

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

In the Matter of the Application of)	DOCKET TR-090443
)	
CITY OF EDMONDS,)	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 February 12, 2009, City of Edmonds (City or the Applicant) filed with the Commission an application requesting a disbursement of \$20,000 from the GCPF to pay for a project related to installation of fencing near the old Meadowdale Marina in Edmonds, Washington.
- 3 The City seeks to install fencing between the railroad tracks and residential area. The fencing will be placed on BNSF Railway right-of-way that the City is leasing. The City of Edmonds will be responsible for long-term maintenance costs.
- 4 In the past nine years, there have been three fatalities in this area. This project will install 350 feet of eight foot, nine gauge green chain link fencing. A rolling, locked gate will be installed at the Meadowdale Marina to allow access by the property owner. The City reports that pedestrians frequently trespass at this location and walk along the tracks to reach the beach and the Meadowdale County Park which is located .5 miles north.
- 5 A site visit by Commission Staff confirmed that the safety problem described by the 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 \$70,000. The City seeks \$20,000 to pay for a portion of the cost of the fencing. 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 the 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 February 12, 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 Edmonds's application for disbursement from the Grade Crossing Protective Fund for trespass prevention fencing in Edmonds, Washington, near Meadowdale Marina, 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 Edmonds 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