

# MENKE JACKSON BEYER, LLP

Attorneys at Law

807 NORTH 39<sup>TH</sup> AVENUE • YAKIMA, WASHINGTON 98902  
(509) 575-0313 • FAX: (509) 575-0351

TR-210814

ANTHONY F. MENKE  
KIRK A. EHLIS  
KENNETH W. HARPER

QUINN N. PLANT  
SEANN M. MUMFORD

ROCKY L. JACKSON, *Of Counsel*

G. SCOTT BEYER, *Of Counsel*

October 25, 2021

Washington Utilities and Transportation Commission Hearings Board  
1300 S Evergreen Park Drive SW  
P.O. Box 47259  
Olympia, WA 98504-7250

State Of WASH.  
UTIL. AND TRANSP.  
COMMISSION

10/25/21 09:18:08

Received  
Records Management

**RE: City of Spokane Valley Petition and Complaint Against Union Pacific Railroad**

Dear Secretary of the Hearings Board:

This office represents the City of Spokane Valley. With this letter, the City of Spokane Valley submits a petition and a complaint. Both relate to a federally-funded project to modify an at-grade crossing located within the City of Spokane Valley (USDOT No. 662526C).

In September 2020, the City of Spokane Valley prepared a petition for approval of crossing modifications pursuant to RCW 81.53.261. The City provided a copy of the petition to Union Pacific Railroad on September 3, 2020. Union Pacific Railroad has declined to sign Section 9 - Waiver of Hearing by Respondent. The City is now filing the petition without a waiver of hearing executed by Union Pacific Railroad.

The City of Spokane Valley and Union Pacific Railroad have also endeavored to negotiate a Public Highway At-Grade Crossing Agreement for the project. These efforts have reached impasse on the issue of post-construction maintenance costs. For this reason, the City of Spokane Valley is filing a complaint pursuant to RCW 81.04.110 for a declaratory ruling that maintenance costs prospectively be borne by Union Pacific Railroad pursuant to RCW 81.53.295.

Attached are the City of Spokane Valley's petition and complaint.

Very truly yours,



Kenneth W. Harper

cc: Cary P. Driskell, City Attorney, City of Spokane Valley  
Gloria Mantz, Engineering Manager, City of Spokane Valley