

SERVICE DATE

DEC - 9 1994

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the)	
Petition of the WASHINGTON)	
STATE DEPARTMENT OF)	
TRANSPORTATION, BURLINGTON)	DOCKET NO. TR-940309
NORTHERN RAILROAD COMPANY,)	
and THE NATIONAL RAILROAD)	NOTICE OF HEARING
PASSENGER CORPORATION for)	
Modification of Order)	(January 19 and 20, 1995)
Regulating the Speed of)	
Passenger Trains in)	
Marysville, Washington.)	
.)	

By letter dated February 28, 1994, the Washington State Department of Transportation (WSDOT), Burlington Northern Railroad Company (Burlington Northern), and the National Railroad Passenger Corporation (Amtrak) filed a petition with the Commission seeking modification of the Commission's order regulating the speed of passenger and freight trains in Marysville, Washington. The petition seeks the following maximum speeds for passenger trains within the City of Marysville:

- Raise from 25 m.p.h. to 30 m.p.h. from south corporate limits (approximately MP 37.8) to MP 38.5;
- Raise from 25 m.p.h. to 50 m.p.h. from MP 38.5 to MP 41.0;
- Raise from 25 m.p.h. to 79 m.p.h. from MP 41.0 to north corporate limits (approximately MP 43.3).

The petition also seeks the following maximum speeds for freight trains within the City of Marysville:

- Raise from 25 m.p.h. to 50 m.p.h. from near south corporate limits (approximately MP 38.5) to north corporate limits (approximately MP 43.3).

("MP" stands for milepost).

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 34.05.440, RCW 34.05.449, RCW 34.05.452, and RCW 80.01.040. The Commission has jurisdiction over this matter under Title 81 RCW, having legal authority to issue orders regulating the speed of railway trains pursuant to chapter 81.48 RCW, including, without limitation, RCW 81.48.030 and RCW 81.48.040. In addition to the foregoing statutes, the rules

involved include those within chapter 480-09 WAC relating to practice and procedure.

The ultimate issue involved is whether or not the maximum passenger and freight train speeds should be established at some level in excess of the level presently established by the Commission. The issues are stated in more detail in the petition which is on file with the Commission and available for public inspection at its offices in the Chandler Plaza Building, 1300 S. Evergreen Drive SW, Olympia, Washington.

NOTICE IS GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET HEREIN, OR OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH THE TERMS OF 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 Co.
2000 First Interstate Center
999 Third Avenue
Seattle, WA 98104-1105

Representative: Rexanne Gibson
Kroschel and Gibson
Attorneys at Law
Suite 607
110 - 110th Avenue NE
Bellevue, WA 98004

Petitioner: Attn: Gil Mallery
Rail Branch Manager
Washington State Department
of Transportation
Transportation Building
P.O. Box 47300
Olympia, WA 98504-7300

Representative: Jeanne A. Cushman
Office of the Attorney General
Transportation and Public
Construction Division
1011 Plum Street SE, Bldg. 5
P.O. Box 40113
Olympia, WA 98504-0113

Petitioner: Attn: Alden Clark
National Railroad Passenger
Corporation (Amtrak)
400 N. Capitol St. NW
Washington, D.C. 20001

Representative: Unknown

Respondent: The Honorable David A. Weiser
Mayor, City of Marysville
514 Delta Avenue
Marysville, WA 98207

Representative: Unknown

An Administrative Law Judge from the Utilities and Transportation Subdivision of the Office of Administrative Hearings, Third Floor, Building E, 2420 Bristol Court SW, P O BOX 42489, OLYMPIA, WA 98504-2489, (206) 753-6403, will be designated to preside at the hearing.

The Commission will appear through the Office of the Attorney General, 1400 S. Evergreen Park Drive SW, P O BOX 40128, OLYMPIA, WA 98504-0128, (206) 753-2281.

PLEASE TAKE NOTICE That a hearing in this matter will be held on January 19 and 20, 1995, beginning at 9:00 a.m., January 19, 1995, in the City Council Chambers, Public Safety Building, 1635 Grove Street, Marysville, Washington, for the purpose of receiving the direct evidence of all parties to the proceeding, including members of the public, and cross-examination thereof.

Please see the form attached to this notice which should be filled out and returned if any party or witness needs an interpreter or other assistance.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


STEVE MCLELLAN
Secretary

December 9, 1994

Inquiries should be addressed to:

The Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive SW
P O BOX 47250
OLYMPIA WA 98504-7250
(206) 753-6423

NOTICE

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that 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.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to Washington Utilities and Transportation Commission, Attention: Steve McLellan, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Your 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.: () _____