

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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. *RCW 81.53*; *RCW 81.53.271*; *RCW 81.53.281*.
- 5 (2) The grade crossings identified in Appendix A, are public railroad-highway grade crossings within the state of Washington.
- 6 (3) *RCW 81.53.261* requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also WAC 480-62-150*.
- 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 the Petitioner to share the cost.
- 8 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 9 (6) After reviewing UPRR's petition filed on September 14, 2010, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

10 Union Pacific Railroad's petition to upgrade warning devices at 13 railroad-highway grade crossings, identified in Appendix A, is granted. The cost of these upgrades 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 \$20,000.

- (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) Union Pacific Railroad must sign and return the attached project agreement.
- (4) The project must be completed no later than June 15, 2011.
- (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (6) Union Pacific Railroad must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

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 September 24, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

Appendix A

USDOT Number	Street	City/County
844396M	Dodd Road	Walla Walla County
844397U	State Route 124	Walla Walla County
844399H	Eureka Pasco Road aka Charbonneau Park	Walla Walla County
844501L	Fishhook Park Road	Walla Walla County
844502T	Page Road aka Fishhook Road	Walla Walla County
844503A	Van Holbke Road	Walla Walla County
844505N	Walker Road	Walla Walla County
844507C	County Road aka Matthews Road	Walla Walla County
813970C	Benge-Ralston Road	Adams County
813976T	Teske-McCall Road	Adams County
844513F	Williams Lake Road	Lincoln County
816605T	Mullinix Road	City of Cheney
816607G	Cheney Plaza Road	City of Cheney

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).