

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

CITY OF KENT,

Applicant,

Requesting Disbursement from the
Grade Crossing Protective Fund

DOCKET TR-180718

ORDER 01

ORDER GRANTING REQUEST FOR
DISBURSEMENT FROM THE GRADE
CROSSING PROTECTIVE FUND

BACKGROUND

- 1 On July 27, 2017, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a “Notice of Opportunity to Apply for Grant Monies” from the Grade Crossing Protective Fund (GCPF).
- 2 On August 15, 2018, the City of Kent (City or the Applicant) filed with the Commission an application requesting a disbursement of \$10,395 from the GCPF to pay for a project related to installing safety fencing to prevent pedestrian trespass over railroad tracks.
- 3 The City seeks to install a total of approximately 250 lineal feet of six-foot, chain-link fencing and a gate on private property, approximately one third of a mile north of the East James Street crossing (USDOT 085629K), as described in the City’s application. A well-worn foot path in this area indicates unauthorized pedestrian trespass over the BNSF Railway Company’s tracks. The proposed fencing will restrict access to the tracks and channelize pedestrians to the fully signalized East James Street crossing, reducing the potential for accidents. The property owners will be responsible for long-term maintenance of the fencing.
- 4 A site visit by Commission Staff confirmed that the safety problem described by 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 \$10,395 to pay for the cost of the fencing. Currently there is \$10,000 in funds available to pay for a portion of the project. The City is responsible for costs exceeding the grant amount.
- 6 The City must also meet the following conditions for administering the GCPF grant.

- Expenditure from the Grade Crossing Protective Fund must not exceed \$10,000.
- The work for which the Grade Crossing Protective Fund disbursement is 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 June 15, 2019.

FINDINGS AND CONCLUSIONS

- 7 (1) The 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 \$10,000.
 - 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 June 15, 2019.

10 (4) This matter came before the Commission at its regularly scheduled meeting on December 13, 2018.

11 (5) After reviewing the City's application filed on August 15, 2018, 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 Kent's application for disbursement from the Grade Crossing Protective Fund for fencing in Kent, Washington, near the East James Street crossing, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$10,000.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- (3) The City of Kent 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 15, 2019.

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 December 13, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON, Executive Director and Secretary