3) the Applicant must sign and return the attached project agreement, (4) payment will be made upon presentation of claim for reimbursement and verification by Staff that the work has been satisfactorily completed, and (5) the project must be completed and the associated request for reimbursement from the GCPF must be filed with the Commission no later than June 15, 2023.

DISCUSSION

7 RCW 81.53.281 authorizes the Commission to disburse funds from the GCPF to pay for improvements to highway-rail grade crossings. We find that the proposed modifications will improve the overall safety for roadway users. Accordingly, the Commission grants the Application subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

8 (1) The Commission is an agency of the State of Washington having authority to approve and administer disbursements from the GCPF. RCW 81.53.271; RCW 81.53.281.

9 (2) The project for which the Applicant seeks disbursement from the GCPF is eligible for funding consideration under Commission rules and complies with the requirements of RCW 81.53.271, RCW 81.53.281, and WAC 480-62.

10 (3) Staff investigated the request based on the review criteria specified in the Commission's rules and recommended that it be granted with the conditions set out in paragraph 6, above.

- 11 (4) This matter came before the Commission at its regularly scheduled meeting on January 13, 2022.
- 12 (5) After reviewing Nippon Dynawave's Application filed on April 6, 2021, and the Applicant's April 30, 2021, letter, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 13 Nippon Dynawave Packaging Company, LLC's Application for disbursement from the Grade Crossing Protective Fund for a project related to rebuilding the private grade crossing identified as USDOT 974352V, located at the intersection of State Route 432/Industrial Way and Washington Way near Longview, Cowlitz County, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$10,000.
 - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the Application.
 - (3) Nippon Dynawave Packaging Company, LLC, must sign and return the attached project agreement.
 - (4) Payment will be made upon presentation of claim for reimbursement and verification by Staff that the work has been satisfactorily completed.
 - (5) The project must be completed and the associated request for reimbursement from the Grade Crossing Protective Fund must be filed with the Commission no later than June 15, 2023.

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

DATED at Lacey, Washington, and effective January 13, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary