

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

CLARK COUNTY,

Petitioner,

v.

BURLINGTON NORTHERN SANTE  
FE RAILWAY,

Respondent.

DOCKET TR-190228

NOTICE OF PREHEARING  
CONFERENCE

**(Set for July 15, 2019,  
at 9:30 a.m.)**

- 1 On April 2, 2019, Clark County filed with the Washington Utilities and Transportation Commission (Commission) a Petition for Installation of Median Barriers at a Highway-Rail Grade Crossing (Petition). The Petition seeks to install median barriers at the crossing at NW 122 Street, Vancouver, Washington.
- 2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80 and RCW Title 81, and has legal authority to regulate railroads. 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, and RCW 81.53.06. The rules that apply to this matter include those within Washington Administrative Code (WAC) 480-62, relating to railroads.
- 3 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.
- 4 The Commission finds there is good cause to hear this matter on shortened notice. *See* WAC 480-07-440(1)(a) and RCW 34.05.434.
- 5 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 9:30 a.m. on July 15, 2019, in the Commission's Hearing Room, First Floor, 621 Woodland Square Loop SE, Lacey, 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 **INTERVENTION:** 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 addresses of all known parties and their known representatives are as follows:

Petitioner: Clark County  
1300 Franklin Street  
Vancouver, WA 98666

Representative: Ahmad Qayoumi  
P.O. Box 9810  
Vancouver, WA 98666-9810  
(564) 397-4358  
[ahmad.qayoumi@clark.wa.gov](mailto:ahmad.qayoumi@clark.wa.gov)

Respondent: BNSF Railway Co  
2454 Occidental Ave. S.  
Seattle, WA 98134

Representative: Stephen Semenick  
Burlington Northern Santa Fe Railway  
2454 Occidental Ave. S.  
Suite 2D  
Seattle, WA 98134  
(206) 625-6413  
[Stephen.Semenick@BNSF.com](mailto:Stephen.Semenick@BNSF.com)

Commission: Washington Utilities and  
Transportation Commission  
P.O. Box 47250  
Olympia, WA 98504-7250

Representative: Jeff Roberson  
Office of the Attorney General  
Utilities and Transportation Division  
P.O. Box 40128  
  
Olympia, WA 98504-0128  
(360) 664-1188  
[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)

10 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law  
Division, will preside during this proceeding.<sup>1</sup>

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 May 29, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON  
Executive Director and Secretary

---

<sup>1</sup> Judge Pearson can be reached at [rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov) or (360) 664-1136.

Inquiries may be addressed to:

Executive Director and Secretary  
Washington State Utilities and  
Transportation Commission  
Richard Hemstad Building  
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: Mark L. Johnson, 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.: (\_\_\_\_) \_\_\_\_\_