

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

In the Matter of the Application of)	DOCKET NO. TR-040276
)	
SOUND TRANSIT,)	ORDER NO. 01
)	
Petitioner,)	
)	ORDER DENYING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On December 12, 2003, the Washington Utilities and Transportation Commission (Commission) sent a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” to various interested parties from the public and private sectors that were either directly eligible to apply for Grade Crossing Protective Fund (GCPF) grants, or represented local agencies that were eligible. The notice directed interested parties to submit applications for funding consideration to the Commission by February 17, 2004.
- 2 On February 17, 2004, Sound Transit filed an application with the Commission, requesting disbursement from the GCPF to pay for the installation of active warning signals at the D Street highway-rail grade crossing in Tacoma, Washington. The crossing is designated as USDOT crossing 396639A.
- 3 In the vicinity of the crossing D Street is classified as an urban local road, with two lanes for each direction of traffic and a speed limit of 25 mph. The roadway intersects with the tracks at a right angle. Average daily traffic through the crossing is estimated at 5,157 vehicles.
- 4 In September of 2004, Sound Transit acquired the rail line that crosses D Street from the Burlington Northern Santa Fe Railway Company as part of a plan to establish “Sounder” commuter rail operations from Tacoma to Lakewood, Washington. The upgrades are proposed as part of a plan to improve the line

prior to implementation of the passenger rail operations in 2007. The project will also add a second track through the crossing. Currently, average train volumes are estimated at six freight trains per week. When commuter operations begin, it is expected that train traffic will exceed ten trains per day, including both freight and passenger operations.

- 5 Warning devices at the D Street crossing consist of shoulder-mounted flashing light signals. Sound Transit plans to improve warning at the crossing by installing cantilever-mounted signals with gates. The total project cost is estimated at \$200,000.
- 6 The Washington State Legislature appropriated \$293,000 for use towards GCPF grants during the current biennium. Of this amount, \$96,000 is available for disbursement. There are currently seventeen active applications for GCPF disbursements on file for safety improvements to public railroad-highway grade crossings.
- 7 Commission Staff recommended denying any disbursement from the GCPF after a review of this project. Although Commission Staff does not dispute the need for the improvements proposed by Sound Transit, the recommendation to deny funding 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.

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. Chapter 81.53.271 RCW and 81.53.281 RCW.

- 9 (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.
- 10 (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 denied.
- 11 (4) This matter was brought before the Commission at its regularly scheduled meeting on November 24, 2004.
- 12 (5) After examination of the application filed by Sound Transit, on February 17, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission denies the request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 13 The request of Sound Transit, seeking disbursement from the Grade Crossing Protective Fund for the upgrade of active warning devices at a highway-rail grade crossing, located at the intersection of D Street and the Sound Transit Tacoma-to-Lakewood rail line in Tacoma, Washington is denied.

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

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DATED at Olympia, Washington, and effective this 24th day of November, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary