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8 BEFORE THE WASHINGTON
9 UTILITIES AND TRANSPORTATION COMMISSION

10 CHELAN COUNTY,)

11 Petitioner,)

12 vs.)

13 BNSF RAILWAY COMPANY,)

14 Respondent.)

DOCKET NO. TR-061442

AMENDED ANSWER AND
AFFIRMATIVE DEFENSES TO
PETITION FOR ALTERATION AND
RELOCATION OF A HIGHWAY-RAIL
UNDER-CROSSING

15)
16)
17) WUTC CROSSING NO: 2A1673.50U
USDOT CROSSING NO. 084493W
18)

19 COMES NOW respondent BNSF Railway Company (“BNSF”) and, for answer and
20 affirmative defenses, states, avers and alleges as follows:

21 1. In response to paragraph 1 of the Petition, BNSF admits that the crossing at issue
22 intersects the roadway known as the “Chumstick Highway” at the approximate milepost and
23 location referenced in the Petition. BNSF does not admit or deny the remaining allegations but
24 reserves the right to amend its Answer pending further investigation or discovery of the facts.

25 2. In response to paragraph 2 of the Petition, BNSF admits that the crossing at issue
26 intersects the roadway known as the “Chumstick Highway” at the approximate milepost and
27 location referenced in the Petition.

1 3. In response to paragraph 3 of the Petition, BNSF admits that the rail line includes
2 a main line used by both passenger and freight trains at the estimated speeds and volumes stated
3 in the Petition.

4 4. In response to paragraph 4 of the Petition, BNSF lacks sufficient information to
5 respond affirmatively and as such does not admit or deny the allegations but reserves the right to
6 amend its Answer pending further investigation or discovery of the facts.

7 5. In response to paragraph 5 of the Petition, BNSF lacks sufficient information
8 respond affirmatively and as such does not admit or deny the allegations but reserves the right to
9 amend its Answer pending further investigation or discovery of the facts.

10 6. In response to paragraph 6 of the Petition, BNSF admits that the Chumstick
11 Highway crosses under the BNSF railroad trestle in question. BNSF does not admit or deny the
12 remaining allegations but reserves the right to amend its Answer pending further investigation
13 or discovery of the facts.

14 7. In response to paragraph 7 of the Petition, BNSF admits that Chelan County has
15 proposed altering and relocating the crossing and that County officials and BNSF have met to
16 discuss some of the issues involved in that project. At present, BNSF lacks sufficient information
17 regarding the design, construction and financing of Chelan County's proposed alteration and
18 relocation project, and as such BNSF does not admit or deny the remaining allegations but
19 reserves the right to amend its Answer pending further investigation or discovery of the facts.

20 8. In response to paragraph 8 of the Petition, BNSF admits that since the crossing is
21 grade separated the issues of warning devices and crossing circuitry do not apply.

22 9. In response to paragraph 9 of the Petition, BNSF admits that since the proposed
23 crossing is to be grade separated the issues of warning devices and crossing circuitry do not apply.

24 10. In response to paragraph 10 of the Petition, BNSF has only recently been provided
25 multiple drawings of the proposed relocation project showing alternative design proposals. BNSF
26 therefore does not admit or deny the allegations but reserves the right to amend its Answer
27 pending further investigation or discovery of the facts.

