

requests advance payments of \$11,868 for materials. An expenditure of \$12,238, with an advance payment of \$11,868, is available from the Grade Crossing Protective Fund to pay for 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. *Chapter 81.53 RCW.*
- 6 (2) The Dekker Road grade crossing, identified as USDOT 098577H, is a public railroad-highway grade crossing within the state of Washington.
- 7 (3) WAC 480-62-150 (2)(d) requires that the Commission grant approval prior to any changes to train detection circuitry at public railroad-highway grade crossings within the state of Washington.
- 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.
- 9 (5) The petitioner requests advance payment for materials. WAC 480-62-420(4) requires verification that the project is complete before the Commission will disburse grant funds. WAC 480-62-140 provides for exemption from rules in chapter 480-62 WAC when doing so is consistent with the public interest, the purpose of underlying regulation, and applicable statutes.
- 10 (6) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions and that the Commission grant an exemption to WAC 480-62-420(4) to allow advance payment for materials.
- 11 (7) This matter was brought before the Commission at its regularly scheduled meeting on July 26, 2006.
- 12 (8) After examination of the petition filed by the Central Washington Railroad on June 12, 2006, and giving consideration to all relevant matters and for good cause shown, the Commission grants the petition and finds it is in the public interest and

consistent with the purpose of underlying regulation and applicable statutes to grant an exemption to WAC 480-62-420(4).

ORDER

THE COMMISSION ORDERS:

13 The petition of the Central Washington Railroad to upgrade train detection circuitry at a railroad-highway grade crossing, located at the intersection of Dekker Road and the petitioner's tracks in Yakima County, Washington, is granted. The cost of this upgrade shall be paid from the Grade Crossing Protective Fund, with advance payment of \$11,868 for materials. Approval of the petition is subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$12,238.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (3) Upon completion of the upgrades authorized herein, petitioner must notify the Commission. Acceptance of the changes is subject to inspection by Commission Staff, verifying that the crossing is in full compliance with applicable laws, regulations, and the conditions specified herein.
- (4) An exemption to WAC 480-62-420(4) is granted. The request for advance payment of up to \$11,868 for materials is approved upon receipt by the Commission of acceptable written proof that materials have been ordered.

The Commissioners, having determined that this filing complies with the requirements of WAC 480-62-150, RCW 81.53.030, and RCW 81.53.271 directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective July 26, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary