

Department of Transportation (WSDOT) has committed to pay costs in excess of \$20,000. Commission staff is facilitating the use of surplus equipment at this crossing which was provided by WSDOT. The use of surplus equipment is reducing the overall project costs. An expenditure of \$20,000 from the Grade Crossing Protective Fund is available to help fund 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, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. [RCW 81.53](#); [RCW 81.53.271](#); [RCW 81.53.281](#).
- 6 (2) The grade crossing at the intersection of Brace Street and the petitioner's tracks in Lincoln County, Washington, identified as USDOT 066072M, is a public railroad-highway grade crossing within the state of Washington.
- 7 (3) [RCW 81.53.261](#) requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also* [WAC 480-62-150](#).
- 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, without requiring the Petitioner to share the cost.
- 9 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 10 (6) After reviewing EWGRR's petition filed on November 30, 2007, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 11 Eastern Washington Gateway Railroad's petition to upgrade warning devices at a railroad-highway grade crossing, located at the intersection of Brace Street and the

petitioner's tracks in Lincoln County, Washington, is granted. The cost of this upgrade shall be paid from the Grade Crossing Protective Fund. Approval of the petition is subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
- (2) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
- (3) Eastern Washington Gateway Railroad must sign and return the attached project agreement.
- (4) The project must be completed no later than December 30, 2008.
- (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (6) Eastern Washington Gateway Railroad must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

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 10, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary

DOCKET NO. TR-072333
ORDER NO. 01

PAGE 4