

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

In the Matter of the Application of	)	DOCKET TR-081796
	)	
WASHINGTON STATE	)	ORDER 01
DEPARTMENT OF	)	
TRANSPORTATION,	)	ORDER GRANTING REQUEST FOR
	)	DISBURSEMENT FROM THE GRADE
Applicant,	)	CROSSING PROTECTIVE FUND
	)	
Requesting Disbursement from the	)	USDOT: 066250W
Grade Crossing Protective Fund	)	UTC: 1ASC62.90 22.50
.....	)	

**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 1, 2008, Washington State Department of Transportation (WSDOT or the Applicant) filed with the Commission an application requesting a disbursement of \$12,120 from the GCPF to pay for a project related to vehicle and pedestrian safety.
- 3     WSDOT seeks to provide traffic control and repave the roadway when BNSF Railway Co. (BNSF) removes the crossing surface from the highway-railroad crossing at State Route 290 (SR-290) in Spokane Valley, Washington. BNSF is providing the equipment and labor to remove the tracks at no cost to WSDOT. The tracks at the SR-290 crossing are no longer in service.
- 4     The crossing is 186 feet wide and has an acute angle that spans six lanes. There are two thru lanes and one pull-out lane in each direction for buses and trucks that must stop at the crossing. Traditional hazards associated between trains and vehicles are no longer a factor, however the existence and angle of the tracks still present safety issues for bicyclists and motorcyclists. Buses and trucks using the pull-out lanes, merging back onto SR-290 are also at risk because of the skewed flange way caused by the acute angle of the crossing. Tires from all types of vehicles, bicycles and motorcycles may get caught in the flange ways causing an incident at the crossing.

5 A site visit by Commission Staff confirmed that the safety problem described by  
WSDOT exists and that removing the crossing surface will improve safety for vehicle  
and pedestrian users.

6 WSDOT seeks \$12,120 to pay for the cost of providing traffic control and repaving the  
roadway. 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 WSDOT 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  
December 23, 2008.

11 (5) After reviewing WSDOT's application filed on October 1, 2008, 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 Washington State Department of Transportation's application for disbursement from the  
Grade Crossing Protective Fund for providing traffic control and repaving the roadway in  
Spokane Valley, Washington, on SR-290, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$12,120.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- (3) Washington State Department of Transportation 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 30, 2009.

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 December 23, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary