

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

In the Matter of the Application of)	DOCKET TR-111859
)	
BNSF RAILWAY CO.,)	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 18, 2011, 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-111224.
- 2 On October 26, 2011, BNSF Railway Co.(BNSF 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 closing of a highway-rail crossing and improving the configuration of the alternate route crossing.
- 3 BNSF seeks to close a private crossing located on the Bellingham Subdivision at milepost 59.68 and improve the skewed angle approach of the adjacent private crossing at milepost 59.90. The adjacent private crossing would be the alternate route, if the crossing located at milepost 59.68 is closed. In addition, BNSF proposes to reduce the grade on one of the approaches of the remaining crossing by removing the “hump.” By reducing the grade, the chance of a vehicle getting high centered on the crossing is eliminated. Both crossings are located in the Conway area.
- 4 The closure of a crossing eliminates the chance of a collision between a train and vehicle, thus improving safety. Upgrades proposed at the alternate route crossing will also make this crossing safer for users. Four passenger trains traveling up to 79 miles per hour and 14 freight trains traveling up to 60 miles per hour travel over these crossings on a daily basis. A variety of vehicles travel over both crossings including automobiles, small farm trucks, commercial motor vehicles, and farm implements.

- 5 A site visit by Commission Staff confirmed that the safety problem described by BNSF exists and that the proposed closure of a crossing and improvement of an adjacent crossing will result in a safer crossing for users.
- 6 BNSF seeks \$20,000 to pay for a portion of the cost of the upgrades to the remaining private crossing. BNSF proposes to contribute \$49,072, for a total project cost of \$69,072. There currently are funds available to pay for the project.
- 7 BNSF Railway Co. must also meet the following conditions for administering the GCPF grant.
- Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - BNSF 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 April 1, 2012.

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 BNSF 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 \$20,000.
 - The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
 - BNSF 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 April 1, 2012.
- 11 (4) This matter came before the Commission at its regularly scheduled meeting on November 23, 2011.
- 12 (5) After reviewing BNSF's application filed on October 26, 2011, 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:

- 13 BNSF Railway Co.'s application for disbursement from the Grade Crossing Protective Fund for closure of a crossing and improvement of an adjacent crossing will result in a safer crossing for users near Conway, Washington, 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) BNSF Railway Co. 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 April 1, 2012.

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 November 23, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary