

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of	)	DOCKET TR-132170
	)	
CLARK COUNTY,	)	ORDER 01
	)	
Applicant,	)	ORDER GRANTING REQUEST FOR
	)	DISBURSEMENT FROM THE GRADE
	)	CROSSING PROTECTIVE FUND
Requesting Disbursement from the	)	
Grade Crossing Protective Fund	)	USDOT: 852350U
.....	)	

**BACKGROUND**

- 1 On July 1, 2013, 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-131246.
- 2 On November 21, 2013, Clark County (Clark County 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 portion of a project related to crossing safety at East Main Street in Battle Ground, Washington. Clark County owns the rail line and the Portland Vancouver Junction Railroad is the operator.
- 3 The railroad tie condition at the crossing has deteriorated such that the ties no longer retain spikes and hardware, causing flexion of the rail as vehicles pass over the crossing. There have been no reported accidents; however, the county is concerned that with further deterioration, the crossing will not be considered safe for the passage of trains or roadway traffic.
- 4 Clark County seeks to improve the crossing surface by replacing the current track, structure and asphalt surface materials, installing new mainline rail, hardwood crossties, and concrete surface crossing panels.
- 5 East Main Street is a two-lane roadway that carries approximately 11,936 vehicles per day. Commercial traffic makes up approximately eight percent of the daily traffic. School buses also make 22 trips over the crossing per day. The posted vehicle speed is 35 miles per hour. Freight trains operate over this crossing one time a day at 10 miles per hour.

- 6 A review of photos of the crossing surface and correspondence with Clark County confirmed that the safety problem described by Clark County exists and that the proposed upgrade will improve safety and conditions at the crossing.
- 7 Clark County seeks \$20,000 to pay for a portion of the cost of the crossing improvements. Total project costs are estimated at \$184,502.34 with Clark County paying for all costs exceeding \$20,000. Long term maintenance costs will be the responsibility of Clark County, as the owner of the line. There currently are funds available to pay for the project.
- 8 Clark County 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.
  - Clark County 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 October 1, 2014.

### **FINDINGS AND CONCLUSIONS**

- 9 (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.
- 10 (2) The project for which Clark County 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.

- 11 (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.
  - Clark County 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 October 1, 2014.
- 12 (4) This matter came before the Commission at its regularly scheduled meeting on January 16, 2014.
- 13 (5) After reviewing Clark County's application filed on November 21, 2013, 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:**

- 14 Clark County's application for disbursement from the Grade Crossing Protective Fund for crossing improvements in Battle Ground, Washington, on East Main Street, 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) Clark County 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 October 1, 2014.

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 January 16, 2014.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**STEVEN V. KING, Executive Director and Secretary**