**BEFORE THE WASHINGTON**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Application of  UNION PACIFIC RAILROAD,  Applicant,  Requesting Disbursement from the Grade Crossing Protective Fund  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . | ) ) ) ) ) ) ) )  )  ) | DOCKET TR-140315  ORDER 01  ORDER GRANTING REQUEST FOR DISBURSEMENT FROM THE GRADE CROSSING PROTECTIVE FUND |

BACKGROUND

1. On July 1, 2013, 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-131246.
2. On February 27, 2014, Union Pacific Railroad (UPRR or the Applicant) filed with the Commission an application requesting a disbursement of $23,005.78 from the Grade Crossing Protective Fund (GCPF) to pay for a project related to establishing a public safety fence in southwest Whitman County between the railroad right-of-way and Palouse Falls State Park.
3. UPRR seeks to construct approximately 1,000 feet of fencing in two locations, along with tying into natural barriers that would separate the visitors to Palouse Falls from the railroad right-of-way. The fence will be installed on UPRR’s right-of-way and the railroad will be responsible for long-term maintenance.
4. Palouse Falls is a popular tourist attraction, drawing thousands of visitors during spring and summer. The proximity of the falls to UPRR’s mainline track presents a safety risk as park visitors explore the area. Railroad personnel have experienced near-miss incidents with pedestrians trespassing on the railroad tracks. The railroad has posted “No Trespassing” signs and performed educational outreach to the public and park officials. Constructing a fence will direct the public away from the railroad tracks to trail systems within the park, thereby enhancing rail and public safety.
5. A site visit by Commission Staff confirmed that the safety problem described by UPRR exists and that the proposed safety fence will deter pedestrian trespass onto the railroad right-of-way and increase public safety.
6. UPRR seeks $23,005.78 to pay for the cost of the fencing. The railroad will provide flagging services while the fencing is installed, along with rail transportation for the fencing contractor due to the lack of road access to the area where the fences will be installed. There currently are funds available to pay for the project.
7. UPRR must also meet the following conditions for administering the GCPF grant.

* Expenditure from the Grade Crossing Protective Fund must not exceed $23,005.78.
* The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
* UPRR 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 September 30, 2014.

**FINDINGS AND CONCLUSIONS**

1. (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.
2. (2) The project for which UPRRseeks 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.
3. (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 $23,005.78.

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

UPRR 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 September 30, 2014.

1. (4) This matter came before the Commission at its regularly scheduled meeting on March 14, 2014.
2. (5) After reviewing UPRR’s application filed on February 27, 2014, 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:**

1. Union Pacific Railroad’s application for disbursement from the Grade Crossing Protective Fund for installation of safety fencing in Southwest Whitman County between the railroad’s right-of-way and Palouse Falls State Park is granted, subject to the following conditions:
   1. Expenditure from the Grade Crossing Protective Fund must not exceed $23,005.78.
   2. The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
   3. Union Pacific Railroad 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 September 30, 2014.

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 13, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary