

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

In the Matter of the Application of	)	DOCKET TR-091400
	)	
TACOMA RAIL,	)	ORDER 01
	)	
Applicant,	)	
	)	ORDER GRANTING REQUEST FOR
Requesting Disbursement from the	)	DISBURSEMENT FROM THE GRADE
Grade Crossing Protective Fund	)	CROSSING PROTECTIVE FUND
.....	)	

**BACKGROUND**

- 1     On July 29, 2009, the 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-091450 to various interested parties from the public and private sectors that were eligible to apply for Grade Crossing Protective Fund (GCPF) grants.
- 2     On August 31, 2009, Tacoma Rail (Applicant) filed with the Commission an application requesting a disbursement of \$20,000 from the GCPF to pay for a project related to installation of fencing under a railroad trestle spanning the area between East L and East G Streets in Tacoma, Washington. Total project cost is estimated at \$20,500, with Tacoma Rail paying for costs that exceed \$20,000.
- 3     Tacoma Rail seeks to construct two segments of fencing and install two gates between East J and East L Streets. The gates will be large enough to accommodate Tacoma Rail service vehicles. The fencing will be 1,200 feet long and connect to existing fencing and/or buildings at this location. Tacoma Rail identifies this fencing project as Phase One. A second phase of fencing will be considered once Phase One is completed and additional funding is secured. Phase Two will include installing an additional 1,200 feet of new fencing and replacing substandard fencing in several locations. Gates will also be included in Phase Two.
- 4     Transients frequently loiter and dump garbage beneath the railroad trestle posing security risks. In addition, in May 2007, a fire was started under the trestle which caused damage to the trestle pilings. Fencing beneath the railroad trestle will prevent trespassers from accessing this area and increase safety for trains that are traveling on the tracks above. Both freight and passenger rail travel these tracks on a daily basis. Phase One fencing

will be located on the south side of the trestle, entirely on Tacoma Rail's property. Tacoma Rail will be responsible for long-term maintenance costs.

5 A site visit by Commission Staff confirmed that the safety problem described by Tacoma Rail exists and that the proposed fencing project will deter trespassing away from the railroad trestle at this location.

6 Tacoma Rail seeks \$20,000 to pay for a portion of the cost of the fencing and gates. Total project cost is estimated at \$20,500, with Tacoma Rail paying for costs that exceed \$20,000. There currently are funds available to pay for the project.

### FINDINGS AND CONCLUSIONS

7 (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](#).

8 (2) The project for which Tacoma Rail seeks 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](#).

9 (3) Commission Staff conducted a site visit and evaluated 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.

10 (4) This matter came before the Commission at its regularly scheduled meeting on October 15, 2009.

11 (5) After reviewing Tacoma Rail's application filed on August 31, 2009, 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:**

- 12 Tacoma Rail's application for disbursement from the Grade Crossing Protective Fund for trespass prevention fencing near Tacoma, Washington, between East J and East L Streets, is granted, subject to the following conditions:
- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
  - (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the application.
  - (3) Tacoma Rail 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, 2010.

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 October 15, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary