

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION

Petitioner,

v.

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-171142

NOTICE OF PREHEARING
CONFERENCE
(Set for February 12, 2018,
at 1:30 p.m.)

- 1 On November 20, 2107, the Washington State Department of Transportation (WDOT) filed with the Washington Utilities and Transportation Commission (Commission) a petition to approve the modification of highway-rail grade crossing warning signals along SR-223 at Toppenish, Yakima County.
- 2 On December 23, 2017, BNSF Railway Company (BNSF) notified Commission staff (Staff) that it does not support the petition. Staff requested that the matter be set for hearing.
- 3 The Commission has jurisdiction over this matter under RCW Title 80 and RCW Title 81, and has legal authority to regulate railroad crossings. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 81.53, including but not limited to RCW 80.01.040, RCW 80.04.020, RCW 81.53.261 and RCW 81.53.295. The rules that apply to this matter include those within WAC 480-62, relating to railroad operations.
- 4 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.
- 5 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:30 p.m., on February 12, 2018, in the Commission's Hearing Room,**

**Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W.,
Olympia, Washington.**

6 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence, to identify the issues in the proceeding, and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

7 Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See* WAC 480-07-355(a). The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See* WAC 480-07-345(2). Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

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

Petitioner: Washington State Department of Transportation
2741 N. Mayfair Street
Spokane, WA 99207

Representative: Connie Raezer
PO Box 74329
Olympia, WA 98504-7329
360-705-7459
raezerc@wsdot.wa.gov

Respondent: BNSF Railway Co.
2650 Lou Menk Drive
Fort Worth, TX 76131

Representative: Stephen Semenick
BNSF Railway Company
2454 Occidental Avenue South, Suite 2D
Seattle, WA 98134
206-625-6152
Stephen.semenick@bnsf.com

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

Representative: Julian Beattie
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
Julian.beattie@utc.wa.gov

10 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law
Division, will preside during this proceeding.

11 The Commission will give parties notice of any other procedural phase of the proceeding
in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective January 12, 2018.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Steven V. King
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____