

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

In the Matter of the Application of	)	DOCKET TR-100191
	)	
MOSES LAKE SCHOOL DISTRICT,	)	ORDER 01
	)	
Applicant,	)	
	)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the	)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund	)	CROSSING PROTECTIVE FUND
.....	)	

**BACKGROUND**

- 1 On July 29, 2009, the Washington Utilities and Transportation Commission (Commission) distributed, in Docket TR-091450, a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” to a variety of qualified applicants.
  
- 2 On January 28, 2010, the Moses Lake School District (School District or the Applicant) filed with the Commission a request for disbursement of \$38,844 from the Grade Crossing Protective Fund (GCPF) to fund a project involving installation of 3,000 feet of heavy gauge, six foot high chain-link fencing near Longview Elementary School in Moses Lake. The fencing is intended to deter elementary school children from unsafe access to railroad tracks at this location.
  
- 3 Approximately 400 students attend Longview Elementary School in grades kindergarten through fifth. Columbia Basin Railroad’s tracks are located south of the school and run parallel to the school’s playground. The School District currently maintains a chain link fence around the perimeter of the school, including fencing between the playground and the north side of the railroad tracks. However, the fence is frequently cut or otherwise vandalized to gain access to the school grounds.
  
- 4 More than half the students attending Longview Elementary live in neighborhoods south of the school and the railroad tracks. There is no legal crossing in the vicinity, and the most direct path to the school from these neighborhoods is across the railroad tracks. The closest designated crossing is located east of the school on Maple Street. Students walking from these southern neighborhoods to the school to the Maple Street crossing have to travel approximately nine-tenths of a mile on surface roads with inconsistent sidewalks. Although the School District provides bus service to the neighborhoods south

of the school and actively encourages its use, there are many children who cross the tracks illegally to attend school and to use the playground area and equipment after hours.

- 5 The proposed additional fencing would be installed on the south side of the railroad tracks, directly behind homes in the closest neighborhood to the school. The intent is to further discourage unsafe activity on and around the railroad tracks in the vicinity of the school, though it is clear that fencing alone will not fully solve the problem.
- 6 In addition to the fencing project, the School District is pursuing a railroad safety educational and awareness campaign. In 2009, Operation Lifesaver representatives, including Commission staff, conducted educational presentations at the school on how to be safe around trains and railroad tracks. Annual Operation Lifesaver presentations and other efforts are planned to raise awareness among students and school staff of railroad safety issues.
- 7 Stakeholders, including the School District, Columbia Basin Railroad, the City of Moses Lake, the Port of Moses Lake, a local State Representative, and Commission Staff are also working together to determine what type of legal pedestrian crossing is best at this location and to facilitate construction of a legal pedestrian crossing as soon as practicable. This proposed fencing project is an important safety feature whether or not there is a designated crossing, as it will help keep pedestrians away from the tracks until a crossing is established. Once a crossing is constructed, the fencing will be modified to “channel” pedestrians to the crossing.
- 8 Columbia Basin Railroad currently operates two trains per week at 10 miles per hour on the tracks near the school. However, the Port of Moses Lake is aggressively pursuing expansion of industrial activity at the Port, which could increase rail traffic on this line in the future. Columbia Basin Railroad supports this fencing project, including installing the fence on railroad right-of-way. The School District will be responsible for maintenance.
- 9 A site visit by Commission Staff confirmed that the safety problem described by the School District exists and that the proposed fencing will deter pedestrians from accessing the railroad tracks adjacent to Longview Elementary School. Staff will continue to work with the School District and stakeholders to determine what type of future crossing is appropriate at this location and help facilitate construction of a legal pedestrian crossing as soon as practicable.

10 The School District seeks \$38,844 to pay for the cost of the fencing. There currently are funds available to pay for the project.

11 The School District must also meet the following conditions for administering the GCPF grant.

- Expenditure from the Grade Crossing Protective Fund must not exceed \$38,844.
- The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- Moses Lake School District must sign and return the attached project agreement.
- Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
- The project must be completed and the associated request for reimbursement from the Grade Crossing Protective Fund must be filed with the Commission no later than December 31, 2010.

### **FINDINGS AND CONCLUSIONS**

12 (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. *RCW 81.53.271; RCW 81.53.281.*

13 (2) The project proposed by the Moses Lake School District is eligible for funding consideration under Commission rules and complies with the requirements of *RCW 81.53.271, RCW 81.53.281, and WAC 480-62.*

14 (3) Commission Staff investigated the request based on the review criteria specified in the Commission's rules and recommended that it be granted, subject to specified conditions for administering the grant.

- Expenditure from the Grade Crossing Protective Fund must not exceed \$38,844.
- The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.

- Moses Lake School District must sign and return the attached project agreement.
  - Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
  - The project must be completed and the associated request for reimbursement from the Grade Crossing Protective Fund must be filed with the Commission no later than December 31, 2010.
- 15 (4) This matter came before the Commission at its regularly scheduled meeting on March 25, 2010.
- 16 (5) After reviewing Moses Lake School District's application filed on January 28, 2010, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

**O R D E R**

**THE COMMISSION ORDERS:**

- 17 Moses Lake School District's application for disbursement from the Grade Crossing Protective Fund for trespass prevention fencing near Longview Elementary School in Moses Lake, Washington, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$38,844.
  - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
  - (3) Moses Lake School District must sign and return the attached project agreement.
  - (4) Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.

- (5) The project must be completed and the associated request for reimbursement from the Grade Crossing Protective Fund must be filed with the Commission no later than December 31, 2010.

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

DATED at Olympia, Washington, and effective March 25, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary