

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

DOCKET TR-250178

BNSF Railway Company.

To Modify Highway-Rail Grade
Crossing at Oregon Way/SR 433,
Longview, WA, USDOT Crossing No.
101805A

ORDER 01

DISMISSING ADJUDICATIVE
PROCEEDING

BACKGROUND

- 1 On March 18, 2025, BNSF Railway Company (BNSF or Company) filed with the Washington Utilities and Transportation Commission (Commission) a Petition to Modify Highway-Rail Grade Crossing Warning Devices (Petition). The Petition seeks to modify warning devices at Oregon Way/SR 433 in Longview, Washington.
- 2 On May 9, 2025, the Commission issued a Notice of Virtual Prehearing Conference to be held on May 28, 2025, at 1:30 p.m.
- 3 At the May 28, 2025, prehearing conference, the City of Longview (the City) indicated that it did not oppose BNSF's Petition or have any concerns with any of the proposed modifications, but did not understand that the City's signature was required to waive the hearing or avert any further adjudicatory processes. Based on this response, the parties requested that the Presiding Officer continue the prehearing conference to allow the City time to review and sign Section 12 – Cost Apportionment, and Section 13 – Waiver of Hearing if the City indeed supported and agreed to all the terms set forth in the Petition.
- 4 On June 2, 2025, the parties submitted an Amended Petition, signed and dated May 28, 2025, which included the City's waiver of hearing, and agreement to the cost apportionment under Sections 12 and 13 of the Petition.

DISCUSSION AND DECISION

- 5 Based on the May 28, 2025 prehearing conference, at which the parties clearly demonstrated a mutual intent to resolve this matter without hearing before the Commission, we will treat the Amended Petition and signed waiver as a joint motion to withdraw from the adjudicative proceeding. The Washington Administrative Code (WAC) 480-07-380(3) provides that:

3) Motion to withdraw.

- (a) General. Once the commission has issued a hearing notice or otherwise commenced an adjudicative proceeding pursuant to chapter 34.05 RCW, a party may withdraw from that proceeding, or may withdraw the party's tariff, complaint, petition, or application on which a proceeding is based, only upon permission granted by the Commission in response to a written motion. The motion must include any settlement or other agreement pursuant to which the party is seeking withdrawal.¹

- 6 In the signed Amended Petition, the City states that it investigated the conditions at the proposed crossing site and asserts that it is satisfied that the conditions regarding the site are the same as described by BNSF and agree that the warning devices should be modified, indicating agreement and resolution between the parties. Additionally, the City indicates that it consents to a decision by the Commission based on a review of the documents filed in this docket. In light of the agreement by the parties, there remains no dispute before the Commission that requires adjudication in this matter. Accordingly, the Commission finds good cause to grant the parties' joint motion. The adjudication is dismissed, and Docket TR-250178 is now closed.

ORDER

- 7 (1) The adjudication between BNSF and the City is DISMISSED.

DATED at Lacey, Washington, June 6, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Amy Bonfrisco
AMY BONFRISCO
Administrative Law Judge

¹ WAC 480-07-380(3)(a).