

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

CLARK COUNTY

To Install Median Barriers at NW 122nd
Street Crossing (USDOT: 092421N)

DOCKET TR-240364

NOTICE OF PREHEARING
CONFERENCE

**(Set for July 16, 2024,
at 9:30 a.m.)**

- 1 On May 15, 2024, Clark County Public Works filed with the Washington Utilities and Transportation Commission (Commission) a petition to modify a highway-rail grade crossing.
- 2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under Title 80 Revised Code of Washington (RCW) and Title 81 RCW 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 81.53.060. 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 Chapter 34.05 RCW 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 virtual prehearing conference in this matter at 9:30 a.m., on July 16, 2024. To attend via Zoom, please**

[click here to join meeting](#).¹ To attend by phone, please call (253) 215-8782 and enter the Meeting ID: 883 8390 0680# and Passcode: 678003#.

- 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 mailing addresses of all known parties and their known representatives are as follows:

Petitioner	Scott Sawyer
	Clark County Public Works
	PO Box 9810
	Vancouver, WA 98666-9810
	(564) 397-4364
	scott.sawyer@clark.wa.gov

¹ <https://utc-wa-gov.zoom.us/j/88383900680?pwd=lyj2kf3BO400gk3cPHf7Gp03LVyide.1>

Representative: Ken Lader
Clark County
PO Box 9810
Vancouver, WA 98666-9810
(564) 397-4185
ken.lader@clark.wa.gov

Respondent: BNSF Railway Company
Richard Scott
2454 Occidental Ave S STE 1A
Seattle, WA 98134-1439
Richard.scott2@BNSF.com

Representative: Alex Funderburg
44S Hanford St. BLDG C
Seattle, WA 98134
(720) 215-6728

Commission: Washington Utilities and Transportation
Commission
P.O. Box 47250
Olympia, WA 98504

Representative: Lisa Gafken
Assistant Attorney General
P.O. Box 40128
Olympia, WA 98504
(206) 714-3551
lisa.gafken@atg.wa.gov

9 Administrative Law Judge Bijan Hughes from the Commission's Administrative Law Division will preside during this proceeding.²

² Judge Hughe can be reached by email at bijan.hughes@utc.wa.gov or by phone at (360) 664-1254.

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 Lacey, Washington, and effective June 14, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Bijan Hughes
BIJAN HUGHES
Administrative Law Judge

Inquiries may be addressed to:

Jeff Killip
Executive Director and Secretary
621 Woodland Square Loop S.E.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. 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.

If you need an interpreter, or have other special needs, please provide the information requested below via email to Stacey Brewster, paralegal, at stacey.brewster@utc.wa.gov:

(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: _____