

Agenda Date: June 28, 2006  
Item Numbers: B1 through B9

**Dockets:** TR-051919, Application from Washington Operation Lifesaver  
TR-060037, Application from Mount Vernon Terminal Railroad  
TR-060116, Application from City of Auburn  
TR-060117, Application from City of Auburn  
TR-060142, Application from Northwest Railway Museum  
TR-060188, Application from Yakima County  
TR-060279, Application from Washington Operation Lifesaver  
TR-060280, Application from Washington Operation Lifesaver  
TR-060306, Application from City of Cheney

**Subject:** Disbursement of funds from the Grade Crossing Protective Fund

**Staff:** Vicki Elliott, Assistant Director, Transportation Safety  
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Debbie Thome, Railroad Operating Practices Specialist  
Bob Johnston, Railroad Hazardous Materials Specialist  
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### **Recommendation**

Approve the staff recommendations for disbursements from the Grade Crossing Protective Fund in Dockets TR-051919, TR-060116, TR-060117, TR-060142, TR-060188, TR-060279, TR-060280, and TR-060306. Approve the staff recommendation to deny disbursement from the Grade Crossing Protective Fund in Docket TR-060037.

### **Background**

On November 14, 2005, the commission sent a "Notice of Opportunity to Apply for Grant Monies from the Grade Crossing Protective Fund" in Docket TR-051633 to various interested parties from the public and private sectors that were eligible to apply for Grade Crossing Protective Fund (GCPF) grants. On January 19, 2006, the commission issued a notice extending the due date for grant applications to February 17, 2006.

The commission received fourteen applications for grants prior to the deadline, including the nine applications staff is presenting at this open meeting. The commission approved one application from Skamania County for fencing at Home Valley, Washington, on May 17, 2006. The remaining four applications will be presented at a later date, once staff has the opportunity to fully investigate the applications and the projects they propose to fund.

## **Discussion**

In 2005, the Legislature appropriated \$501,000 for the Grade Crossing Protective Fund. Of this amount, the commission has committed \$93,816 to railroads or other organizations for safety improvements at crossings and pedestrian safety projects. In addition, staff estimates the commission will spend \$45,000 in administrative costs. This leaves \$362,184 available for funding additional safety projects. Staff recommends the commission approve the following projects:

1. TR-051919: Washington Operation Lifesaver requests \$20,000 to install a fence at Golden Gardens Park in Seattle. Golden Gardens is a high railroad trespass area, with often fatal consequences. BNSF Railway (BNSF) tracks lie between the park and a sandy beach on Puget Sound. Park visitors often walk across the tracks to access the beach from the park. The railroad tracks consist of two main-line tracks. BNSF runs 50 freight trains a day at 55 miles per hour; Amtrak runs four passenger trains at 60 miles per hour. We have documented seven pedestrian fatalities at the tracks near the park since 1993, as follows:

<b>Year</b>	<b>Consequences</b>	<b>Milepost</b>
1993	1 fatality	8.25
1994	1 injury	8.8
1995	1 fatality	8.8
1997	1 fatality	8.8
2001	2 fatalities	8.8 and 8.6
2004	1 fatality	8.5

In most of these instances, the pedestrian accessed the tracks at Golden Gardens, where the proposed fence would be installed, and then walked along the tracks to the point they were hit. In other instances, they accessed the tracks north of milepost 8.8, at North Beach. BNSF and the City of Seattle partnered to install fencing at North Beach after a fatality in May 2001. The fencing proposed in TR-051919 would add to existing pedestrian-limiting access, as follows:

- From milepost 8.0 to 8.6 – Fencing, as proposed
- From milepost 8.6 to 8.8 – Rock wall
- From milepost 8.8 north – Current fencing

Washington Operation Lifesaver has been working with BNSF and the City of Seattle to install the fencing at Golden Gardens. It appears the parties will resolve a property dispute soon, allowing installation of the fence. Washington Operation Lifesaver, through the GCPF grant, will contribute \$20,000 to the project; BNSF and the city will each contribute up to \$15,000. The parties expect the fence will be installed in the summer of 2006.

2. TR-060116: The City of Auburn requests \$20,000 to install median barriers at three intersections where city streets cross BNSF tracks – West Main Street, 37<sup>th</sup> Street Northwest, and 3<sup>rd</sup> Street Northwest. In each case, BNSF runs 29 trains daily at 40 miles per hour. All three crossings are equipped with lights and gates, however, it is not uncommon for impatient motorists to drive around the gates. The commission has documented two vehicle collisions at the West Main crossing and three at the 37<sup>th</sup> Street crossing since 1992. The city estimates the total cost of the barriers at \$20,800.
3. TR-06117: The City of Auburn requests \$12,750 to install a fence at the Auburn Transit Station. Pedestrians accessing the transit station often cross the tracks, where BNSF runs 29 trains a day at 40 miles per hour. The transit station has a pedestrian overpass, however, many pedestrians use the shorter route over the tracks. This fence would funnel them away from the tracks to the overpass.
4. TR-060142: The Northwest Railway Museum, doing business as the Snoqualmie Valley Railroad, requests \$20,000 to install a gate at a crossing in Snoqualmie to keep pedestrians off the tracks. The Centennial Trail parallels the railroad tracks at this location. Pedestrians often access the tracks at the crossing, where there is a gap in the fence separating the trail from the tracks, and use the tracks as a secondary trail. The gate would prevent pedestrian access to the tracks at the crossing and open when a train was approaching to allow the train to pass. The railroad estimates the total cost of the gate at \$28,400.
5. TR-060188: Yakima County requests \$17,000 to install 650 feet of fencing between the railroad tracks and a local middle school and high school. Central Washington Railroad runs a minimum of two trains per day over the tracks at 25 miles per hour. Pictures submitted by the county, as well as a staff site visit, confirm that students from the nearby middle and high schools walk unimpeded across and along the railroad tracks.
6. TR-060279: Washington Operation Lifesaver requests \$10,750 to install 700 feet of fencing near Underwood, on State Route 14 in the Columbia River Gorge. This fencing would augment current fencing near a high trespass area where pedestrians regularly cross the tracks to access the river. Six pedestrians have been killed in the Gorge in the past three years, one at the exact spot Washington Operation Lifesaver proposes to install the fence. BNSF runs 45 trains a day at 55 miles per hour; Amtrak runs four trains a day at 60 miles per hour through the Gorge.
7. TR-060280: Washington Operation Lifesaver requests \$2,100 to install a locking steel pole gate to block public access to BNSF railroad tracks at milepost 52, State Route 14 in the Columbia River Gorge. At this location, motorists park off the road and then walk across the tracks to access the river. The Gorge is a dangerous area for pedestrians. Six pedestrians have been killed in the Gorge in the past

three years. BNSF runs 45 trains a day at 55 miles per hour; Amtrak runs four trains a day at 60 miles per hour through the Gorge. The pole gate would block access to the parking area near the tracks.

8. TR-060306: The City of Cheney requests \$8,500 to install three separate gates near a private crossing to keep pedestrians and motorists away from the crossing during off-peak hours and away from the railroad rights-of-way at all times. The crossing involved leads to the city's wastewater treatment plant. Approximately 50 vehicles travel the crossing. The Union Pacific Railroad Company operates 15 trains a day over the crossing, traveling at 60 miles per hour.

Staff recommends the commission deny the following project:

TR-060037: Mount Vernon Terminal Railroad requests \$20,000 to install 1,685 feet of gated fence with barbed wire at a railroad car storage site in Mount Vernon, Washington. The railroad owns two spur tracks at Mount Vernon that feed off the main-line track, cross a road, and dead-end at the storage site. In 2005, the railroad approached Shell Oil Company refinery to store its cars on the spur tracks as a means of generating revenue. The refinery cars are filled with butane, a hazardous material under the Federal Railroad Administration (FRA) regulations. In September 2005, the Mount Vernon Fire Department inspected the site with commission and FRA staff. The fire department expressed its concerns in storing high-pressure tank cars with no security. The refinery declined to continue to store its cars at the site.

The railroad, in its application for disbursement of funds from GCPF, proposes to build a gated fence topped with barbed wire for security measures. This would allow the railroad to store the high-pressure butane cars on its tracks. The railroad states in its application that the benefits would be, "revenue to a short-line railroad would be greatly enhanced ... costs of re-painting graffiti by vandals would disappear ... long-time economic value to Shell for the near-by staging."

Staff recommends the commission deny the application for funding from GCPF for the project. Washington Administration Code (WAC) 480-62-400, states, "Grade crossing protective fund grants are to fund projects that: (a) Reduce accident frequency and severity at either public and private railroad crossings; or (b) Reduce pedestrian, trespassing, and motorist injuries and deaths on railroad rights of way at places other than crossings." Staff believes that a project designed to increase revenue and decrease costs to a railroad and provide economic value to an outside business does not qualify under the WAC for a GCPF grant.

### **Conclusion**

Staff recommends the commission approve grants from the Grade Crossing Protective Fund in Dockets TR-051919, TR-060116, TR-060117, TR-060142, TR-060188, TR-060279, TR-060280, and TR-060306; and deny a grant in Docket TR-060037.