

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of)	DOCKET TR-150036
)	
CITY OF WENATCHEE,)	ORDER 01
)	
Applicant,)	
)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On July 1, 2013, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” in Docket TR-131246.

- 2 On January 6, 2015, the City of Wenatchee (City) filed with the Commission an application requesting a disbursement of \$19,992 from the Grade Crossing Protective Fund (GCPF) to pay for the second phase of a multi-phase project related to establishing a public safety fence along 1,920 feet of railroad frontage between the Columbia River, the Apple Capital Recreational Loop Trail and BNSF Railway’s (BNSF) tracks in southeast Wenatchee. The City filed a revised application on January 12, 2015, amending its estimated project completion date for this phase to June 2015.

- 3 The City of Wenatchee acquired 4.97 acres of property for a park in July 2013 through a private property donation. The property has been used as a repository for construction debris and by a transient population. Working with the community, the City created a conceptual design for the park including picnic facilities, a skate park, an off-leash dog area, play equipment and other amenities. The Commission approved GCPF funding for the first phase of the project which was completed in November 2014, resulting in 628 feet of fence installed on the southern portion of the site.

- 4 In the second phase of this three-phase project, the City of Wenatchee seeks to install 714 feet of fencing in the center portion of the site. “No Trespassing” signs will be posted as the fencing is installed. The fencing will be installed on BNSF’s right-of-way and the railroad has provided its consent to the project.

- 5 A site visit by Commission Staff confirmed the conditions described by the City of Wenatchee and that the proposed safety fence will deter pedestrian trespass onto the railroad right-of-way and increase public safety.
- 6 The City of Wenatchee seeks \$19,992 to pay for the cost of the second phase of fencing installation as outlined in the City's application. The City will be responsible for long-term maintenance and repair of the fencing. There currently are funds available to pay for the project.
- 7 The City of Wenatchee must also meet the following conditions for administering the GCPF grant.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$19,992.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - The City of Wenatchee must sign and return the attached project agreement.
 - Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
 - 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, 2015.

FINDINGS AND CONCLUSIONS

- 8 (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; RCW 81.53.281.
- 9 (2) The project for which the City of Wenatchee seeks disbursement from the Grade Crossing Protective Fund 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) Commission Staff investigated the request based on the review criteria specified in the Commission's rules and recommended that it be granted, subject to specified conditions for administering the grant.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$19,992.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - The City of Wenatchee must sign and return the attached project agreement.
 - Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
 - 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, 2015.
- 11 (4) This matter came before the Commission at its regularly scheduled meeting on January 29, 2015.
- 12 (5) After reviewing the City of Wenatchee's revised application filed on January 12, 2015, 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 The City of Wenatchee's application for disbursement from the Grade Crossing Protective Fund for installation the second phase of safety fencing along railroad frontage between the Columbia River, the Apple Capital Recreational Loop Trail and the railroad tracks in southeast Wenatchee is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$19,992.

- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- (3) The City of Wenatchee must sign and return the attached project agreement.
- (4) Payment will be made upon presentation of claim for reimbursement and verification by Commission 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, 2015.

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

DATED at Olympia, Washington, and effective January 29, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary