

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

CITY OF SPOKANE VALLEY,)	DOCKET TR-111033
)	
Petitioner,)	ORDER 02
)	
v.)	ORDER GRANTING REQUEST TO
)	MODIFY PROCEDURAL
UNION PACIFIC RAILROAD,)	SCHEDULE AND RESCHEDULING
)	HEARING
Respondent.)	(Evidentiary Hearing rescheduled for
)	May 2, 2012)
.....)	

MEMORANDUM

1 **NATURE OF PROCEEDING.** On June 6, 2011, the City of Spokane Valley (the City) filed with the Washington Utilities and Transportation Commission (Commission) a petition to modify warning devices and install sidewalks at a highway-rail grade crossing at Pines Rd, Spokane County, Spokane Valley, Washington.¹ On June 21, 2011, the Commission sent a letter to Union Pacific Railroad Company (Union Pacific or the Railroad) notifying the Railroad of the petition and requesting that it respond to the petition within 20 days. On July 13, 2011, Union Pacific notified the Commission that, while it does not have any objection to the petition, it does have concerns about cost allocations for the installations.

2 The Commission convened a prehearing conference on August 30, 2011. During the prehearing conference, the parties advised the Commission that they have agreed on a proposed procedural schedule. On September 1, 2011, the Commission entered Order 01 adopting the procedural schedule proposed by the parties.

¹ The City filed a revised page 5 to its original petition on June 30, 2011.

3 **MOTION.** On October 31, 2011, Union Pacific filed a Motion to Modify Procedural
Schedule (Motion). In its Motion, Union Pacific states that some of the
information it has collected in response to one of the City's data requests is
currently being revised and likely will not be finalized before November 4, 2011.
As the Railroad indicates, the City would then have a mere two weeks in which to
review the data request response from Union Pacific and prepare its direct
testimony. According to Union Pacific, the City has suggested that a five week
extension of its direct testimony deadline would reasonably allow the City to
complete its review of the Railroad's information and draft testimony.

4 Since an extension of the City's deadline to file direct testimony would have a
ripple effect on subsequent procedural deadlines, Union Pacific recommends that
the Commission extend all deadlines an equivalent length of time. The Railroad
argues that the revised documents will likely narrow or resolve many of the
contested issues within the proceeding, and an extension of the deadlines will
allow additional time for the parties to pursue settlement of the issues. Union
Pacific indicates that neither the City nor the Commission's regulatory staff
opposes the Motion.

5 **Discussion/Decision.** Pursuant to WAC 480-07-385(2), the Commission will grant a
timely request for a continuance to which all parties agree unless it is inconsistent
with the public interest or the Commission's administrative needs. Neither exception
is applicable here. The requested extension, if granted, has the potential of narrowing
the issues at hearing and allows the parties additional opportunity to pursue settlement
of the contested issues.

6 The Commission's rules also require that a continuance request contain a specific date
to which the deadline is being extended. Union Pacific, in requesting a five week
extension of all procedural deadlines, has met this requirement. The Motion is not
inconsistent with the public interest or the Commission's administrative needs, and it
includes a specific date by which the deadlines should be extended. Thus, Union
Pacific's Motion should be granted.²

² The revised procedural schedule is set forth in Appendix A to this Order.

- 7 **NOTICE OF HEARING.** The evidentiary hearing, previously set for March 28, 2012, is rescheduled for **May 2, 2012, at 10:00 a.m., in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Dr. SW, Olympia, Washington.**

ORDER

- 8 THE COMMISSION ORDERS that the Motion to Modify Procedural Schedule, filed by Union Pacific Railroad, is granted.

Dated at Olympia, Washington, and effective November 3, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

**APPENDIX A
REVISED PROCEDURAL SCHEDULE
DOCKET TR-111033**

EVENT	PRIOR DEADLINE	REVISED DEADLINE
City of Spokane Valley Prefiled Direct Testimony and Exhibits	November 18, 2011	December 23, 2011
Union Pacific Railroad and Commission Staff Prefiled Responsive Testimony and Exhibits	January 20, 2012	February 24, 2012
City of Spokane Valley Prefiled Rebuttal Testimony and Exhibits and Union Pacific Railroad and Commission Staff Prefiled Cross-answering Testimony and Exhibits	February 24, 2012	March 30, 2012
Evidentiary Hearing	March 28, 2012	May 2, 2012