

The Route to Success.

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WASH. UT. & TP. COMM

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)

VIA U.S. MAIL

December 26, 2019

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 Third Joint Status Report.

Regards,


Laura Meier
Paralegal
Montgomery Scarp & Chait PLLC

Enclosure
Cc: Parties via email

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RECORDS MANAGEMENT
DEC 30 2019
STATE OF WASH.
UTIL. & TRANSP. COMMISSION

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

In Re the Petition of: CLARK COUNTY, Petitioner v. BURLINGTON NORTHERN SANTA FE RAILWAY, Respondent.	DOCKET NO. TR-190228 THIRD JOINT STATUS REPORT
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Pursuant to the ALJ’s September 25, 2019, Notice Suspending Procedural Schedule, the parties provide this Third Joint Status Report regarding ongoing settlement negotiations.

Clark County and BNSF Railway Company (the “Parties”) have made progress since the last Status Report but are still working to resolve ownership and easement issues involving NW 122nd Street and the railroad right of way. Specifically, the Parties have had a group conference call with their property representatives to discuss each side’s understanding of the extent of each party’s right of way and easement as it relates to the subject railroad crossing. BNSF’s Real Estate Team has not yet confirmed its review of the applicable documentation but expects to provide this confirmation to the County by the end of the year. 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 schedule to allow the parties to complete the above referenced review and settlement discussion.

Respectfully submitted this 24th day of December 2019.

s/ Taylor R. Hallvik

Taylor R. Hallvik, WSBA #44963
Deputy Prosecuting Attorney
Clark County Prosecutor's Office – Civil Div.
Attorney for Petitioner
Per email authority

s/ Kelsey Endres

Kelsey Endres, WSBA # 39409
Attorney, BNSF Railway Company
Attorney for Respondent

CERTIFICATE OF SERVICE

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

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 26th day of December, 2019, Seattle, Washington.

s/Laura Meier

Laura Meier

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

<p>In Re the Petition of:</p> <p>CLARK COUNTY, Petitioner</p> <p>v.</p> <p>BURLINGTON NORTHERN SANTA FE RAILWAY, Respondent.</p>	<p>DOCKET NO. TR-190228</p> <p>THIRD JOINT STATUS REPORT</p>
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s/ Kelsey Endres

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s/Laura Meier

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