

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

In the Matter of the Application of)	DOCKET NO. TR-040198
)	
YAKIMA COUNTY)	ORDER NO. 01
)	
Petitioner,)	
)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On February 11, 2004, Yakima County filed an application with the Commission, requesting disbursement from the Grade Crossing Protective Fund to pay for a project related to upgrading warning devices at a public railroad-highway grade crossing.
- 2 Yakima County, as owner of the Toppenish Simcoe and Western Railroad, seeks to install shoulder-mounted flashing light signals with gates at the Wesley Road grade crossing, identified as USDOT 917948E, and located near the Town of White Swan, in Yakima County, Washington. Installation of the signals was authorized per Commission Order in Docket No. TR-020795; however, the equipment was not installed due to lack of funding for the project.
- 3 In the vicinity of the crossing, Wesley Road is classified as a rural collector road, with one lane for each direction of traffic and a speed limit of 35 mph. The tracks cross the road at an acute angle. Average daily traffic through the crossing is estimated at 600 vehicles, including 106 trucks and two school bus trips.
- 4 Train traffic in the vicinity of the project area averages four freight trains per day, traveling at a maximum timetable speed of 10 mph. Currently, all trains are flagged across Wesley Road. Installation of active warning devices would eliminate the requirement for train crews to flag trains through the crossing.

- 5 The project involves installing state-owned surplus signal equipment that has been approved for use at the Wesley Road crossing by WUTC Staff. This equipment includes two sets of shoulder-mounted flashing light signals with gates, and train detection circuitry. Since this equipment is being provided by the state, the County is seeking funds to use towards a backup battery system and installation of the signals.
- 6 Applicant seeks \$20,000 from the GCPF to pay for the project. Commission Staff recommend limiting disbursement in this proceeding to \$15,000. The recommendation to limit funding to this amount resulted of a combination of limited available funds, and prioritization of the merits of the project against similar projects for which GCPF disbursement is sought. There are currently funds available to disburse \$15,000 towards this project. Any remaining costs for this project will be paid by Yakima County.

FINDINGS AND CONCLUSIONS

- 7 (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. Chapter 81.53.271 RCW and 81.53.281 RCW.
- 8 (2) The project for which disbursement from the Grade Crossing Protective Fund is sought is eligible for funding consideration under the Grade Crossing Protective Fund Policy and Interpretive Statement in Docket No. TR-031384, and complies with the requirements of RCW 81.53.271 and RCW 81.53.281.
- 9 (3) 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 granted, subject to specified conditions.

- 10 (4) This matter was brought before the Commission at its regularly scheduled meeting on October 27, 2004.
- 11 (5) After examination of the application filed by Yakima County on February 11, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 12 The request of Yakima County seeking disbursement from the Grade Crossing Protective Fund for the installation of railroad active warning devices at the Wesley Road railroad-highway grade crossing, identified as USDOT 917948E, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$15,000.
 - (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 27th day of October, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary