

SERVICE DATE

SEP 20 1994

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BURLINGTON NORTHERN	)	
RAILROAD COMPANY,	)	
	)	DOCKET NO. TR-940330
Petitioner,	)	
	)	NOTICE OF HEARING
vs.	)	
	)	(October 12-13, 1994)
FERNDALE, WASHINGTON	)	
	)	
Respondent.	)	
.....	)	

Burlington Northern Railroad Company filed with the Commission a petition seeking authority to abandon and close a grade crossing at the intersection of Thornton Road within the City of Ferndale, and the tracks of respondent located at mile post 107.07 in the northwest 1/4 of the northwest 1/4 of Section 20, Township 39 North, Range 2 East, W.M., in Whatcom County, Washington. The crossing may be generally described as the intersection of Thornton Road with the tracks of respondent Burlington Northern Railroad Company. By letter dated May 19, 1994, respondent has objected to the closure of the crossing. Therefore, it is now appropriate that the matter be set for hearing.

Hearing 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 34.05.440, RCW 34.05.449, RCW 34.05.452, and RCW 80.01.040. The Commission has jurisdiction over this matter under Title 81 RCW, having legal authority to order the closure of public grade crossings pursuant to 81.53 RCW, including without limitation RCW 81.53.060, and RCW 81.53.070. 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 or not the Commission should order the closure of the described crossing. The issues are stated in more detail in the petition which is on file with the Commission and available for public inspection at its offices in the Chandler Plaza Building, 1300 S. Evergreen Drive SW, Olympia, Washington.

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

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

Petitioner: Burlington Northern Railroad Co.  
2000 First Interstate Center  
999 Third Avenue  
Seattle, WA 98104-1105

Representative: Rexanne Gibson  
Kroschel and Gibson  
Attorneys at Law  
Suite 607  
110 - 110th Avenue NE  
Bellevue, WA 98004

Respondent: Mr. Stan Strebel  
City Manager  
5694 Second Ave.  
P.O. Box 936  
Ferndale, WA 98248

Representative: Gary Cullier  
Langabeer, Tull & Cullier  
P.O. Box 1126  
Ferndale, WA 98248

An Administrative Law Judge from the Utilities and Transportation Subdivision of the Office of Administrative Hearings, Third Floor, Building E, 2420 Bristol Court SW, P O BOX 42489, OLYMPIA, WA 98504-2489, (206) 753-6403, will be designated to preside at the hearing.

The Commission will appear through the Office of the Attorney General, 1400 S. Evergreen Park Drive SW, P O BOX 40128, OLYMPIA, WA 98504-0128, (206) 753-2281.

PLEASE TAKE NOTICE That a hearing in this matter will be held on October 12 and 13, 1994 beginning at 9:30 a.m., on October 12, 1994, in the large meeting room of the Ferndale Public Library, 2222 Main Street, Ferndale, Washington, for the purpose of receiving the direct evidence of all parties to the proceeding, including members of the public, and cross-examination thereof.

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

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



STEVE McLELLAN  
Secretary

September 20, 1994

Inquiries should be addressed to:

--- The Secretary  
Washington Utilities and  
Transportation Commission  
Chandler Plaza Building  
1300 S. Evergreen Park Drive SW  
P O BOX 47250  
OLYMPIA WA 98504-7250  
(206) 753-6423

**NOTICE**

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that 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 designated below and returned to Washington Utilities and Transportation Commission, Attention: Steve McLellan, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (SUPPLY ALL REQUESTED INFORMATION)

Docket No.: \_\_\_\_\_

Case Name: \_\_\_\_\_

Your 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.: ( ) \_\_\_\_\_