

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

In the Matter of the Application of)	DOCKET TR-051919
)	
WASHINGTON OPERATION)	ORDER 01
LIFESAVER,)	
)	
Petitioner,)	
)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On November 14, 2005, Washington Utilities and Transportation Commission (Commission) sent a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” in Docket TR-051633 to various interested parties from the public and private sectors that were eligible to apply for Grade Crossing Protective Fund (GCPF) grants. On January 19, 2006, the Commission issued a notice extending the due date for grant applications to February 17, 2006.

- 2 On December 12, 2005, Washington Operation Lifesaver filed an application with the Commission, requesting a disbursement of \$20,000 from the GCPF to pay for a portion of a project related to pedestrian safety.

- 3 Washington Operation Lifesaver, in conjunction with the city of Seattle and BNSF Railway (BNSF), seeks to install 2,000 feet of fencing between Golden Gardens Park and the BNSF railroad tracks between mileposts 8.0 and 8.6 at Seattle, Washington.

- 4 Golden Gardens Park is a popular park in Seattle that offers picnic and play areas adjacent to a beach on Puget Sound. BNSF tracks lie between the park and the beach. Visitors to the park, particularly teenage visitors, often cross the tracks to access the beach. The railroad tracks consist of two sets of main-line track. BNSF runs 35 freight trains each day on those tracks at a speed of 40 miles per hour. In addition, Amtrak runs four passenger trains daily at 45 miles per hour. The Commission has documented seven pedestrian fatalities at the tracks near the park since 1993.

- 5 Many site visits by Commission Staff over the last several years confirms the safety problem described by Washington Operation Lifesaver exists and that the proposed fence will limit pedestrian access to the tracks in this area.

6 Washington Operation Lifesaver seeks \$20,000 to pay for a portion of the cost of the fencing. There are currently funds available to pay for the project.

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 Commission rules 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 rules 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 June 28, 2006.

11 (5) After examination of the application filed by Washington Operation Lifesaver, Inc. on December 12, 2005, 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 Washington Operation Lifesaver, seeking disbursement from the Grade Crossing Protective Fund for the installation of fencing at Golden Gardens Park in Seattle, Washington, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.

- (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 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 June 30, 2007.

DATED at Olympia, Washington, and effective June 28, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner