

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>CITY OF OLYMPIA</p> <p>Complainant,</p> <p>v.</p> <p>UNION PACIFIC RAILROAD COMPANY,</p> <p>Respondent.</p>	<p>DOCKET TR-240783 <i>(Consolidated)</i></p> <p>ORDER 01</p> <p>ORDER OF CONSOLIDATION AND NOTICE OF PREHEARING CONFERENCE (Set for February 25, 2025, at 9:30 a.m.)</p>
<p>CITY OF OLYMPIA</p> <p>Complainant,</p> <p>v.</p> <p>UNION PACIFIC RAILROAD COMPANY,</p> <p>Respondent.</p>	<p>DOCKET TR-240793 <i>(Consolidated)</i></p> <p>ORDER 01</p> <p>ORDER OF CONSOLIDATION AND NOTICE OF PREHEARING CONFERENCE (Set for February 25, 2025, at 9:30 a.m.)</p>

BACKGROUND

- 1 On October 21, 2024, the City of Olympia filed with the Washington Utilities and Transportation Commission (Commission) a petition to modify a highway-rail grade crossing, USDOT Crossing Number 807857V. The matter was filed under Docket TR-240783.
- 2 On October 23, 2024, the City of Olympia filed with the Commission a petition to modify a highway-rail grade crossing, USDOT Crossing Number 807853T. The matter was filed under Docket TR-240793.

3 On October 23, 2024, the Commission sent an email to Union Pacific Railroad Company (UPRR) notifying them of the petitions and requesting that they respond within twenty days indicating whether they support the petitions in Dockets TR-240783 and TR-240793.

4 On November 12, 2024, UPRR filed with the Commission two letters opposing the petitions filed in Dockets TR-240783 and TR-240793.

5 Inasmuch as the foregoing matters involve related principles of law and fact, it is appropriate that they be consolidated for hearing and determination pursuant to Washington Administrative Code (WAC) 480-07-320.

ORDER OF CONSOLIDATION

6 THE COMMISSION ORDERS That these matters are consolidated for purposes of hearing and determination. The Commission reserves the right to hold separate hearings and to enter separate orders in the individual dockets as it deems appropriate.

NOTICE OF PREHEARING CONFERENCE

7 The Commission has jurisdiction over this matter under Revised Code of Washington (RCW) Title 81 and has legal authority to regulate the closure of railroad crossings pursuant to RCW 81.53, including without limitation, RCW 81.53.060. Further, the Commission has legal authority to regulate alterations in the style or nature of construction of existing grade crossings, and to apportion the expense of such a change between the railroad and the municipality or county affected pursuant to RCW 81.53, including without limitation, RCW 81.53.060 and RCW 81.53.110. In addition to those previously cited, statutes involved include those within RCW 81.04, RCW 81.44, and RCW 81.53, including but not limited to RCW 81.04.110, RCW 81.44.010, RCW 81.53.060, RCW 81.53.261, and RCW 81.53.271.

8 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 adhere to its procedural rules in this proceeding as set out in WAC 480-07 and WAC 480-62.

9 **THE COMMISSION GIVES NOTICE That it will hold a virtual prehearing conference in this matter at 9:30 a.m. on February 25, 2025. To attend by phone,**

dial (253) 215-8782 and enter the Meeting ID: 882 2981 0391# and the Passcode: 202216#. To participate online via Zoom, [click here](#).¹

10 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.

11 **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.**

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

Petitioner: City of Olympia
601 4th Ave East
PO Box 1967
Olympia, WA 98507

Representative: Jeff Johnstone
601 4th Ave East
PO Box 1967
Olympia, WA 98507
(360) 753-8290
jjohnsto@ci.olympia.wa.us

Respondent: Union Pacific Railroad Company
1180 W 52nd Ave
Denver, CO 80221

Representative: Amber Stoffels
Manager I Industry and Public Projects,
Engineering
(720) 243-0759
Amber.stoffels@up.com

Representative: Bonnie Sokolik
Coordinator, Revenue Accounting
1400 Douglas St., Mailstop 1720

¹ <https://utc-wa-gov.zoom.us/j/88229810391?pwd=rjIaY0pRQ1ffXZJM74ypxY9mDnyAIO.1>

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Commission: Washington Utilities and Transportation
Commission
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Representative: Liam Weiland
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Liam.weiland@atg.wa.gov

13 Administrative Law Judge Harry Fukano from the Commission's Administrative Law
Division will preside during this proceeding.²

14 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 Lacey, Washington, and effective January 22, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Harry Fukano

Harry Fukano
Administrative Law Judge

² Judge Fukano can be reached by email at harry.o.fukano@utc.wa.gov or by phone at (360) 664-1285