

March 27, 2012

NOTICE SUSPENDING PROCEDURAL SCHEDULE

RE: *City of Spokane Valley, Petitioner, vs. Union Pacific Railroad, Respondent,*
Docket TR-111033

TO THE PARTIES:

On June 6, 2011, the City of Spokane Valley (the City) filed with the Washington Utilities and Transportation Commission (Commission) a petition to modify warning devices and install sidewalks at a highway-rail grade crossing at Pines Rd, Spokane County, Spokane Valley, Washington. On June 21, 2011, the Commission sent a letter to Union Pacific Railroad Company (Union Pacific or the Railroad) notifying the Railroad of the petition and requesting that it respond to the petition within 20 days. On July 13, 2011, Union Pacific notified the Commission that, while it does not have any objection to the petition, it does have concerns about cost allocations for the installations.

On September 1, 2011, the Commission entered Order 01 adopting the procedural schedule proposed by the parties.¹ The City filed a request on March 23, 2012, seeking suspension of the procedural schedule. The City asserts that it has reached a settlement agreement with the Railroad that resolves the issue of cost allocation for the installations. The City of Spokane Valley City Council will vote on the settlement agreement at its March 27, 2012, meeting. The City contends that, if the motion is approved as expected at that meeting, the City will ask to withdraw its petition before the Commission.² Both the Railroad and the Commission's regulatory staff support this request.

¹ The procedural schedule has been revised on numerous occasions due to the progression of settlement negotiations among the parties.

² At this point, the City states that it would re-file the petition and expects that Union Pacific would waive its right to a hearing.

NOTICE IS HEREBY GIVEN That the procedural schedule in this proceeding is suspended.

Sincerely,

MARGUERITE E. FRIEDLANDER
Administrative Law Judge