



expenditure of \$16,100 from the Grade Crossing Protective Fund is available to pay for the improvements.

### FINDINGS AND CONCLUSIONS

- 4 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *Chapter 81.53 RCW.*
- 5 (2) The Route 4 South grade crossing, identified as USDOT 914452L, is a public railroad-highway grade crossing within the state of Washington.
- 6 (3) WAC 480-62-150 (2)(d) requires that the Commission grant approval prior to any changes to train detection circuitry at public railroad-highway grade crossings within the state of Washington.
- 7 (4) RCW 81.53.271 allows the Commission to disburse up to \$20,000 from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device, without requiring a cost-share by the petitioner.
- 8 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 9 (6) This matter was brought before the Commission at its regularly scheduled meeting on March 24, 2004.
- 10 (7) After examination of the petition filed by the Tri-City and Olympia Railroad Company on February 24, 2004, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition.

## ORDER

### THE COMMISSION ORDERS:

11 The petition of the Tri-City and Olympia Railroad Company to upgrade train detection circuitry at a railroad-highway grade crossing, located at the intersection of SR-202 (Bendigo Street) and the petitioner's tracks, in King County, Washington, is granted. The cost of this upgrade shall be paid from the Grade Crossing Protective Fund. Approval of the petition is subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$16,100.
- (2) 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.
- (3) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (4) Upon completion of the upgrades authorized herein, petitioner must notify the Commission. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.

The Commissioners, having determined that this filing complies with the requirements of WAC 480-62-150, RCW 81.53.030, and RCW 81.53.271 directed the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 24<sup>th</sup> day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary