I. INTRODUCTION

In late October 2021, the city of Spokane Valley (Spokane Valley) filed with the Commission a petition and a complaint. The petition sought authorization to modify the protective and warning devices at the highway-rail grade crossing where Barker Road intersects the line of the Union Pacific Railroad (UPRR). The complaint sought a declaration that UPRR bore the burden of maintaining the modifications installed pursuant to a grant of Spokane Valley’s petition. The petition and complaint were docketed separately. In the interest of administrative efficiency, Commission staff (Staff) requests that the Commission consolidate them.

II. RELIEF REQUESTED

Staff respectfully requests that the Commission consolidate dockets TR-210809 and TR-210814.
III. STATEMENT OF FACTS

In October 2021, Spokane Valley filed a petition to modify the protective and warning devices at Barker Road under RCW 81.53.261. It also filed a formal complaint seeking from the Commission a declaration that, under RCW 81.53.295, UPRR bore the duty of paying to maintain the devices and signage that would be installed upon the grant of its petition.

Spokane Valley filed the petition and complaint together and under the same cover letter. The Commission, however, docketed them separately due to internal processes, with the petition filed in Docket TR-210809 and the complaint filed in Docket TR-210814.

UPRR answered the petition and moved to dismiss the complaint in a single filing.

IV. STATEMENT OF ISSUES

Should the Commission consolidate the proceedings in dockets TR-210809 and TR-210814 given that they share facts and legal principles?

VI. ARGUMENT

The Commission should order the consolidation of dockets TR-210809 and TR-210814. The petition and complaint share overlapping facts and are governed by related statutes. The Commission should consolidate the dockets to serve the interests of administrative efficiency.

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4 City of Spokane Valley v. Union Pac. R.R. Co., Dockets TR-210809 & TR-210814, Union Pacific Railroad Company’s Response and Motion to Dismiss City of Spokane Valley’s Petition and Complaint (Nov. 22, 2021).
WAC 480-07-320 governs the consolidation of proceedings by the Commission. Under it, the Commission may at its discretion consolidate proceedings “in which the facts or principles of law are related.”

The petition and complaint share related facts and principles of law. Spokane County filed the petition and complaint together; they were docketed separately because of the Commission’s processes. The petition concerns modification to the signals at a grade crossing; the complaint concerns the maintenance costs for those modifications. Related statutes govern the disposition of each. UPRR implicitly recognized the propriety of consolidating the dockets by answering the petition and complaint with a single filing. The Commission should do likewise and order the consolidation to avoid requiring the parties to make duplicative filings and to allow itself to avoid issuing duplicative orders.

VII. CONCLUSION

Commission Staff requests that the Commission consolidate dockets TR-210809 and TR-210814.

DATED this 2nd day of December 2021.

Respectfully submitted,

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5 WAC 480-07-320.
6 See generally RCW 81.53.261-.295.