

July 8, 2009

**NOTICE OF BENCH REQUEST  
(Due by Monday, July 13, 2009)**

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. At that time, all collection of evidence and argument regarding substantive issues in this docket was complete. However, the environmental review process under the State Environmental Policy Act (SEPA) remained open and precluded closing of the procedural record.

BNSF and Commission Staff were asked to work cooperatively to ensure that all parties and the Commission were kept aware of any developments in this regard. To date, neither BNSF nor Commission Staff have filed any updates with regard to the posture of the SEPA process. Therefore, the following bench request is directed initially to BNSF and Commission Staff, but any party with knowledge of the SEPA process may file a response.

**Bench Request No. 1:** Please file a status report regarding the progress of the environmental review regarding BNSF's petition to close the Logen Road grade crossing. The status report should identify the lead agency in the SEPA process for this project and contain a complete chronology of the project's SEPA process, to include the date of filing for the environmental checklist and any other SEPA documents. Also, please detail the status of any studies or permits related to wetlands that require approvals from the U.S. Army Corps of Engineers.

Thank you for your attention to this matter.

Sincerely,

ADAM E. TOREM  
Administrative Law Judge