

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

BENTON COUNTY,	)	DOCKET TR-100572 (<i>Consolidated</i>)
)	
Petitioner,	)	ORDER 04
)	
v.)	
	)	ORDER SEVERING DOCKETS
BNSF RAILWAY COMPANY,)	
)	
Respondent.)	
.....)	
)	
BENTON COUNTY,	)	DOCKETS TR-100573, TR-100574,
	)	TR-100575 and TR-100576
Petitioner,	)	(<i>Consolidated</i>)
)	
v.)	
	)	ORDER 05
UNION PACIFIC RAILROAD,)	
	)	ORDER SEVERING DOCKETS;
Respondent.	)	ALLOWING WITHDRAWAL OF
	)	PETITIONS WITHOUT PREJUDICE
.....)	

MEMORANDUM

1 On April 9, 2010, Benton County (County) filed with the Washington Utilities and Transportation Commission (Commission) four petitions to construct a highway-rail grade crossings at Piert Road, Benton County (Dockets TR-100572 through TR-100575), and a petition for the closure of a highway-rail grade crossing at Cochran Road, Benton County (Docket TR-100576). The affected railroad companies, BNSF Railway Company (BNSF) and Union Pacific Railroad (Union Pacific) entered appearances and reserved their rights to contest the petitions.

2 On June 16, 2010, the Commission entered Order 01 in Docket TR-100572 and Order 02 in TR-100573, TR-100574, TR-100575 and TR-100576, consolidating the dockets for hearing and determination. In these orders, the Commission also scheduled a prehearing conference in the consolidated dockets for Wednesday, August 11, 2010.

3 The Commission granted the parties' request for a continuance to September 27, 2010, to give them an opportunity to address questions relating to ownership of the southern two proposed railway crossings and to continue settlement negotiations.

4 The parties stated during the prehearing conference that they had resolved the issues related to ownership and had reconfigured the project in such a way as to eliminate their primary points of contention in Dockets TR-100573 – TR-100576. They accordingly proposed to seek severance of those dockets and leave to withdraw the associated petitions. Docket TR-100572 remains contested at this time.

5 Benton County filed its request for severance and withdrawal of the petitions in Dockets TR-100573 – TR-100576 on October 12, 2010. Considering discussion by the parties during the prehearing conference, it is both reasonable and in the public interest to grant Benton County's requests.¹ The county's withdrawal is without prejudice to its refiling petitions on the same subject matter, which can be acted on by the Commission as uncontested, if appropriate.

ORDER

THE COMMISSION ORDERS THAT:

6 (1) Dockets TR-100573, TR-100574, TR-100575 and TR-100576 are severed from Docket TR-100572.

¹ See TR. 5-7.

- 7 (2) Petitioner Benton County is given leave to withdraw its petitions in Dockets TR-100573, TR-100574, TR-100575 and TR-100576, without prejudice.

Dated at Olympia, Washington, and effective October 15, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge