

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WHATCOM COUNTY,

Petitioner,

v.

BURLINGTON NORTHERN SANTE
FE RAILWAY,

Respondent.

DOCKET TR-190918

NOTICE OF PREHEARING
CONFERENCE

**(Set for January 30, 2020,
at 1:30 p.m.)**

1 On November 5, 2019, Whatcom 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 Cove Road in Bellingham, 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 prehearing conference in
this matter at 1:30 p.m. on January 30, 2020, in the Commission's Richard Hemstad
Hearing Room, First Floor, 621 Woodland Square Loop SE, Lacey, Washington.**

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: Whatcom County
 322 North Commercial Street
 Suite 301
 Bellingham, WA 98225

Representative: James P. Karcher
 Engineering Manager
 322 North Commercial Street
 Suite 301
 Bellingham, WA 98225
 (360) 778-6271
 jkarcher@co.whatcom.wa.us

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

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.¹

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 December 13, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK L. JOHNSON
Executive Director and Secretary

¹ 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
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.: (____) _____