

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BURLINGTON NORTHERN RAILROAD)	
COMPANY,)	DOCKET NO. TR-961212
)	
Petitioner,)	
)	
v.)	NOTICE OF PREHEARING
)	CONFERENCE
SNOHOMISH COUNTY,)	(May 24 , 2000)
)	
Respondent.)	
.....)	
.)	

On September 26, 1996, Burlington Northern Railroad Company filed with the Commission a petition seeking authority to abandon and close the public use of a highway/railway crossing at the intersection of 292nd Street N.W. (Logan Road) and existing tracks of Burlington Northern Railroad Company. The location of the crossing is:

At or near railway mile post 56.92 in the SW¹/₄ of the NE¹/₄ of Section 13, Township 32N, Range 4E, W.M., in Stanwood, Snohomish County, State of Washington.

The crossing may be generally described as the intersection of Logan Road with the tracks of Burlington Northern Railroad Company.

On March 3, 2000, the Transportation Director of the Commission issued a Determination of Non-significance for the above mentioned petition pursuant to the State Environmental Policy Act, chapter 43.21C RCW and chapter 197-11 WAC. Notice of the Determination of Non-significance was sent to the Washington State Department of Ecology on March 6, 2000. Pursuant to RCW 81.53.060, this notice was posted at the affected crossing and published in the local newspaper.

Hearing in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, RCW 34.05.452, RCW 81.04.110, RCW 81.44.010, and RCW 81.53.060. The Commission has jurisdiction over this matter under Title 81 RCW, having legal authority to regulate the closure of railroad crossings pursuant to chapter 81.53 RCW, including without limitation, RCW 81.53.060. In addition to the foregoing statutes, rules involved include those within chapter 480-09 WAC relating to practice and procedure. The ultimate issue involved is whether the public safety requires an order be entered authorizing closure of the above-described crossing. The complete file in this matter sets forth the issues in more detail and is available for public inspection at the Commission's offices in the Chandler Plaza

Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

NOTICE IS GIVEN that, in accordance with WAC 480-09-700(1)(a), the Commission has determined that good cause exists for this matter to be heard on shortened notice.

NOTICE IS FURTHER GIVEN That a prehearing conference will be held at 2:30 p.m., on May 24, 2000, in Room 216, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line. The bridge line can be accessed by dialing (360) 664-3846. Please dial into the bridge line no later than 2:25 p.m. on May 24, 2000.

The time and place for evidentiary hearings will be set at the prehearing conference or by later written notice. The purpose of the prehearing conference is to consider formulating the issues in the proceeding and determine other matters to aid in its disposition, as specified in WAC 480-09-460. Petitions to intervene should be made in writing prior to that date or made orally at that time. Appearances will be taken.

If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.

The names and mailing addresses of all parties and their known representatives are as follows:

Petitioner: Burlington Northern Railroad Company
Attn: John M. Cowles
2454 Occidental Avenue S., Suite 1A
Seattle, WA 98134-1451

Representative: Larry E. Leggett
Kroschel & Gibson
110 110th Avenue N.E., Suite 607
Bellevue, WA 98004
(206) 462-9584

Respondent: Snohomish County
Department of Public Works
Attn: Dave Evans
TESD Land Use/Records
2930 Wetmore Avenue, 1st Floor
Everett, WA 98201

Representative: Jason Cummings
Snohomish County Prosecutor's Office
3000 Rockefeller Avenue
M/S 504
Everett, WA 98201
(425) 388-6332

The Commission will appear through Ann E. Rendahl, Assistant Attorney General, 1400 S. Evergreen Park Drive S.W., P. O. Box 40128, Olympia, Washington 98504-0128, (360) 664-1189.

Dennis Moss has been designated as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.

Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of the proceeding.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

May 22, 2000

Inquires should be addressed to:

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
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