

Service Date: May 15, 2017



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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May 15, 2017

NOTICE CANCELLING SECOND PREHEARING CONFERENCE

RE: *Whatcom County v. BNSF Railway Company*, Docket No. TR-170122

TO ALL PARTIES:

On February 27, 2017, Whatcom County filed with the Washington Utilities and Transportation Commission (Commission) a Petition for installation of median barriers at a highway-rail grade crossing located at Yacht Club Road, USDOT Crossing No. 084796F (Petition).

On February 28, 2017, the Commission sent a letter to BNSF Railway Company (BNSF) requesting a response to the Petition within 20 days indicating its support or opposition.

On March 10, 2017, BNSF filed with the Commission a notice of opposition and requested that the matter be scheduled for hearing.

On April 24, 2017, the Commission convened a prehearing conference in this docket. During the prehearing conference, the parties agreed that the procedural schedule should be held in abeyance pending Whatcom County's decision to file an amended Petition, and that Whatcom County should file any such amended Petition by May 4, 2017.

On May 3, 2017, Whatcom County filed an amended Petition. In response to the amended Petition, BNSF consented to entry of a Commission order without further notice or hearing.

On May 10, 2017, the Commission entered Order 02, Order Granting Amended Petition for Installation of Median Barriers at the Yacht Club Road Highway-Rail Grade Crossing (Order 02).

Because BNSF's consent to the entry of Order 02 eliminated the underlying dispute between the parties, the Commission finds good cause to cancel the second prehearing conference.

THE COMMISSION GIVES NOTICE That the second prehearing conference set for May 17, 2017, at 2 p.m. is cancelled.

RAYNE PEARSON
Administrative Law Judge