

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

CITY OF WENATCHEE,

Petitioner,

v.

BURLINGTON NORTHERN SANTE
FE RAILWAY,

Respondent.

DOCKET TR-220540

NOTICE OF PREHEARING
CONFERENCE
**(Set for October 25, 2022,
at 10 a.m.)**

1 On July 15, 2022, the City of Wenatchee filed with the Washington Utilities and Transportation Commission (Commission) a Petition to Modify Highway-Rail Grade Crossing Warning Devices (Petition). The Petition seeks to modify warning devices at the crossing at 9th Street in Wenatchee, 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 GIVES NOTICE That it will hold a virtual prehearing conference in this matter at 10 a.m. on October 25, 2022. To participate in the conference by telephone, call (253) 215-8782 and enter the Meeting ID: 880 3978 1670# and Passcode: 655373. To participate via Zoom, [click here to join meeting](#).**¹

¹ <https://utc-wa-gov.zoom.us/j/88039781670?pwd=U2FyeDNTc3ljYXllaVhxN1Z5VlBKQT09>.

5 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.

6 **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.

7 **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.**

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

Petitioner: City of Wenatchee
PO. Box 519
Wenatchee, WA 98807-0519

Representative: Gary Owen, City Engineer
P.O. Box 519
Wenatchee, WA 98807-0519
(509) 888-3204
gowen@wenatcheewa.gov

Respondent: BNSF Railway Co
12400 51st Pl. S.
Tukwila, WA 98178

Representative: Alex Funderburg
Burlington Northern Santa Fe Railway
44 South Hanford Street, Building C
Seattle, WA 98134
(720) 215-6728
alex.funderburgjr@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

9 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law
Division, will preside during this proceeding.²

10 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 October 11, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary

² Judge Pearson can be reached at rayne.pearson@utc.wa.gov or (360) 664-1136.

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. If limited English-speaking or 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 provide the information requested below via email to Paige Doyle, paralegal, at paige.doyle@utc.wa.gov:

(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: _____