



4 The Petitioner is requesting a disbursement of \$19,999.65 to pay for a portion of the upgrades. The total approximate cost of the project is \$19,999.65. The Petitioner is contributing equipment and labor toward the cost of the upgrades. An expenditure of \$19,999.65 from the Grade Crossing Protective Fund is available to help fund the improvements.

### FINDINGS AND CONCLUSIONS

- 5 (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.
- 6 (2) The grade crossing at SR-20/Birdhouse, identified as USDOT 399603C, is a public railroad-highway grade crossing within the state of Washington.
- 7 (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.
- 8 (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.
- 9 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 10 (6) After reviewing POVA's petition filed on December 10, 2012, 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:

- 11 POVA's petition to upgrade warning devices at a railroad-highway grade crossing, located at SR-20/Birdhouse, is granted. The cost of this upgrade 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 \$19,999.65.
- (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) POVA must sign and return the attached project agreement.
- (4) The project must be completed no later than June 30, 2013.
- (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) POVA 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 Secretary of the Commission has delegated authority over this matter pursuant to Order 03 in Docket A-090485. The Secretary finds this Order to be consistent with the public interest.

DATED at Olympia, Washington, and effective January 4, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Executive Director and Secretary