

Docket No. TR-190081 - Vol. I

City of Monroe v. Burlington Northern Sante Fe Railway

March 14, 2019



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

CITY OF MONROE,) DOCKET TR-190081
))
Petitioner,))
))
vs.))
))
BURLINGTON NORTHERN SANTE))
FE RAILWAY,))
))
Respondent.))

PREHEARING CONFERENCE, VOLUME I
Pages 1-7
ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

March 14, 2019
2:30 p.m.

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

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(Via bridge)

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ALSO PRESENT:

BETTY YOUNG
* * * * *

1 OLYMPIA, WASHINGTON; MARCH 14, 2019

2 2:30 P.M.

3 --o0o--

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

5
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.

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.

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

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.)

24

25

C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse

Tayler Garlinghouse, CCR 3358

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