MONTGOMERY SCARP & CHAIT PLLC

ATTORNEYS AT LAW

TOM MONTGOMERY (admitted in WA) BRADLEY SCARP (admitted in WA) MICHAEL CHAIT (admitted in WA & CA) KELSEY ENDRES (admitted in WA) HAYLEY VENTOZA (admitted in WA)

> RECEIVED RECORDS MANAGEMENT

> > NOV 27 2019

STATE OF WASH. UTIL. & TRANSP. COMMISSION

The Route to Success.

November 25, 2019

VIA U.S. MAIL

Mark L. Johnson, Executive Director and Secretary Washington Utilities and Transportation Commission 1300 S. Evergreen Park Dr. SW P. O. Box 47250 Olympia, Washington 98504-7250

RE: Clark County v. BNSF Railway Company Docket TR-190228

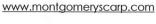
Dear Mr. Johnson:

Enclosed for filing in the above-referenced docket is the original and one copy of Second Joint Status Report.

Regards,

Laura Meier Paralegal Montgomery Scarp & Chait PLLC

Enclosure Cc: Parties via email



BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re the Petition of: CLARK COUNTY, Petitioner v.	DOCKET NO. TR-190228 SECOND JOINT STATUS REPORT
BURLINGTON NOTHERN SANTA FE RAILWAY, Respondent.	

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

Clark County and BNSF Railway Company (the "Parties") are still working 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. While the Parties anticipated they would be able to complete their review of these documents over the last thirty days, due to an internal communications mix-up, BNSF's Real Estate Team has not yet finished its review of the applicable documentation. 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, and BNSF anticipates its review will be completed within the next few weeks.

2nd JOINT STATUS REPORT - 1

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

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

Respectfully submitted this 25th day of November 2019.

<u>s/ Taylor R. Hallvik</u> Taylor R. Hallvik, WSBA #44963 Deputy Prosecuting Attorney Clark County Prosecutor's Office – Civil Div. Attorney for Petitioner

<u>s/ Kelsey Endres</u> Kelsey Endres, WSBA # 39409 Attorney, BNSF Railway Company Attorney for Respondent

2nd JOINT STATUS REPORT - 2

CERTIFICATE OF SERVICE

I hereby certify that I have this day mailed the parties' Second Joint Status Report to Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Dr. SW, P.O. Box 47250, Olympia, Washington 98504-7250 for filing and served the same upon the persons and entities listed below via email:

Jeff Roberson Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128, Olympia, WA 98504-0128 jeff.roberson@utc.wa.gov

Taylor Hallvik Deputy Prosecuting Attorney Clark County Prosecutor's Office P.O. Box 5000 Vancouver, WA 98666 Taylor.Hallvik@clark.wa.gov

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this 25th day of November, 2019, Seattle, Washington.

<u>s/Laura Meier</u> Laura Meier, Paralegal

2nd JOINT STATUS REPORT - 3

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<u>s/Laura Meier</u> Laura Meier, Paralegal

2nd JOINT STATUS REPORT - 3