

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

In the Matter of the Application of)	DOCKET TR-100405
)	
METROPOLITAN PARK DISTRICT)	ORDER 01
OF TACOMA,)	
)	
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) sent to various interested parties a “Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund” in Docket TR-091450.
- 2 On February 18, 2010, the Metropolitan Park District of Tacoma (Metro Parks or the Applicant) filed with the Commission an application requesting a disbursement of \$20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a project related to installation of fencing within Titlow Park to prevent pedestrians from accessing the tracks. Total project costs are estimated at \$89,000, with Metro Parks paying for all costs that exceed \$20,000.
- 3 Metro Parks seeks to install approximately 1,100 feet of chain link fencing as a pedestrian safety barrier on the BNSF Railway Co., (BNSF) right of way at Titlow Park in Tacoma.
- 4 Metro Parks owns and manages Titlow Park, a public park in Tacoma since 1928. A portion of the park is located west of the BNSF railroad and is accessible by a paved, 10-to-12 foot access driveway that runs parallel to active railroad tracks. The access driveway is located on BNSF property and is accessible to Metro Parks staff through a permit from BNSF. The access driveway is separated from the nearest railroad track by a distance of only five to 10 feet, creating a severe pedestrian safety hazard. The alignment of the proposed fence will be at least eight and one half feet from the closest rail and run north to south between the tracks and the access driveway.

- 5 Commission Staff initiated an on-site meeting with BNSF and Metro Parks to evaluate the pedestrian safety issues in this area. The stakeholders agreed that the proposed fence installation will provide a suitable barrier to separate park users from the adjacent active rail line while maintaining pedestrian access to the western portion of Titlow Park. Metro Parks will be responsible for long-term maintenance costs.
- 6 Metro Parks seeks \$20,000 to pay for the cost of the fence installation. There currently are funds available to pay for the project.
- 7 Metro Parks must also meet the following conditions for administering the GCPF grant.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - Metro Parks 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 June 15, 2011.

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. *RCW 81.53.271; RCW 81.53.281.*
- 9 (2) The project for which Metro Parks seeks disbursement from the Grade Crossing Protective Fund 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.

- 10 (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 \$20,000.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - Metro Parks 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 June 15, 2011.
- 11 (4) This matter came before the Commission at its regularly scheduled meeting on April 15, 2010.
- 12 (5) After reviewing Metro Parks' application filed on February 18, 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:

13 Metropolitan Park District of Tacoma's application for disbursement from the Grade Crossing Protective Fund for fence installation within Titlow Park in Tacoma, 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) Metropolitan Park District of Tacoma 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 June 15, 2011.

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 April 15, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary