

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

In the Matter of the Application of)	DOCKET TR-072009
)	
CITY OF YAKIMA,)	ORDER 01
)	
Applicant,)	
)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On August 7, 2007, the 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-071597 to various interested parties from the public and private sectors that were eligible to apply for Grade Crossing Protective Fund (GCPF) grants.
- 2 On October 5, 2007, the City of Yakima (or the Applicant) filed with the Commission an application requesting a disbursement of \$20,000 from the GCPF to pay for a project related to trespass prevention. The total cost of the project is \$35,000. The City of Yakima will pay all costs exceeding \$20,000. Long term maintenance of the fencing will be provided by the City of Yakima and the Yakima Greenway Foundation.
- 3 The City of Yakima seeks to install fencing to prevent pedestrian and motor vehicle trespass onto the BNSF Railway (BNSF) and trolley bridges and approaches to the bridges along the Naches River at the City of Yakima’s northern city limits.
- 4 There are no pedestrian facilities for crossing the Naches River at the City of Yakima’s northern city limits. Despite “no trespassing” signs, pedestrians utilize the city’s trolley bridge and the adjacent railroad bridge belonging to BNSF to cross the Naches River. On several occasions, BNSF railroad police have removed trespassers from the area.
- 5 A site visit by Commission Staff confirmed that the safety problem described by the City of Yakima exists and that the proposed trespass prevention fencing will reduce the access to the bridges in the area.

6 The City of Yakima seeks \$20,000 to pay for the cost of the fencing project. There
currently are funds available to pay for the project.

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 the City of Yakima 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.

10 (4) This matter came before the Commission at its regularly scheduled meeting on
April 30, 2008.

11 (5) After reviewing the City of Yakima's application filed on October 5, 2007, 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 Yakima's application for disbursement from the Grade Crossing Protective
Fund for a trespass prevention fencing project near the City of Yakima, Washington, near
the Naches River, 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) The City of Yakima 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 August 30, 2008.

The Commissioners have delegated authority to the Executive Secretary to enter this Order pursuant to [RCW 80.01.030](#) and [WAC 480-07-904\(\(1\)\(a\)\)](#).

DATED at Olympia, Washington, and effective April 30, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary