

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

In the Matter of the Application of)	DOCKET TR-060278
)	
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 February 16, 2006, Washington Operation Lifesaver filed an application with the commission, requesting a disbursement of \$4,200 from the GCPF to pay for a project related to pedestrian safety.
- 3 Washington Operation Lifesaver seeks to install 60 feet of fencing at two locations near the ferry terminal in Edmonds, Washington where the BNSF Railway Scenic Subdivision crosses SR 104.
- 4 There is an existing four-foot high fence that runs between Railroad Avenue and the tracks near the terminal, however the fence ends 48 feet short of the actual crossing. There is another gap in the fence on the east side of the tracks, which separates a large parking lot from the railroad right-of-way. Installing an additional 12 feet of fence would prevent pedestrians from accessing the tracks at this location. Washington Operation Lifesaver reports continual and consistent pedestrian trespassing at this location, with several near hits in the last few years. BNSF Railway runs 35 freight trains each day on those tracks at a speed of 40 miles per hour. In addition, Amtrak runs 8 passenger trains daily at 60 miles per hour.
- 5 The fence will be installed both on the railroad right-of-way and city property. The city and BNSF Railway commit to maintaining the fence.

- 6 A site visit by Commission staff 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.
- 7 Washington Operation Lifesaver seeks \$4,200 to pay for the cost of the fence. There are currently funds available to pay for the project.

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 commission rules 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 rules and recommended that it be granted, subject to specified conditions.
- 11 (4) This matter was brought before the Commission at its regularly scheduled meeting on August 16, 2006.
- 12 (5) After examination of the application filed by Washington Operation Lifesaver, Inc., on February 16, 2006, 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:

- 13 The request of Washington Operation Lifesaver, seeking disbursement from the Grade Crossing Protective Fund for the installation of 60 feet of fencing at the ferry terminal in Edmonds, Washington, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$4,200.

- (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 August 16, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary