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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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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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 2

 ADMINISTRATIVE LAW JUDGE:

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13 FOR CITY OF MONROE:

 (Via bridge)

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18 FOR BNSF:

 (Via bridge)

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22

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

 2

 3 STATE OF WASHINGTON

 4 COUNTY OF THURSTON

 5

 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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