

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

In the Matter of the Application of)	DOCKET TR-061030
)	
COLUMBIA AND COWLITZ)	ORDER 01
RAILROAD COMPANY)	
)	
Petitioner,)	
)	ORDER DENYING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

- 1 On November 14, 2005, Washington Utilities and Transportation Commission (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.
- 2 On June 15, 2006, the Columbia and Cowlitz Railroad Company (railroad) filed an application with the Commission, requesting disbursement from the GCPF to pay for of a worker safety platform at Industrial Way and State Route 432 in Cowlitz County, Washington. On June 29, 2006, the Commission notified the railroad it would consider the request for funding at its next open GCPF call for grants. The most recent call for grants was open from September 1, 2006, through October 30, 2006.
- 3 In its application, the railroad states there is not sufficient space for its workers to safely perform routine maintenance of the signal equipment at this location. The railroad has since installed the platform as proposed.
- 4 Staff recommends the Commission deny the application for funding from GCPF for the project. In 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 argues that a project designed to increase railroad worker safety does not qualify under the WAC for a GCPF grant. In addition, since the railroad already

installed the platform, it does not qualify for a GCPF grant, which is designed to fund future projects, not reimburse for previously completed projects.

FINDINGS AND CONCLUSIONS

- 5 (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. *Chapter 81.53.271 RCW and 81.53.281 RCW.*
- 6 (2) The project for which disbursement from the Grade Crossing Protective Fund is sought is not eligible for funding consideration under WAC 480-62-400.
- 7 (3) Commission Staff investigated the request based on the review criteria specified in Commission rules and recommended that it be denied.
- 8 (4) This matter was brought before the Commission at its regularly scheduled meeting on December 13, 2006.
- 9 (5) After examination of the application filed by the Columbia and Cowlitz Railroad Company on June 15, 2006, and giving consideration to all relevant matters and for good cause shown, the Commission denies the request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

- 10 (1) The request of the Columbia and Cowlitz Railroad Company, seeking disbursement from the Grade Crossing Protective Fund for installation of a railroad worker protection platform in Cowlitz County, Washington, is denied.

DATED at Olympia, Washington, and effective December 13, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary