

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET TR-150284
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
)	
v.)	NOTICE OF PREHEARING
)	CONFERENCE
BNSF RAILWAY COMPANY,)	(Set for May 18, 2015, at
)	10:00 a.m.)
Respondent.)	
.....)	

1 On March 19, 2015, Commission Staff filed a complaint against BNSF Railway Company (BNSF). The complaint alleges that between November 1, 2014, and February 24, 2015, BNSF failed to report 14 hazardous material releases in the manner required by WAC 480-62-310. RCW 81.04.380 provides that each day’s continuance of a violation constitutes a separate and distinct violation, therefore, Staff alleges that BNSF committed 700 violations of WAC 480-62-310. A more detailed account of the allegations is reflected in the complaint and supporting investigation, which is available for inspection at the Washington Utilities and Transportation Commission’s (Commission) office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission’s website at www.utc.wa.gov/150284.

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80 and RCW Title 81, and has legal authority to regulate railroads and railroad companies as public service companies pursuant to RCW 81.04.010(11). 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 81.01.010, RCW 81.04.110, and RCW 81.04.380. The rules that apply to this matter include those within WAC 480 62, relating to the operations of railroad companies.

3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 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 prehearing conference in this matter at 10:00 a.m., on Monday, May 18, 2015, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

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:

Complainant: Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Julian Beattie
Assistant Attorney General
Office of the Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
jbeattie@utc.wa.gov

Respondent: BNSF Railway Company
2650 Lou Menk Drive
Fort Worth, TX 76131

Representative: P. Stephen DiJulio
Christopher G. Emch
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, WA 98101-3299
(206) 447-4400
dijup@foster.com
emchc@foster.com

- 9 Administrative Law Judge Gregory J. Kopta, from the Commission’s Administrative Law Division, will preside during this proceeding.
- 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 Olympia, Washington, and effective April 16, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State 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

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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 fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Steven V. King, 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.: (____) _____