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HON. RAYNE PEARSON

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

CLARK COUNTY,

Petitioner,

v.

BNSF RAILWAY COMPANY,

Respondent.

No. TR-190228

JOINT STATUS REPORT

Pursuant to the ALJ’s September 25, 2019, Notice Suspending Procedural Schedule, the parties provide this Joint Status Report regarding ongoing settlement negotiations.

Over the past thirty days, Clark County and BNSF Railway Company (the “Parties”) have worked to resolve ownership and easement issues involving NW 122nd Street and the railroad right of way. Specifically, the Parties have researched and exchanged real property deeds and road establishment documentation dating back to 1902 to determine the extent of each party’s right of way and easement as it relates to the subject railroad crossing. The Parties anticipate they will be able to complete their review of these documents over the next thirty days. It is necessary to resolve these ownership and easement issues prior to, or as a part of, a negotiated settlement involving the construction of infrastructure in the right of way.

The Parties jointly request that the ALJ maintain the suspension of the procedural

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1 schedule to allow the parties to complete the above referenced review and settlement discussion.

2 Respectfully submitted this 25th day of October 2019.

3
4
5 s/ Taylor R. Hallvik
6 Taylor R. Hallvik, WSBA #44963
7 Deputy Prosecuting Attorney
8 Clark County Prosecutor's Office – Civil Div.
9 *Attorney for Petitioner*

5 s/ Kelsey Endres
6 Kelsey Endres, WSBA # 39409
7 Attorney, BNSF Railway Company
8 *Attorney for Respondent*

8 *(Digital signature added pursuant to email*
9 *permission of 10:16 a.m., 10/25/2019.)*

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CERTIFICATE OF SERVICE

On this 25th day of October 2019, I, Pamela Hamilton, hereby certify that I made service of the foregoing *Joint Status Report* on the parties listed below via electronic mail and U.S.P.S. mailing:

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s/ Pamela Hamilton
Pamela Hamilton, Paralegal