

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

In the Matter of the Application of)	DOCKET TR-061601
)	
CITY OF AUBURN)	ORDER 01
)	
Petitioner,)	
)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund)	CROSSING PROTECTIVE FUND
.....)	

BACKGROUND

1 On September 1, 2006, 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 eligible to apply for Grade Crossing Protective Fund (GCPF) grants.

2 On October 16, 2006, the city of Auburn filed an application with the Commission, requesting a disbursement of \$10,000 from the GCPF to pay for a project related to pedestrian safety. The city seeks to install 250 feet of fencing between the tracks of BNSF Railway Company and ~~West Main Street~~ ^{B Street NW} in Auburn, Washington. TG

3 A site visit by Commission Staff earlier this year confirms the safety problem described by the city exists and that the proposed fence will limit pedestrian access to the tracks in this area.

4 The city of Auburn seeks \$10,000 to pay for the cost of the fencing. There are currently funds available to pay for the project.

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 eligible for funding consideration under Commission rules and complies with the requirements of RCW 81.53.271 and RCW 81.53.281.

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- 7 (3) Commission staff investigated the request based on the review criteria specified in the rules and recommended that it be granted.
- 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 city of Auburn on October 16, 2006, and giving consideration to all relevant matters and for good cause shown, the Commission grants the request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:


10 The request of the city of Auburn, proposing to install fencing between the railroad tracks and ~~West Main Street~~, is granted, subject to the following conditions:

B Street NW T&E

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$10,000.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
- (3) Payment will be made upon presentation of claim for reimbursement for costs incurred and verification by Commission staff that the work has been satisfactorily completed.
- (4) The project must be completed no later than June 30, 2007.

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


CAROLE J. WASHBURN, Executive Secretary

**PROJECT AGREEMENT
GRADE CROSSING PROTECTIVE FUND**

Docket: TR-061601

Commission Approval Date: December 13, 2006

A. PARTIES OF THE AGREEMENT

This project grant agreement (agreement) is entered into between the Washington Utilities and Transportation Commission (UTC), P.O. Box 47250, Olympia, Washington 98504-7250 and City of Auburn, 25 West Main Street, Auburn, Washington 98001, and shall be binding upon the agents and all persons acting by or through the parties.

B. PURPOSE OF AGREEMENT

This agreement sets out the terms and conditions by which a grant is made from the Grade Crossing Protective Fund. The grant is administered by the UTC to the grantee for Docket TR-061601, identified above.

C. DESCRIPTION OF PROJECT

TR-061601 involves a proposal by the grantee to install 250 feet of fencing between the tracks of BNSF Railway Company and ~~West Main Street~~ B Street NW in Auburn, Washington. 16

D. PERIOD OF PERFORMANCE

The project reimbursement period shall begin on December 13, 2006, and end June 30, 2007. No expenditure made before or after this period is eligible for reimbursement unless incorporated by written amendment into this agreement.

E. PROJECT FUNDING

Total grant funding awarded by the UTC for this project shall not exceed \$10,000. The UTC shall not pay any amount beyond that approved for funding of the project. The grantee shall be responsible for all total project costs that exceed this amount.

F. RIGHTS AND OBLIGATIONS

All rights and obligations of the parties to this agreement are subject to this agreement and its attachments, including the grantee's application, commission order, and the general provisions, all of which are attached and incorporated into this agreement.

Except as provided, no alteration of any of the terms or conditions of this agreement will be effective unless provided in writing. All alterations must be signed by both parties.

The grantee has read, fully understands, and agrees to be bound by all terms and conditions in these documents.

G. COMPLIANCE WITH APPLICABLE STATUTES, RULES, AND WUTC POLICIES

This agreement is governed by, and the grantee shall comply with, all applicable state and federal laws and regulations, including RCW 81.53.281, commission's rules in 480-62 (WAC), and the commission's order in this matter which are incorporated by this reference as if fully set forth.

H. PROJECT GRANT AGREEMENT REPRESENTATIVE

All written communications sent to the grantee under this agreement will be addressed and delivered to:

City of Auburn, Washington
Tiffin Goodman
25 West Main Street
Auburn, Washington 98001-4998

Utilities and Transportation Commission
Kathy Hunter
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

These addresses shall be effective until receipt by one party from the other of a written notice of any change.

I. ENTIRE AGREEMENT

This agreement, along with all attachments, constitutes the entire agreement of the parties. No other understandings, oral or otherwise, regarding this agreement shall exist or bind any of the parties.

J. EFFECTIVE DATE


This agreement for Docket TR-061601 shall be effective upon signing by all parties.

State of Washington
Utilities and Transportation Commission

By: 
[Executive Secretary]

Date: December 14, 2006

City of Auburn, Washington

By: 

Date: FEB - 5 2007

Title: Mayor

Approved as to form:

By: /s/
Assistant Attorney General