

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

CITY OF FIFE,)	DOCKET TR-100098
)	
Petitioner,)	ORDER 06
)	
v.)	
)	ORDER GRANTING MOTION FOR
UNION PACIFIC RAILROAD,)	CONTINUANCE AND ADOPTING,
)	IN PART, ALTERNATE
Respondent.)	PROCEDURAL SCHEDULE
)	(Evidentiary and Public Comment
)	Hearings set for February 16, 2011)
.....)	

- 1 On January 13, 2010, the City of Fife filed with the Washington Utilities and Transportation Commission (Commission) a Petition to open a pedestrian only at-grade rail crossing at 54th Avenue East in Fife. On January 12, 2010, Union Pacific Railroad (UPR or Railroad) opposed the proposed crossing modification.
- 2 By Order 02, Prehearing Conference Order, entered May 20, 2010, the Commission adopted a procedural schedule and set this matter for hearing. The procedural schedule has been modified three times upon request by all parties.¹
- 3 On November 30, 2010, the parties filed a joint motion for continuance of evidentiary hearing and modification of procedural schedule. The parties state that they met on November 29, 2010, to discuss the potential for settlement and agreed that they needed additional time to exchange and evaluate potential settlement options. The parties concur that postponing all deadlines in this matter by approximately 30 days will assist them in this endeavor.
- 4 According to WAC 480-07-385, the Commission will grant a continuance if the requesting party demonstrates good cause and the continuance will not prejudice any party or the Commission. Affording all parties additional time to consider settlement options constitutes good cause and neither the parties nor the Commission will be

¹ See Order 03, entered September 20, 2010, Order 04, entered September 30, 2010, and Order 05, entered October 4, 2010.

prejudiced by extending the procedural schedule and hearings in this matter by approximately 30 days. However, the Commission concludes that it would be reasonable to relocate the public comment hearing to Olympia to conserve Commission time and resources. The Commission will ensure that its conference bridge line is available to allow members of the public to telephonically participate in this hearing.

5 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold an evidentiary hearing in this matter at **10:00 a.m., February 16, 2011, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Dr. SW Olympia, Washington.**

6 **NOTICE OF PUBLIC COMMENT HEARING.** The Commission will hold a public comment hearing in this matter to provide members of the public with the opportunity to present oral comments to the Commission. The public comment hearing will commence at **5:30 p.m., and end no later than 7:00 p.m., February 16, 2011, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Dr. SW, Olympia, Washington. Members of the public may telephonically participate in the public comment hearing by calling into the Commission's conference bridge line at 360-664-3846.**

Dated at Olympia, Washington, and effective December 1, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge

**APPENDIX A
REVISED PROCEDURAL SCHEDULE
DOCKET TR-100098**

<u>EVENT</u>	<u>DATE</u>
If the parties are unable to resolve the issues, the following procedural schedule will be implemented in this case.	
City of Fife Prefiled Rebuttal Testimony and Exhibits and Union Pacific Railroad and Commission Staff Prefiled Cross-answering Testimony and Exhibits	January 19 2011
Evidentiary Hearing commencing at 10:00 a.m., and continuing until concluded.	February 16, 2011
Public Comment Hearing commencing at 5:30 p.m., and ending no later than 7:00 p.m.	February 16, 2011
Simultaneous Post-hearing Briefs	March 2, 2011