

SERVICE DATE
APR 29 1996

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DANIEL T. MILLER,)	
)	DOCKET NO. TR-940287
Complainant,)	
)	

v.

C. DAVID GEORGE, A. M. PARKE, and BURLINGTON NORTHERN RAILROAD,)	
)	
Respondents.)	
.....)	

LINCOLN COUNTY, WASHINGTON,)	
)	DOCKET NO. TR-940851
Petitioner,)	
)	

v.

BURLINGTON NORTHERN RAILROAD COMPANY,)	
)	
Respondent.)	
.....)	

LINCOLN COUNTY, WASHINGTON,)	
)	DOCKET NO. TR-940852
Petitioner,)	
)	

v.)	COMMISSION DECISION AND ORDER DENYING COMPLAINT; DISMISSING PETITIONS
BURLINGTON NORTHERN RAILROAD COMPANY,)	
)	
Respondent.)	
.....)	

A hearing was held on the application at Davenport, Washington, on Friday, December 8, 1995, before Administrative Law Judge C. Robert Wallis.

On March 5, 1996, the administrative law judge entered an Initial Order Denying Complaint; Dismissing Petitions. The initial order was served on all parties of record.

No petition for administrative review was filed within the 20 days allowed by rule for filing. In accordance with RCW 34.05.464 and WAC 480-09-780(6), the Commission accepts the findings of fact and conclusions of law, and adopts the Initial Order Denying Complaint; Dismissing Petitions, as its own for purposes of this proceeding.

ORDER

THE COMMISSION ORDERS That the Initial Order Denying Complaint; Dismissing Petitions is affirmed and adopted for purposes of this proceeding. In so doing,

THE COMMISSION FURTHER ORDERS That:

1. The Miller and Sobek crossings be entered appropriately on the Commission's rolls of public crossings within the State.
2. The County's petitions for construction of public crossings at the Miller and Sobek grade crossings in Docket Nos. TR-940852 and TR-940851 are dismissed because the crossings already exist and because they predate the law requiring approval for crossings of railroads by county roads.
3. Mr. Miller's complaint against the Burlington Northern Railroad in Docket No. TR-940287, is denied.

DATED at Olympia, Washington, and effective this 26th day of April 1996.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Sharon L. Nelson

SHARON L. NELSON, Chairman

Richard Hemstad

RICHARD HEMSTAD, Commissioner

Wm R. Gillis
WILLIAM R. GILLIS, Commissioner

NOTICE TO PARTIES:

This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).