

[Service Date May 14, 2009]

May 14, 2009

NOTICE REGARDING POST-HEARING BRIEFS

RE: *BNSF Railway Company v. Snohomish County*, Docket TR-090121

TO ALL PARTIES:

On May 8, 2009, all parties filed their post-hearing briefs in accordance with the procedural schedule in this docket. On May 12, 2009, BNSF filed its *Request to File Supplemental Brief*, offering further legal analysis on an issue raised for the first time in Lynn Logen's post-hearing brief. On May 13, 2009, Mr. Logen filed his *Opposition to the Petition of Petitioner BNSF's Request to File Supplemental Brief*.

A review of the parties' post-hearing briefs indicates that all substantive issues pertinent to the decision in this matter have been sufficiently explored. Therefore, BNSF's request is denied.

The environmental review process must be completed before the procedural record in this matter can be closed. BNSF and Commission Staff should continue to work cooperatively to ensure that all parties and the Commission are kept aware of any developments in this regard.

Sincerely,

ADAM E. TOREM
Administrative Law Judge