

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

In the Matter of the Application of	)	DOCKET TR-060107
	)	
CITY OF SULTAN	)	ORDER 01
	)	
Petitioner,	)	ORDER GRANTING REQUEST FOR
	)	DISBURSEMENT FROM THE GRADE
Requesting Disbursement from the	)	CROSSING PROTECTIVE FUND
Grade Crossing Protective Fund	)	
	)	USDOT: 084546T
	)	UTC: 2A1760.40
.....	)	

**BACKGROUND**

- 1     On November 14, 2005, 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-051633 to various interested parties from the public and private sectors that were eligible to apply for Grade Crossing Protective Fund (GCPF) grants. On January 19, 2006, the commission issued a notice extending the due date for grant applications to February 17, 2006.
  
- 2     On January 19, 2006, the City of Sultan (city) filed an application with the Commission, requesting a disbursement of \$20,000 from the GCPF to pay for a project related to crossing safety.
  
- 3     The city seeks to upgrade the BNSF Railway crossing at Foundry Road in Sultan, Washington.
  
- 4     Foundry Road is a two-way, rural local road with a maximum vehicle speed of 25 miles per hour. The crossing at Foundry Road, USDOT 084546T, UTC 2A1760.40, consists of one main-line railroad track owned by BNSF Railway. An average of 50 vehicles move over the crossing each day, which includes three school buses. There are plans for additional development in this area, so it is likely that vehicle traffic will increase in the future. Train traffic at this crossing is limited to a maximum of 65 miles per hour for passenger and 60 miles per hour for freight trains. Twenty-three trains pass over the crossing in any given 24-hour period. Signals include shoulder-mounted gates and lights.

- 5 The city proposes to bring the street elevation up to the height of the tracks and level out the steep grade at the crossing, which will eliminate the hump. The city provided many letters in support of the proposed upgrades to the crossing. Drivers describe their vehicles bottoming out on the tracks and trucks and trailers becoming high centered on the crossing.
- 6 The commission has no documented vehicle collisions at the Foundry Road crossing.
- 7 A recent site visit by Commission staff confirms the safety problems described by the city and that the proposed upgrades to the crossings will increase the overall safety of the crossing and eliminate potential vehicle damage which is currently occurring.
- 8 The city estimates the total cost of the upgrades at \$39,847. The city seeks \$20,000 from the Grade Crossing Protection Fund to partially pay for the cost of the upgrades. Dan Ramirez, a developer and property owner will pay the balance of the project, estimated at \$19,847, from his own funds. There are currently Grade Crossing Protection Fund monies available to pay \$20,000 toward the cost of the project.

#### FINDINGS AND CONCLUSIONS

- 9 (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. *Chapter 81.53.271 RCW and 81.53.281 RCW.*
- 10 (2) The project for which disbursement from the Grade Crossing Protective Fund is sought is eligible for funding consideration under commission rules and complies with the requirements of RCW 81.53.271 and RCW 81.53.281.
- 11 (3) Commission staff investigated the request based on the review criteria specified in the rules and recommended that it be granted, subject to specified conditions.
- 12 (4) This matter was brought before the Commission at its regularly scheduled meeting on August 16, 2006.
- 13 (5) After examination of the application filed by the City of Sultan on January 19, 2006, and giving consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

**ORDER**

THE COMMISSION ORDERS:

- 14 The request of the City of Sultan, seeking disbursement from the Grade Crossing Protective Fund for the crossing upgrade at Foundry Road in Sultan, Washington, 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) Payment will be made upon presentation of claim for reimbursement and verification by Commission staff that the work has been satisfactorily completed.
  - (4) The project must be completed and the associated request for reimbursement from the Grade Crossing Protective Fund must be on file with the Commission no later than June 30, 2007.

DATED at Olympia, Washington, and effective August 16, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary