

Montgomery Scarp, PLLC

Attorneys
Seattle Tower, 27th Floor
1218 Third Avenue
Seattle, Washington 98101

William T. Montgomery†
Bradley P. Scarp

Telephone (206) 625-1801
Facsimile (206) 625-1807

Kelsey E. Endres
Jeremy H. Rogers
Teresa J. Bryan*

†Also admitted in Alaska

*Also admitted in Maryland and
the District of Columbia

December 4, 2012

VIA WEB PORTAL & U.S. MAIL

Records Center
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

Re: Docket No. TR-121883- City of Auburn v. Gates, Gates, Gates, LLC, et al.

Dear Clerk:

Enclosed please find the *Waiver of Hearing* on behalf of BNSF Railway Company in the above referenced matter. Please do not hesitate to call should you have any questions or comments.

Very truly yours,

Montgomery Scarp, PLLC


Kristen Bromenshenkel
Paralegal

enclosure

cc: all parties

Waiver of Hearing

The undersigned represents **Respondent BNSF Railways** in the petition to construct a highway-rail grade crossing at the following crossing:

USDOT Crossing No. 945561A

We have investigated the conditions at the crossing. We are satisfied the conditions are the same as described by the Petitioner in this docket. We agree to the change in designation from a private to a public crossing and consent to a decision by the commission without a hearing.

Dated at Seattle, WA, Washington on the Fourth day of December, 2012.

Richard W Wagner for BNSF Railway

Printed name of Respondent



Signature of Respondent's Representative

Manager Public Projects

Title
BNSF Railway

Name of Company
206.625.6152, Richard.Wagner@BNSF.com

Phone number and e-mail address

2454 Occidental Ave So Ste 2D, Seattle WA, 98134

Mailing address