

Service Date: May 21, 2019



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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May 21, 2019

NOTICE CONCLUDING ADJUDICATIVE PROCEEDING

RE: *City of Monroe v. BNSF Railway Company*, Docket No. TR-190081

TO ALL PARTIES:

On February 4, 2019, the City of Monroe filed with the Washington Utilities and Transportation Commission (Commission) a Petition to Install Median Barriers at a Highway-Railroad Grade Crossing at Kelsey Street in Monroe (Petition). BNSF Railway Co. (BNSF) opposed the Petition.

On March 14, 2019, the Commission convened a prehearing conference in this docket, and on March 15, 2019, the Commission entered Order 01, Prehearing Conference Order; Notice of Second Prehearing Conference (Order 01). Order 01 scheduled a second prehearing conference for April 15, 2019, to allow the parties additional time to negotiate an agreed outcome. The second prehearing conference was later rescheduled for April 29, 2019.

On April 25, 2019, the parties informed the presiding officer that the City of Monroe planned to file a revised Petition no later than June 1, 2019. BNSF confirmed that it will not oppose the revised Petition. Accordingly, the parties requested that the second prehearing conference be canceled.

On April 26, 2019, the Commission issued a Notice Cancelling Second Prehearing Conference, Suspending Procedural Schedule, and Requiring Filing of Revised Petition by June 1, 2019.

On May 14, 2019, the City of Monroe filed a revised Petition. In response to the revised Petition, BNSF consented to entry of a Commission order without further notice or hearing.

On May 21, 2019, the Commission entered Order 02, Granting Petition to Modify Warning Devices at a Public Highway-Rail Grade Crossing at Kelsey Street in Monroe (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 conclude the adjudicative proceeding in this docket.

THE COMMISSION GIVES NOTICE That the adjudicative proceeding in Docket TR-190081 is concluded.

/s/ Rayne Pearson

RAYNE PEARSON

Administrative Law Judge