

HALINEN LAW OFFICES, P.S.

A Professional Service Corporation

David L. Halinen, P.E., Attorney at Law
davidhalinen@halinenlaw.com

1019 Regents Boulevard, Suite 202
Fircrest, Washington 98466-6037

Tacoma: (253) 627-6680
Seattle: (206) 443-4684
Fax: (253) 272-9876

December 20, 2010

VIA EMAIL AND HAND-DELIVERED

David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
c/o WUTC Records Center
1300 S. Evergreen Park Dr. SW
PO Box 47250
Olympia, WA 98504-7250

Re: TR-100036

(1) Response on behalf of my client Meeker Southern Railroad to your December 7, 2010 letter to him and (2) submission of Meeker's Motion for Amendment of Order 01 along with a proposed form of order amending Order 01

(USDOT Crossing No. 085536 R)

(WUTC Crossing No. 42A32.40)

Dear Mr. Danner:

I am writing on behalf of my client Meeker Southern Railroad ("Meeker") in response to your December 7, 2010 letter to Meeker's general manager, Byron Cole. Since the time of Mr. Cole's receipt of your letter, he and I have discussed the subject matter of your letter by phone on at least two occasions with Kathy Hunter of your office. Mr. Cole and I have also discussed that subject matter and the status of the crossing project during a site meeting at the subject crossing on Thursday, December 16, 2010 with Jerry Bryant and Marlene Ford of the Pierce County Department of Public Works & Utilities. Further, I have discussed the matter with Mr. Bryant by phone both before and after that meeting. In addition, I have had phone discussions concerning this matter with Assistant Washington Attorney General Fronda Woods, who represents your office.

As a result of these efforts, we contend that an amendment to the conditions set forth in the Commission's Order 01 in Docket TR-100036 dated January 12, 2010 would be appropriate and that compliance therewith would not present an unacceptable or unnecessary risk to public safety. Accordingly, I herewith submit Meeker's Motion for Amendment of Order 01 (along with a proposed form of order amending Order 01). The Motion sets forth the factual basis for this contention.

Please note that the accompanying Motion and the proposed amending order address the expectations set forth in bullet points in your December 7, 2010 letter to Mr. Cole. In that regard, the Motion and the proposed amending order provide (1) a timetable for fully conforming

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to the conditions in the proposed amended order (see Table 1 attached thereto) and (2) specific steps that Meeker hereby proposes to take to protect the public until the signals and other safety devices are installed and fully operational consistent with the proposed amended order (see Table 2 attached thereto).

Please let me know immediately if you have any questions or comments.

Sincerely,

HALINEN LAW OFFICES, P.S.


David L. Halinen

Enclosures (Motion to Amend Order 01; [Proposed] Order Amending Order 01)

- cc: Meeker Southern Railroad
Attn: Byron Cole, Manager (via email and First Class Mail, with copies of enclosures)
- Kathy Hunter, Deputy Assistant Director, Transportation Safety, WUTC
(via email and hand-delivered through the Records Center, with copies of enclosures)
- Frona Woods, Washington Attorney General's Office (via email and hand-delivered through the Records Center, with copies of enclosures)
- Gregary B. Heath, P.E., P.T.O.E., Heath & Associates, Inc. (via First Class Mail, with copies of enclosures)
- Robert Dahmen, P.E., Sitts & Hill Engineers, Inc. (via email and First Class Mail, with copies of enclosures)
- John F. Salmon III, Deputy Pierce County Prosecutor (via email and First Class Mail, with copies of enclosures)
- Jerry P. Bryant, P.E., Field Engineering Manager, Pierce County Public Works & Utilities Department, Field Engineering Division (via email and First Class Mail, with copies of enclosures)
- Marlene Ford, P.E., P.T.O.E., Associate County Traffic Engineer, Pierce County Public Works & Utilities Department, Traffic Engineering Division (via email and First Class Mail, with copies of enclosures)