

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

CITY OF WOODINVILLE,	)	DOCKET TR-143903
	)	
Petitioner,	)	
	)	
v.	)	
	)	NOTICE OF PREHEARING
EASTSIDE COMMUNITY RAIL,	)	CONFERENCE
KING COUNTY, BALLARD	)	<b>(Set for March 19, 2015,</b>
TERMINAL RAIL, AND	)	<b>at 10:30 a.m.)</b>
WASHINGTON STATE	)	
DEPARTMENT OF	)	
TRANSPORTATION,	)	
	)	
Respondents.	)	
.....	)	

- 1 On November 18, 2014, the City of Woodinville (City) filed with the Washington Utilities and Transportation Commission (Commission) a petition seeking approval to reconstruct a highway-rail grade crossing, and install an inter-tie between a highway signal and a railroad crossing signal system at State Route 202 in the City of Woodinville, USDOT Crossing No. 092050F.
- 2 On December 8, 2015, the Commission sent a letter to Eastside Community Rail, King County, Ballard Terminal Railroad, and the Washington State Department of Transportation (WSDOT) notifying them of the petitions and requesting they respond within twenty days indicating their support or opposition to the City’s petitions.
- 3 On December 26, 2014, King County filed with the Commission a signed “Waiver of Hearing by Respondent” form.
- 4 On December 29, 2014, the Commission received a letter on behalf of Eastside Community Rail and Ballard Terminal Railroad Company opposing the petition.
- 5 On December 30, 2014, the WSDOT filed with the Commission a signed “Waiver of Hearing by Respondent” form.

6 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 81, and has legal authority to regulate alterations in the style or nature of construction of existing grade crossing, 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 81.01, RCW 81.04 RCW 81.44, and RCW 81.53, including but not limited to RCW 80.01.040 and RCW 81.04.020.

7 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 these proceedings as set out in WAC 480-07 and WAC 480-62.

8 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 10:30 a.m., on March 19, 2015, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line at **(360) 664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin. **The prehearing conference is set at the same time as the prehearing conference in Docket TR-143902.<sup>1</sup>**

9 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, 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. . **Parties are encouraged to consult informally prior to the prehearing conference to develop a proposed schedule for the Commission's consideration.**

10 **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

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<sup>1</sup> *City of Woodinville v. Eastside Community Rail, Ballard Terminal Rail, Port of Seattle, and the Washington State Department of Transportation.*

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.

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 Woodinville  
Thomas E. Hansen, P.E.  
Assistant Public Works Director  
17301 133<sup>rd</sup> Avenue NE  
Woodinville, WA 98072  
(425) 877-2294  
[thomash@ci.woodinville.wa.us](mailto:thomash@ci.woodinville.wa.us)

Representative: Greg A. Rubstello  
Ogden Murphy Wallace P.L.L.C.  
901 Fifth Avenue, Suite 3500  
Seattle, WA 98164-2008  
(206) 447-7206  
[grubstello@omwlaw.com](mailto:grubstello@omwlaw.com)

Respondent: Eastside Community Rail  
Doug Engle  
Managing Director  
1011 Maple Avenue  
Snohomish, WA 98290  
(425) 891-4223  
[Doug.Engle@escrail.org](mailto:Doug.Engle@escrail.org)

Respondent: King County  
Kevin Workman  
201 S. Jackson Street, Suite 700  
Seattle, WA 98104  
(206) 477-4561  
[Kevin.workman@kingcounty.gov](mailto:Kevin.workman@kingcounty.gov)

Respondent: Ballard Terminal Railroad  
Byron Cole  
4725 Ballard Avenue NW  
Seattle, WA 98107-4810  
(206) 947-2120  
[byroncole@comcast.net](mailto:byroncole@comcast.net)

Respondent: Washington State Department of Transportation  
Ahmer Nizam  
310 Maple Park Avenue SE  
P.O. Box 47329  
Olympia, WA 98504-7329  
(360) 705-7271  
[nizama@wsdot.wa.gov](mailto:nizama@wsdot.wa.gov)

Commission Staff: Washington Utilities and Transportation  
Commission  
1300 S. Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

Representative: Julian Beattie  
Assistant Attorney General  
1400 S. Evergreen Park Drive SW  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1225  
[jbeattie@utc.wa.gov](mailto:jbeattie@utc.wa.gov)

- 13 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.
- 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 Olympia, Washington, and effective February 18, 2015.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**STEVEN V. KING**  
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary  
Washington State Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
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: Steven V. King, 1300 S. Evergreen Park Drive SW, 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.: (\_\_\_\_) \_\_\_\_\_