

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

CITY OF KENNEWICK,)	DOCKET NO. TR-040664
)	
Petitioner,)	
)	
v.)	
)	NOTICE OF PREHEARING
UNION PACIFIC RAILROAD,)	CONFERENCE
)	(Set for June 28, 2004, 9:00 a.m.)
Respondent.)	
)	
.....)	

1 On April 9, 2004, the City of Kennewick filed with the Commission a Petition for a proposed silent, at-grade crossing of Center Parkway over the Union Pacific Railroad's dead end spur west of Richland Junction (MP 18.8).

2 The Commission will hear this matter pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.422, 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 pursuant to 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. Statutes involved, in addition to those previously cited, include those within chapters 81.04 RCW, 81.44 RCW, 81.53 RCW, and 480-07 WAC.

3 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.

4 THE COMMISSION GIVES NOTICE That in accordance with WAC 480-07-440(1)(a), the Commission has determined that good cause exists for this matter to be heard on shortened notice.

5 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 9:00 a.m., on Monday, June 28, 2004, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** Parties may attend the prehearing conference via the Commission's teleconference bridge (360-664-3846). If you appear via teleconference, you must appear five minutes before the time that the conference is scheduled to begin.

6 The purpose of the prehearing conference is to take interventions, establish dates for distribution of evidence and workpapers and other scheduling matters, consider formulating the issues in the proceeding and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.

7 Petitions to intervene should be made in writing at least three business days prior to the date scheduled for the prehearing conference, as required in WAC 480-07-355(a). The Commission will consider petitions to intervene made orally during the conference, but strongly prefers written petitions to intervene. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission. The time and place for any evidentiary hearings will be set at the prehearing

conference, on the record of a later conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference 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 480-07-450 are specifically invoked.**

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

Petitioner: City of Kennewick
Peter M. Beaudry
Public Works Director
210 West 6th Avenue
P.O. Box 6108
Kennewick, WA 99336-0108
(509) 585-4249

Representative: John Ziobro
City Attorney
P.O. Box 6108
210 West 6th Avenue
Kennewick, WA 99336
(509) 585-4272

Respondent: Union Pacific Railroad
John Trumbull
Industry and Public Projects
5424 SE McLoughlin Blvd.
Portland, OR 97202

Representative: Carolyn L. Larson
Kilmer, Voorhees & Laurick, P.C.
732 N.W. 19th Ave.
Portland, OR 97209
(503) 224-0055

Commission Staff: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225

10 Administrative Law Judge C. Robert Wallis, from the Utilities and
Transportation Commission's Administrative Law Division, will preside during
this proceeding.

- 11 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 this proceeding.

DATED at Olympia, Washington, and effective this 16th day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be address to:

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.: (____) _____