

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

CITY OF AUBURN,

Applicant,

Requesting Disbursement from the
Grade Crossing Protective Fund

DOCKET TR-160825

ORDER 01

ORDER GRANTING REQUEST FOR
DISBURSEMENT FROM THE GRADE
CROSSING PROTECTIVE FUND

BACKGROUND

- 1 On July 15, 2015, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a “Notice of Available Funds for Rail Safety Projects” from the Grade Crossing Protective Fund (GCPF).
- 2 On June 17, 2016, the City of Auburn (City or the Applicant) filed with the Commission an application requesting a disbursement of \$8,256.30 from the GCPF to pay for a project related to installing safety fencing along the City’s right-of-way to prevent pedestrian trespass over the railroad tracks. The City filed a revised petition on September 30, 2016, increasing its request for funding to \$10,306.14, to include additional fencing based on Commission Staff’s recommendation.
- 3 The City seeks to extend an existing fence south along B Street NW to the West Main Street crossing, identified as USDOT 085655A. Additional fencing is also proposed on the City’s right-of-way on both sides of the railroad tracks at 2nd Street NW, just north of the West Main Street crossing. These are areas of significant pedestrian trespassing over the tracks and there have been four pedestrian and train incidents since 2007, including three fatalities. BNSF Railway recently added a third mainline track which will increase train traffic in this area. The proposed fencing will restrict access to the tracks and channelize pedestrians to the fully signalized West Main Street crossing. The City will be responsible for ongoing maintenance of the fencing.
- 4 A site visit by Commission Staff confirmed that the safety problem described by the City exists and that the proposed fencing will deter pedestrian trespass onto the railroad right-of-way and increase public safety.
- 5 The City seeks \$10,306.14 to pay for the cost of the fencing. There currently are funds available to pay for the project.

- 6 The City must also meet the following conditions for administering the GCPF grant.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$10,306.14.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - The City 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 May 1, 2017.

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.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$10,306.14.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - The City 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 May 1, 2017.

10 (4) This matter came before the Commission at its regularly scheduled meeting on October 27, 2016.

11 (5) After reviewing the City's application filed on June 17, 2016, and the revised application filed on September 30, 2016, 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 The City of Auburn's application for disbursement from the Grade Crossing Protective Fund for fencing in Auburn, Washington, along B Street NW near the West Main Street crossing and on the City's right-of-way on both sides of the railroad tracks at 2nd Street NW, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$10,306.14.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- (3) The City of Auburn 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 May 1, 2017.

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 October 27, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary