

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

In the Matter of the Application of	)	DOCKET TR-081671
	)	
FRANKLIN PIERCE SCHOOL	)	ORDER 01
DISTRICT,	)	
	)	
Applicant,	)	ORDER GRANTING REQUEST FOR
	)	DISBURSEMENT FROM THE GRADE
Requesting Disbursement from the	)	CROSSING PROTECTIVE FUND
Grade Crossing Protective Fund	)	

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**BACKGROUND**

- 1 On August 7, 2007, the 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-071597 to various interested parties from the public and private sectors that were eligible to apply for Grade Crossing Protective Fund (GCPF) grants.
- 2 On September 11, 2008, Franklin Pierce School District (Franklin Pierce or the Applicant) filed with the Commission an application requesting a disbursement of \$19,377.28 from the GCPF to pay for a project related to safety and trespass prevention.
- 3 Franklin Pierce seeks to install 1,028 feet of fencing to create a barrier between Ford Middle School and nearby railroad tracks. The fencing will be installed on Franklin Pierce School District property and located three to five feet off the edge of roadway between the school and the railroad tracks. The road is an entry point into a school parking lot and is also used to access maintenance facilities. The fence will connect to the existing fencing at the Highway 512 overpass and continue along the edge of the roadway up to the bungalow located at 104<sup>th</sup> Street railroad crossing. Tacoma Rail will provide equipment and labor to clear the area where the fence will be constructed at no cost to the school district.
- 4 Ford Middle School is located adjacent to Tacoma Rail's tracks. Often, students from the school trespass across the railroad tracks to get to and from the school, as a shortcut. Installation of the new fencing will make it very difficult for students to continue to use this area as a shortcut. Franklin Pierce School District will be responsible for the long-term maintenance of the fencing.

5 A site visit by Commission Staff confirmed that the safety problem described by Franklin  
Pierce exists and that the proposed fencing installation will reduce trespass incidents.  
Commission Staff will also work with school administrators to schedule railroad safety  
educational presentations by Operation Lifesaver for the general student body.

6 Franklin Pierce seeks \$19,377.28 to pay for the cost of the fencing project. There  
currently are funds available to pay for the project.

### FINDINGS AND CONCLUSIONS

- 7 (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.*
- 8 (2) The project for which Franklin Pierce School District 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.*
- 9 (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.
- 10 (4) This matter came before the Commission at its regularly scheduled meeting on  
October 8, 2008.
- 11 (5) After reviewing Franklin Pierce School District's application filed on September  
11, 2008, and giving due consideration to all relevant matters and for good cause  
shown, the Commission grants the request for disbursement of funds.

### ORDER

#### THE COMMISSION ORDERS:

12 Franklin Pierce School District's application for disbursement from the Grade Crossing  
Protective Fund for safety and trespass prevention in Pierce County, Washington, near  
104<sup>th</sup> Street, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$19,377.28.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- (3) Franklin Pierce 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 June 30, 2009.

The Commissioners have delegated authority to the Executive Secretary to enter this Order pursuant to *RCW 80.01.030* and *WAC 480-07-904((1)(a))*.

DATED at Olympia, Washington, and effective October 8, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary