BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Application of	)	DOCKET TR-100200
	)	
CLARK COUNTY,	)	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 July 29, 2009, the Washington Utilities and Transportation Commission (Commission) sent to various interested parties a "Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund" in Docket TR-091450.

2   On February 1, 2010, Clark County (Clark County or the Applicant) filed with the Commission an application requesting a disbursement of $20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a project related to the installation of approximately 83 "No Trespassing" signs along the Chelatchie Prairie Railroad line. Clark County owns the track and Chelatchie Prairie Railroad is the contract operator. On April 12, 2010, Clark County amended its GCPF application to exclude the cost of labor and reduced the grant amount to $9,184.

3   Clark County seeks to install "No Trespassing" signs at all major points of access along the 33-mile length of operating track for the Chelatchie Prairie Railroad. This railroad passes through the cities of Vancouver and Battle Ground, the town of Yacolt and unincorporated Chelatchie Prairie.

4   The few existing "No Trespassing" signs along the right-of-way are old, inconsistent in format and message and cite an incorrect RCW. Because of this, it is difficult for Clark County to enforce trespassing statutes. Trespassing concerns on the railroad right-of-way include persons walking on the rail line, dumping trash and yard debris on the railroad right-of-way, local businesses' materials encroaching on the trains' ability to pass safely, vehicles driving too close to the tracks and homeless persons camping under timber bridges.

5   Installation of these signs will significantly improve public safety along the Chelatchie
       Prairie Railroad line by reducing trespassing and enabling law enforcement to effectively
       cite those individuals who choose to ignore the warnings.

6   Clark County seeks $9,184 to pay for the cost of the materials, which includes signs,
       posts, post anchors and mortar mix. Clark County will be responsible for all labor,
       installation and long-term maintenance costs. There currently are funds available to pay
       for the project.

7   Clark County must also meet the following conditions for administering the GCPF grant.

- Expenditure from the Grade Crossing Protective Fund must not exceed
  $9,184.

- The work for which the Grade Crossing Protective Fund disbursement was
  approved must conform to the project description specified in the
  application.

- Clark County 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 January 31, 2011.

FINDINGS AND CONCLUSIONS

8   (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.*

9   (2)   The project for which Clark County 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.

10   (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 $9,184.

- The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.

- Clark County 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 January 31, 2011.

11   (4)   This matter came before the Commission at its regularly scheduled meeting on April 29, 2009.

12   (5)   After reviewing Clark County's application filed on February 1, 2010, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

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O R D E R

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THE COMMISSION ORDERS:

13   Clark County's application for disbursement from the Grade Crossing Protective Fund for installation of "No Trespassing" signs along the Chelatchie Prairie Railroad line in Clark County, Washington, is granted, subject to the following conditions:

        (1)   Expenditure from the Grade Crossing Protective Fund must not exceed $9,184.

(2)   The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.

(3)   Clark County 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 January 31, 2011.

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 April 29, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary