

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of
CITY OF SPOKANE VALLEY, WA
To Modify Warning Devices at a Highway-
Railroad Grade Crossing of Union Pacific
Railroad Company

DOCKETS TR-210809 and TR-210814

COMMISSION STAFF'S MOTION
TO CONSOLIDATE DOCKETS

USDOT: 662526C

CITY OF SPOKANE VALLEY,

Petitioner,

v.

UNION PACIFIC RAILROAD
COMPANY

Respondent.

I. INTRODUCTION

1 In late October 2021, the city of Spokane Valley (Spokane Valley) filed with the Commission a petition and a complaint. The petition sought authorization to modify the protective and warning devices at the highway-rail grade crossing where Barker Road intersects the line of the Union Pacific Railroad (UPRR). The complaint sought a declaration that UPRR bore the burden of maintaining the modifications installed pursuant to a grant of Spokane Valley's petition. The petition and complaint were docketed separately. In the interest of administrative efficiency, Commission staff (Staff) requests that the Commission consolidate them.

II. RELIEF REQUESTED

2 Staff respectfully requests that the Commission consolidate dockets TR-210809 and TR-210814.

III. STATEMENT OF FACTS

3 In October 2021, Spokane Valley filed a petition to modify the protective and
warning devices at Barker Road under RCW 81.53.261.¹ It also filed a formal complaint
seeking from the Commission a declaration that, under RCW 81.53.295, UPRR bore the
duty of paying to maintain the devices and signage that would be installed upon the grant of
its petition.²

4 Spokane Valley filed the petition and complaint together and under the same cover
letter.³ The Commission, however, docketed them separately due to internal processes, with
the petition filed in Docket TR-210809 and the complaint filed in Docket TR-210814.

5 UPRR answered the petition and moved to dismiss the complaint in a single filing.⁴

IV. STATEMENT OF ISSUES

6 Should the Commission consolidate the proceedings in dockets TR-210809 and TR-
210814 given that they share facts and legal principles?

VI. ARGUMENT

7 The Commission should order the consolidation of dockets TR-210809 and TR-
210814. The petition and complaint share overlapping facts and are governed by related
statutes. The Commission should consolidate the dockets to serve the interests of
administrative efficiency.

¹ *City of Spokane Valley v. Union Pac. R.R. Co.*, Docket TR-210809, Petition to Modify Warning Devices at Highway-Railroad Grade Crossing (Oct. 25, 2021).

² *City of Spokane Valley v. Union Pac. R.R. Co.*, Docket TR-210814, Complaint (Oct. 25, 2021).

³ *City of Spokane Valley v. Union Pac. R.R. Co.*, Docket TR-210814, Cover Letter for the Filing of the Petition and Complaint (Oct. 25, 2021).

⁴ *City of Spokane Valley v. Union Pac. R.R. Co.*, Dockets TR-210809 & TR-210814, Union Pacific Railroad Company's Response and Motion to Dismiss City of Spokane Valley's Petition and Complaint (Nov. 22, 2021).

8 WAC 480-07-320 governs the consolidation of proceedings by the Commission.
Under it, the Commission may at its discretion consolidate proceedings “in which the facts
or principles of law are related.”⁵

9 The petition and complaint share related facts and principles of law. Spokane County
filed the petition and complaint together; they were docketed separately because of the
Commission’s processes. The petition concerns modification to the signals at a grade
crossing; the complaint concerns the maintenance costs for those modifications. Related
statutes govern the disposition of each.⁶ UPRR implicitly recognized the propriety of
consolidating the dockets by answering the petition and complaint with a single filing. The
Commission should do likewise and order the consolidation to avoid requiring the parties to
make duplicative filings and to allow itself to avoid issuing duplicative orders.

VII. CONCLUSION

10 Commission Staff requests that the Commission consolidate dockets TR-210809 and
TR-210814.

DATED this 2nd day of December 2021.

Respectfully submitted,

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⁵ WAC 480-07-320.

⁶ See generally RCW 81.53.261-.295.