



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
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April 20, 2018

**NOTICE CANCELLING EVIDENTIARY HEARING
(Set for August 1-2, 2018)**

RE: *Washington State Department of Transportation v. BNSF Railway Company*,
Docket No. TR-171142

TO ALL PARTIES:

On November 20, 2017, the Washington State Department of Transportation (WSDOT) filed with the Washington Utilities and Transportation Commission (Commission) a Petition seeking approval to modify highway-rail grade crossing warning signals along SR-223 at Toppenish, Yakima County (Petition).

On November 21, 2017, the Commission sent a letter to BNSF Railway Company (BNSF) requesting a response to the Petition within 20 days indicating its support or opposition.

On December 23, 2017, BNSF filed with the Commission a notice of opposition and requested that the matter be scheduled for hearing.

On February 16, 2018, following a prehearing conference, the Commission entered Order 01, Prehearing Conference Order, which established a procedural schedule that included a mediation conference set for March 5, 2018.

On March 6, 2018, Commission staff (Staff) filed with the Commission a letter stating that the parties had reached a tentative agreement that will resolve this matter without a hearing. Staff represented that WSDOT would file a revised Petition that included an updated plan and a signed waiver of hearing from BNSF no later than April 9, 2018. Staff requested the Commission suspend the procedural schedule pending receipt of the revised Petition.

On March 9, 2018, the Commission issued a Notice Suspending Procedural Schedule.

On April 9, 2018, WSDOT filed a revised Petition. In response to the revised Petition, BNSF consented to entry of a Commission order without further notice or hearing.

On April 19, 2018, the Commission entered Order 02, Granting Petition to Modify Highway-Rail Grade Crossing Active Warning Devices at State Route 223 Near Toppenish (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 cancel the hearing.

THE COMMISSION GIVES NOTICE That the hearing set for August 1-2, 2018, at 9:30 a.m. is cancelled.

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge