

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Application of  
  
CWW LLC  
  
Applicant,  
  
Requesting Disbursement from the  
Grade Crossing Protective Fund

DOCKET TR-200168

ORDER 01

GRANTING REQUEST FOR  
DISBURSEMENT FROM THE GRADE  
CROSSING PROTECTIVE FUND

**BACKGROUND**

- 1 On August 5, 2019, the Washington Utilities and Transportation Commission sent to various interested parties a “Notice of Available Funds for Rail Safety Projects” from the Grade Crossing Protective Fund (GCPF).
- 2 On March 11, 2020, CWW LLC (CWW or Applicant) filed with the Washington Utilities and Transportation Commission (Commission) an application (Application) requesting a disbursement of \$4,952.88 from the GCPF to purchase yield signs for installation at 54 passive crossings on the CWW rail line in Walla Walla and Columbia counties. Commission staff (Staff) identified discrepancies in the Applicant’s list of crossings (Attachment 1) and assisted the Applicant with correcting the list. Subsequently, on March 11, 2020, the Applicant filed an amended list of 52 crossings, which reduced the amount of funding requested to \$4,769.44. The railroad will contribute the labor needed to install the signs.
- 3 This project will bring the crossings into compliance with the January 1, 2020, U.S. Department of Transportation Manual on Uniform Traffic Control Devices requirement for yield signs at passive crossings.
- 4 Staff recommends the Commission approve funding in the amount of \$4,769.44. Currently there are funds available to pay for this project.
- 5 Staff recommends the Commission approve the request for funds with the following conditions: (1) expenditure from the GCPF must not exceed \$4,769.44, (2) the work for which the GCPF disbursement is approved must conform to the project description specified in the Application, (3) the Applicant must sign and return the attached project

agreement, (4) payment will be made upon presentation of claim for reimbursement and verification by Staff that the work has been satisfactorily completed, and (5) the project must be completed and the associated request for reimbursement from the GCPF must be filed with the Commission no later than December 31, 2020.

### DISCUSSION

6 RCW 81.53.281 authorizes the Commission to disburse funds from the GCPF to pay for improvements to highway-rail grade crossings. We find that the proposed modifications will improve the overall safety for roadway users. Accordingly, the Commission grants the Application subject to the conditions that Staff recommends.

### FINDINGS AND CONCLUSIONS

- 7 (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.
- 8 (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.
- 9 (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 5, above.
- 10 (4) This matter came before the Commission at its regularly scheduled meeting on April 10, 2020.
- 11 (5) After reviewing CWW's Application and amended crossing list filed on March 11, 2020, 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:

12 CWW LLC's Application for disbursement from the Grade Crossing Protective Fund for a project related to installation of yield signs at 52 passive crossings in Walla Walla and Columbia counties is granted, subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$4,769.44.
- (2) The work for which the Grade Crossing Protective Fund disbursement was approved must conform to the project description specified in the Application.
- (3) CWW must sign and return the attached project agreement.
- (4) Payment will be made upon presentation of claim for reimbursement and verification by 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 December 31, 2020.

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 April 10, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary