

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

CITY OF MONROE,

Petitioner,

v.

BNSF RAILWAY CO.,

Respondent.

DOCKET TR-190081

ORDER 01

PREHEARING CONFERENCE  
ORDER; NOTICE OF SECOND  
PREHEARING CONFERENCE  
(Set for April 15, 2019, at 2 p.m.)

- 1 **NATURE OF PROCEEDING.** On February 4, 2019, the City of Monroe filed with the Washington Utilities and Transportation Commission (Commission) a Petition to Modify Warning Devices and Install Median Barriers at a Highway-Railroad Grade Crossing at Kelsey St., USDOT 084565X, in Monroe (Petition). BNSF Railway Co. (BNSF) opposed the Petition.
- 2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on March 14, 2019, before Administrative Law Judge Rayne Pearson.
- 3 **APPEARANCES.** Scott Peterson, Deputy City Engineer, Monroe, Washington, represents the City of Monroe. Travis Owsley, Attorney, Fort Worth, Texas, represents BNSF. Nash Callaghan, Assistant Attorney General, Olympia, Washington, represents Commission Staff.<sup>1</sup> Contact information for the parties' representatives is attached as Appendix A to this Order.
- 4 **SETTLEMENT NEGOTIATIONS.** The parties agree that the procedural schedule should be held in abeyance while the parties continue settlement negotiations, which would resolve the underlying dispute in this proceeding.

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

5 **PETITIONS FOR INTERVENTION.** No party sought to intervene at this stage in the proceeding. In the event the parties are unable to resolve the underlying dispute, the Commission will entertain petitions for intervention at the second prehearing conference.

6 **DISCOVERY.** The Commission holds its determination on the availability of the Commission's discovery rules in abeyance until the second prehearing conference.

7 **NOTICE OF PREHEARING CONFERENCE.** The Commission will hold a second prehearing conference in this matter on **Monday, April 15, 2019, at 2 p.m. in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington.**

8 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division ([rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov) or 360-664-1136).

9 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective March 15, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET TR-170122**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>E-MAIL</b>
City of Monroe	Scott Peterson Deputy City Engineer 806 West Main Street Monroe, WA 98272	360-863-4606	<a href="mailto:speterson@monroewa.gov">speterson@monroewa.gov</a>
BNSF	Travis Owsley Attorney BNSF Railway Co. 2500 Lou Menk Drive, AOB-3 Fort Worth, TX 76131-2828	817-352-2255	<a href="mailto:travis.owsley@bnsf.com">travis.owsley@bnsf.com</a>
Staff	Nash Callaghan Assistant Attorney General Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Drive SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1187	<a href="mailto:nash.callaghan@utc.wa.gov">nash.callaghan@utc.wa.gov</a>