

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

BNSF RAILWAY COMPANY,)	DOCKET TR-090121
)	
Petitioner,)	
)	
v.)	NOTICE OF PREHEARING
)	CONFERENCE
SNOHOMISH COUNTY,)	(Set for February 13, 2009, at
)	1:30 p.m.)
Respondent.)	
)	
.....)	

- 1 On January 22, 2009, BNSF Railway Company (BNSF) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for the closure of the Logen Road grade crossing. The complete file in this matter sets forth the issues in more detail and is available for public inspection at the Commission’s offices in the Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission’s web site at www.utc.wa.gov/090121.

- 2 A prehearing conference in this matter is being held pursuant to Part IV of the Administrative Procedure Act, RCW 34.05, pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction over this matter under Title 81 RCW, including RCW 81.04.110 and RCW 81.44.010, with specific legal authority to regulate the closure of railroad crossings pursuant to RCW 81.53, including without limitation, RCW 81.53.060. In addition to the foregoing statutes, rules involved include those within WAC 480-07 relating to practice and procedure. The ultimate issue involved is whether public safety requires an order be entered authorizing closure of the above-described crossing.

- 3 The Commission finds there is good cause to hear this matter on shortened notice. See WAC 480-07-440(1)(a).

4 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 1:30 p.m., on February 13, 2009, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** The Commission prefers, and strongly recommends that parties appear in person. However, if this imposes a hardship, parties may attend the prehearing conference via the Commission's teleconference bridge (**360-664-3846**). If you appear via the teleconference, you must place your call five minutes before the time that the conference is scheduled to begin. *Note:* There is limited space for participation on the bridge line and space cannot be reserved.

5 The purpose of the prehearing conference is to consider petitions to intervene, establish dates for filing and distribution of evidence and workpapers and other scheduling matters, determine the specific issues in the proceeding and other matters to aid in its disposition, as specified in WAC 480-07-430.

6 Petitions to intervene should be made in writing at least three business days prior to the date scheduled for the prehearing conference, as required in WAC 480-07-355(a). The Commission will consider petitions to intervene made orally during the conference, but strongly prefers written petitions to intervene. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission. The time and place for any evidentiary hearings will be set 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 in accordance with RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**

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

Petitioner: BNSF Railway Company
Megan McIntyre
2454 Occidental Ave. South, Suite 1A
Seattle, WA 98134
(206) 625-6029
Megan.mcintyre@bnsf.com

Representative: Bradley P. Scarp
Montgomery Scarp MacDougall, PLLC
Seattle Tower, 27th Floor
1218 Third Avenue
Seattle, WA 98101
(206) 625-1801
Brad@montgomeryscarp.com

Respondent: Snohomish County
James Bloodgood, Traffic Engineer
3000 Rockefeller, MS 607
Everett, WA 98201-4046
(425) 388-6419
Jim.bloodgood@snoco.org

Representative: Justin Kasting
Deputy Prosecuting Attorney
3000 Rockefeller Avenue
M/S 504
Everett, WA 98201
(425) 388-6335
Justin.kasting@snoco.org

Commission Staff: Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
jthomps@utc.wa.gov

9 Administrative Law Judge Adam E. Torem, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

10 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective January 26, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington 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

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 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.: (____) _____