

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of

CITY OF MARYSVILLE,

Applicant,

Requesting Disbursement from the
Grade Crossing Protective Fund

DOCKET TR-240666

ORDER 01

GRANTING REQUEST FOR
DISBURSEMENT FROM THE GRADE
CROSSING PROTECTIVE FUND

BACKGROUND

- 1 On September 4, 2024, the City of Marysville (City or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application (Application) requesting a disbursement of \$24,135.38 from the Grade Crossing Protective Fund (GCPF) to purchase two unmanned aerial systems (UAS or drones). These UAS would be used by the Marysville Police Department for trespassing and grade crossing enforcement and incident response along the BNSF Railway Co. (BNSF) right-of-way in Marysville, Snohomish County, as well as other general public safety purposes. On December 3, 2024, the City filed supplemental information in support of its Application.
- 2 According to the Application, there are 23 at-grade railroad crossings along 10 miles of BNSF track running through the city. Twelve railroad trespass or grade crossing fatalities have occurred in this area since 2012. UAS will enhance the City's ability to detect trespassers and grade crossing violators, make enforcement contacts, and respond to emergencies along the railroad. The City will contribute to the project by providing UAS training for its personnel, equipment to operate the drone from a patrol vehicle, registration with the Federal Aviation Administration, and insurance.
- 3 Commission staff (Staff) recommends the Commission approve funding in the amount of \$12,067.69, to fund the purchase of one UAS and its related accessories. Staff recommends that the City document railroad surveillance flights with dates, hours aloft, activities observed, and any resulting enforcement, and submit a copy of this documentation to the Commission with any request for an additional drone purchase in a future GCPF funding cycle. Currently there are funds available to pay for this project.

4 Staff recommends the Commission approve the request for funds with the following conditions: (1) expenditure from the GCPF must not exceed \$12,067.69, (2) the work for which the GCPF disbursement is approved must conform to the project description specified in the Application, (3) the Applicant must maintain a record railroad surveillance flights including dates, duration, activities observed through UAS flights, and any resulting enforcement, and provide this record to the Commission with any request for an additional drone purchase in a future GCPF funding cycle, (4) the Applicant must sign and return the attached project agreement, (5) payment will be made upon presentation of claim for reimbursement and verification by Staff that the work has been satisfactorily completed, and (6) the project must be completed and the associated request for reimbursement from the GCPF, as well as the affidavit of project completion, must be filed with the Commission no later than May 31, 2025.

DISCUSSION

5 RCW 81.53.281 authorizes the Commission to disburse funds from the GCPF to pay for projects related to safety improvements at highway-rail grade crossings and along railroad rights-of-way. We find that the proposed project will improve safety for the public. Accordingly, the Commission grants the Application subject to the conditions that Staff recommends.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington having authority to approve and administer disbursements from the GCPF. RCW 81.53.271; RCW 81.53.281.
- 7 (2) The project for which the Applicant seeks disbursement from the GCPF 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.
- 8 (3) Staff investigated the request based on the review criteria specified in the Commission's rules and recommended that it be granted with the conditions set out in paragraph 4, above.
- 9 (4) This matter came before the Commission at its regularly scheduled meeting on January 16, 2025.

- 10 (5) After reviewing the City's Application filed on September 4, 2024, and the supplemental information filed on December 3, 2024, 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:

11 The City of Marysville's Application for disbursement from the Grade Crossing Protective Fund for a project to purchase an unmanned aerial system for the Marysville Police Department to improve railroad safety in Marysville, Snohomish County, is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$12,067.69.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the amended Application.
- (3) The City of Marysville must document railroad surveillance flights with dates, hours aloft, activities observed, and any resulting enforcement, and provide this record to the Commission with any request for an additional drone purchase in a future Grade Crossing Protective Fund cycle.
- (4) The City of Marysville must sign and return the attached project agreement.
- (5) Payment will be made upon presentation of claim for reimbursement and verification by Staff that the work has been satisfactorily completed.
- (6) The project must be completed and the associated request for reimbursement from the Grade Crossing Protective Fund, as well as the affidavit of project completion, must be filed with the Commission no later than May 31, 2025.

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

DATED at Lacey, Washington, and effective January 16, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary