

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

BENTON COUNTY,)	DOCKET NO. TR-042083
)	
Petitioner,)	
)	
v.)	
)	NOTICE OF PREHEARING
BURLINGTON NORTHERN AND)	CONFERENCE
SANTA FE RAILWAY COMPANY,)	(Set for June 21, 2005, 9:30 a.m.)
)	
Respondent.)	
)	
.....)	

1 On November 24, 2004, Benton County filed with the Commission a Petition for construction of a new proposed at-grade crossing at Sagebrush Road, Benton County (MP 11.3).

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 81.53.030 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 Commission should enter an order authorizing the construction of an at-grade crossing as described above, and if so, what terms and conditions should be made part of such an order. 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 a prehearing conference in this matter will be held at 9:30 a.m., on Tuesday, June 21, 2005, in the Commission's Hearing Room, Second Floor, 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.
- 5 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.
- 6 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.

7 **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.**

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

Petitioner: Benton County
Ross B. Dunfee
Benton County Engineer
Department of Public Works
P.O. Box 1001
Prosser, WA 99350
(509) 5786-5611

Respondent: Burlington Northern and Santa Fe
Railway Company
Mike Cowles
John Shurson
2454 Occidental Avenue S, Suite 1-A
Seattle, WA 98134-1451
(206) 625-6146

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

- 9 Administrative Law Judge Dennis J. Moss, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.
- 10 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 20th day of May, 2005.

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.: (____) _____