

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

CITY OF SPOKANE VALLEY,

Complainant,

v.

UNION PACIFIC RAILROAD
COMPANY,

Respondent.

DOCKET TR-210814

NOTICE OF PREHEARING
CONFERENCE

**(Set for January 13, 2022,
at 1:30 p.m.)**

1 On November 24, 2021, the City of Spokane Valley (City) filed with the Washington Utilities and Transportation Commission (Commission) a Petition and Complaint against Union Pacific Railroad (UPRR). The Petition seeks to modify a grade public road crossing over Barker Road. The Complaint seeks a declaratory order assigning maintenance costs of the crossing to UPRR.

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. 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 80.04.020, and RCW 81.53.06. The rules that apply to this matter include those within Washington Administrative Code (WAC) 480-62 relating to railroads.

3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of Chapter 34.05 RCW 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 virtual prehearing conference in this matter at 1:30 p.m. on January 13, 2022. To participate by phone, call (253) 215-8782 and use the Meeting ID: 968 5680 8750# and Passcode: 931839#. To participate via Zoom, please use the following link: [Click here to join meeting.](#)**

- 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 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: City of Spokane Valley
10210 E. Sprague Ave.
Spokane Valley, WA 99206

Representative: Kenneth W. Harper
Quinn N. Plant
Aziza L. Foster
Menke Jackson Beyer, LLP
807 N. 39th Ave.
Yakima, WA 98902
(509) 575-0313
kharper@mjbe.com
qplant@mjbe.com
zfoster@mjbe.com

Respondent: Union Pacific Railroad Company
Bonnie Sokolik
1400 Douglas St.; Mailstop 1720
Omaha, NE 68179
bjsokoli@up.com

Representative: Rachel Reynolds
Jean Kang
1111 Third Ave. STE. 2700
Seattle, WA 98101
Rachel.reynolds@lewisbrisbois.com
jean.kang@lewisbrisbois.com

9 Administrative Law Judge Rayne Pearson, from the Commission's Administrative Law Division, will preside during this proceeding.¹

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 Lacey, Washington, and effective November 29, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

¹ Judge Pearson can be reached by email at rayne.pearson@utc.wa.gov or by phone at (360) 664-1136.

NOTICE

Hearings are accessible to persons with disabilities and persons who do not speak English as a first language. 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.

If you need an interpreter, or have other special needs, please provide the information requested below via email to Paige Doyle, paralegal, at paige.doyle@utc.wa.gov.

(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: _____