

November 16, 2001

**NOTICE OF CONTINUANCE OF BRIEFING DATE  
(DECEMBER 31, 2001)**

**NOTICE OF HEARING  
(DECEMBER 10, 2001)**

RE: The Burlington Northern & Santa Fe Railway Company v. Snohomish County  
Docket No. TR-010194

**TO ALL PARTIES OF RECORD:**

Post-hearing briefs in this matter are due November 16, 2001. On November 14, 2001, The Burlington Northern and Santa Fe Railway Company ("BNSF") filed with the Commission a request for an extension of the briefing date. The letter indicates that BNSF and Snohomish County are in the process of negotiating a possible settlement to the proceeding. A telephone conference between the parties and the administrative law judge was held on November 14 at which time the request for a continuance was discussed, and the certain briefing date of November 16 has been extended.

The parties have agreed to work toward achieving a settlement that includes all parties to the proceeding. Any such settlement should be reflected in a Stipulation or Agreed Order that includes a written statement describing the parties reasons for believing that the Commission should adopt it. This statement should include objective evidence of why the parties believe that the settlement is in the public interest. If a complete settlement proposal is presented, the parties agreed to waive an initial order. If a complete settlement is not reached between the parties, the parties agreed to work toward resolving such issues as they can, and to submit such proposed partial settlement to the Commission.

The parties will file with the Commission by December 5, 2001, any settlement or partial settlement they have reached, or a notice that they have not been able to reach any such agreements. A hearing will be held on December 14, 2001, at which the parties will present any settlement or partial settlement in order to allow questions to be answered, and the record to be supplemented if additional information in the record will assist the Commission in determining whether the settlement is in the public interest. The parties will be expected to present witnesses who may respond to questions. If no settlement or partial settlements are reached, the December 14, 2001, hearing may be cancelled.

If the parties are not able to reach a full settlement of this matter, their briefing date will be extended until December 31, 2001. The parties will be expected to file proposed Findings of Fact and Conclusions of Law with their briefs.

**PLEASE TAKE NOTICE that the briefing date of November 16, 2001 has been extended to December 31, 2001.**

**PLEASE TAKE NOTICE that a hearing for presentation of a settlement, partial settlement, or status conference is scheduled for December 10, 2001, at 1:30 p.m. in Room 206 of the Commission's headquarters building in Olympia, Washington.**

Sincerely,

MARJORIE R. SCHAER  
Administrative Law Judge