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1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

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4 CITY OF MONROE, ) DOCKET TR-190081

)

5 Petitioner, )

)

6 vs. )

)

7 BURLINGTON NORTHERN SANTE )

FE RAILWAY, )

8 )

)

9 Respondent. )

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11 PREHEARING CONFERENCE, VOLUME I

12 Pages 1-7

13 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

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14

15 March 14, 2019

16 2:30 p.m.

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Washington Utilities and Transportation Commission

18 1300 South Evergreen Park Drive Southwest

Olympia, Washington 98504

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REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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ADMINISTRATIVE LAW JUDGE:

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(Via bridge)

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(Via bridge)

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travis.owsley@bnsf.com

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23 ALSO PRESENT:

24 BETTY YOUNG

25 \* \* \* \* \*

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1 OLYMPIA, WASHINGTON; MARCH 14, 2019

2 2:30 P.M.

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4 P R O C E E D I N G S

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6 JUDGE PEARSON: Let's be on the record.

7 This is Docket TR-190081, which is a petition filed by

8 the City of Monroe to modify warning devices and install

9 median barriers at a highway rail grade crossing located

10 at Kelsey Street in Monroe.

11 Today is Thursday, March 14th, 2019, at 2:30

12 p.m., and we're here for a prehearing conference to

13 discuss scheduling and other procedural issues.

14 My name is Rayne Pearson. I am an

15 administrative law judge, and I'm presiding over this

16 case.

17 So we'll begin by taking appearances

18 starting with Commission Staff. And I'll just take a

19 short appearance, so just your -- your name, spelling

20 your last name, and who you represent.

21 MR. CALLAGHAN: All right. Nash Callaghan,

22 AAG representing Commission Staff.

23 JUDGE PEARSON: Okay. And, Mr. Owsley?

24 MR. OWSLEY: Travis Owsley, representing

25 BNSF Railway.

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1 JUDGE PEARSON: Thank you.

2 And, Mr. Peterson?

3 MR. PETERSON: Scott Peterson, City of

4 Monroe.

5 JUDGE PEARSON: Okay. And, Mr. Peterson,

6 what's your position with the City?

7 MR. PETERSON: Deputy city engineer.

8 JUDGE PEARSON: Deputy city engineer, okay.

9 Thank you.

10 Is there anyone else on the bridge line who

11 wishes to enter an appearance?

12 Okay. Hearing nothing, I did receive

13 information that the parties may be close to resolving

14 this matter. So at this time, I recommend that we

15 schedule a second prehearing conference in a few weeks

16 to allow the parties more time for negotiations. Is

17 that acceptable to the parties?

18 MR. CALLAGHAN: Yes, Your Honor.

19 MR. OWSLEY: Yes, Your Honor --

20 MR. PETERSON: -- Your Honor.

21 JUDGE PEARSON: Okay. And what time frame

22 would be preferable? Is four weeks enough time?

23 MR. PETERSON: (Inaudible.)

24 THE COURT REPORTER: I wasn't able to hear

25 that.

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1 JUDGE PEARSON: I'm sorry, can you repeat

2 that, Mr. Peterson?

3 MR. PETERSON: City of Monroe would defer to

4 Burlington Northern to choose a time that's best for

5 them.

6 JUDGE PEARSON: Okay. Mr. Owsley, do you

7 have...

8 MR. OWSLEY: Your Honor, we anticipate

9 having this settled within the next -- next week, but

10 now that I've said that, Murphy's Law will -- will take

11 hold. So if we could schedule a prehearing conference

12 for three weeks out from today, I anticipate we will

13 have this resolved well before then.

14 JUDGE PEARSON: Okay. So what would work

15 for me is if we scheduled it about a month out. That

16 way you have plenty of time to request, if a settlement

17 is reached, that we cancel the second prehearing

18 conference. And the dates that I had in mind were the

19 afternoon of either April 15th or April 18th.

20 MR. PETERSON: City of Monroe is good with

21 either of those.

22 JUDGE PEARSON: Okay.

23 MR. OWSLEY: Likewise with BNSF.

24 JUDGE PEARSON: Okay. Mr. Callaghan?

25 MR. CALLAGHAN: Commission Staff is

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1 available at both those times.

2 JUDGE PEARSON: Okay. So why don't we go

3 ahead and set it for April 15th in the afternoon. Does

4 2:00 p.m. work for the parties?

5 MR. PETERSON: Yes, Your Honor.

6 JUDGE PEARSON: Okay. So I think that it

7 makes sense to take up any petitions for intervention

8 and discovery issues at the second prehearing

9 conference, should we even convene one, so we can hold

10 those matters in abeyance until that time unless there's

11 any objection.

12 MR. CALLAGHAN: None, Your Honor.

13 MR. PETERSON: No objection.

14 JUDGE PEARSON: Okay. So thank you all for

15 being here or calling in today. I will issue a notice

16 of a second prehearing conference shortly reflecting

17 that we chose the afternoon of April 15th at 2:00 p.m.

18 Is there anything else from any of the parties?

19 MR. PETERSON: No, Your Honor.

20 MR. OWSLEY: Nothing from BNSF, Your Honor.

21 JUDGE PEARSON: Okay. Thank you. And we

22 are adjourned.

23 (Adjourned at 2:35 p.m.)

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1 C E R T I F I C A T E

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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6 I, Tayler Garlinghouse, a Certified Shorthand

7 Reporter in and for the State of Washington, do hereby

8 certify that the foregoing transcript is true and

9 accurate to the best of my knowledge, skill and ability.

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13 Tayler Garlinghouse, CCR 3358

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