

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

In the Matter of the Application of	)	DOCKET TR-100192
	)	
CITY OF SPOKANE VALLEY,	)	ORDER 01
	)	
Applicant,	)	ORDER GRANTING REQUEST FOR
	)	DISBURSEMENT FROM THE GRADE
	)	CROSSING PROTECTIVE FUND
Requesting Disbursement from the	)	
Grade Crossing Protective Fund	)	USDOT: 066378S
	)	USDOT: 066377K
.....	)	

**BACKGROUND**

- 1     On July 29, 2009, 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-091450 to various interested parties from the public and private sectors that were eligible to apply for Grade Crossing Protective Fund (GCPF) grants.
- 2     On January 29, 2010, the City of Spokane Valley (Spokane Valley or the Applicant) filed with the Commission an application requesting a disbursement of \$40,000 from the GCPF to pay for two projects related to crossing safety. For administrative convenience of the applicant, the Commission is considering both GCPF funding requests in a single docket.
- 3     Spokane Valley seeks to install median barriers at two public railroad crossings located within 100 feet of each other on Park Road. Through an analysis of railroad safety data, Commission Staff identified four reported incidents of motorists driving around downed crossing gates in the last two years at the Park Road crossing identified as USDOT 066377K. Because the crossings are located within 100 feet of each other, both crossings must be evaluated when considering additional safety measures. Up to 50 trains travel across both crossings on a daily basis, at speeds of up to 79 miles per hour. Both freight trains and passenger trains utilize the tracks. There are three tracks at these crossings, two mainline and one spur. A BNSF Railway Co., (BNSF) rail yard is also located just west of the crossings and activities at the yard increase the probability of multiple slow moving trains throughout the day.

- 4 Commission Staff initiated an on-site meeting with BNSF and Spokane Valley to address the unsafe motorist behavior at the crossings. The stakeholders agreed that installation of median barriers on both approaches and between the crossings will reduce the number of vehicles driving around the downed crossing gates. The medians on the south approach will be 100 feet in length and 90 feet in length on the north approach to the crossings. One hundred feet of medians will also be installed between the crossings which will include a 12-foot gap for access to the rail yard for BNSF maintenance crews. “No U Turn” signs will be installed on both approaches to the 12-foot gap in the medians to discourage motorists from improperly turning at this location.
- 5 Spokane Valley seeks \$40,000 to pay for the cost of the median barriers at these two crossings. Long term maintenance costs will be the responsibility of Spokane Valley. There currently are funds available to pay for the project.
- 6 Spokane Valley must also meet the following conditions for administering the GCPF grant.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$40,000.
  - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
  - The City of Spokane Valley must sign and return the attached project agreement. Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
  - 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 December 31, 2010.

### **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 Spokane Valley 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.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$40,000.
  - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
  - The City of Spokane Valley must sign and return the attached project agreement.
  - Payment will be made upon presentation of claim for reimbursement and verification by Commission Staff that the work has been satisfactorily completed.
  - 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 December 31, 2010.
- 10 (4) This matter came before the Commission at its regularly scheduled meeting on March 25, 2010.
- 11 (5) After reviewing Spokane Valley's application filed on January 29, 2010, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

**O R D E R**

**THE COMMISSION ORDERS:**

12 The City of Spokane Valley's application for disbursement from the Grade Crossing Protective Fund for installation of median barriers at two crossings in the City of Spokane Valley, Washington, on Park Road, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$40,000.
- (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 Spokane Valley 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 December 31, 2010.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective March 25, 2010.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**DAVID W. DANNER, Executive Director and Secretary**