

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WHATCOM COUNTY,)	
)	DOCKET NO. TR-011139
Petitioner,)	
)	
v.)	
)	NOTICE OF PREHEARING
LAKE WHATCOM RAILWAY,)	CONFERENCE
)	(February 5, 2002)
Respondent.)	
.....)	

- 1 On August 13, 2001, Whatcom County filed with the Commission a Petition for modification of a grade crossing surface at South Bay Drive, Whatcom County.

- 2 The prehearing conference in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, RCW 34.05.452, RCW 81.04.110, RCW 81.44.010, and RCW 81.53.060. The Commission has jurisdiction over this matter under Title 81 RCW, having legal authority to regulate alterations in the style or nature of construction of existing grade crossings, and to apportion the expense of such a change between the railroad and the municipality or county affected pursuant to chapter 81.53 RCW, including without limitation, RCW 81.53.060 and RCW 81.53.110. In addition to the foregoing statutes, rules involved include those within chapter 480-09 WAC relating to practice and procedure. The ultimate issue involved is whether the public safety requires an order be entered authorizing the modification of a grade crossing surface of the above-described crossing, and if so, how the expense of such a change should be apportioned between the railroad and the county. The complete file in this matter sets forth the issues in more detail and is available for public inspection at the Commission's offices in the Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

- 3 **NOTICE IS HEREBY GIVEN That a prehearing conference will be held on Tuesday, February 5, 2002, at 9:30 a.m., in Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

- 4 The purpose of the prehearing conference is to consider formulating the issues in this proceeding, and to determine other matters to aid in its disposition, as specified in WAC 480-09-460. Petitions to intervene should be made in writing prior to that date or made orally at that time. Appearances will be taken.

5 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of the proceeding.

6 Please see the form attached to this notice that should be filled out and returned if any party or witness needs an interpreter or other assistance.

7 NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.

8 The names and mailing addresses of all parties and their known representatives are as follows:

Petitioner: James P. Karcher, PE
Whatcom County Public Works Dept.
5280 Northwest Drive, Suite C
Bellingham, WA 98226
(360) 676-6730

Respondent: Frank E. Culp, P.E.
President
Lake Whatcom Railway
Box 91
Acme, WA 98220

9 Commission Staff will appear through Jonathan Thompson, Assistant Attorney General, 1400 S. Evergreen Park Drive S.W., P.O. Box 40128, Olympia, Washington 98504-0128, (360) 664-1225.

10 Karen M. Caillé has been appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250 and will preside at the prehearing conference.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

January ____, 2002

Inquires may be addressed to:

Executive Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

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.: (____) _____