

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

In the Matter of the Application of)	DOCKET TR-090429
)	
CITY OF WENATCHEE,)	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 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 March 20, 2009, the City of Wenatchee (City or the Applicant) filed with the Commission an application requesting a disbursement of \$20,000 from the GCPF to pay for a project to install fencing near the Town Toyota Regional Events Center (Events Center) in Wenatchee, Washington.
- 3 The City seeks to install 850 feet of fencing between the railroad tracks and the Events Center. The fencing will be six foot, WSDOT standard chain link fencing. The fencing will be placed on Greater Wenatchee Regional Events Center Public Facilities District (Public Facilities District) property. The Public Facilities District will also be responsible for long-term maintenance.
- 4 The Events Center is a 4,300 fixed seat multi-purpose events center which opened in September 2006. The Events Center hosts a variety of special events which draw capacity crowds. The Events Center is located just east of the BNSF Railway (BNSF) mainline tracks. Events Center Security Staff and BNSF Police patrol the area between the tracks and the Events Center during events due to the high level of trespassing. The City and Public Facilities District are working toward a long-term solution of a pedestrian overpass at this location, however, in the interim fencing is needed to secure the site and improve safety.

- 5 A site visit by Commission Staff confirmed that the safety problem described by City exists and that the proposed fencing project will deter pedestrian traffic away from the railroad tracks.
- 6 The City estimates total fencing costs at \$20,000. The City will pay for costs that exceed the \$20,000 grant amount. 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 City 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 April 30, 2009.
- 11 (5) After reviewing City's application filed on March 20, 2009, 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 City of Wenatchee's application for disbursement from the Grade Crossing Protective Fund for trespass prevention fencing in Wenatchee, Washington, near The Town Toyota Regional Events Center, 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) City of Wenatchee 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 Director and Secretary to enter this Order pursuant to [RCW 80.01.030](#) and [WAC 480-07-904\(\(1\)\(a\)\)](#).

DATED at Olympia, Washington, and effective April 30, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary