

[Service Date January 16, 2009]

January 16, 2009

**NOTICE OF EXTENSION OF DEADLINE TO FILE PRIVATE CROSSING
AGREEMENT AND PROPOSED SAFETY MEASURES
(Now Due Friday, January 30, 2009)**

RE: *BNSF Railway Company v. City of Mt. Vernon*, Docket TR-070696

TO ALL PARTIES:

On January 15, 2009, Burlington Northern Santa Fe Railway Company (BNSF) filed a letter with the Washington Utilities and Transportation Commission (Commission) seeking to extend by two weeks, from January 16, 2009, to January 30, 2009, the deadline for filing a finalized private crossing agreement and proposed safety measures as required in Order 06 in this proceeding. BNSF states that the parties have made substantial progress toward agreement on all terms, but additional time is required to iron out final language and details. BNSF's letter also indicates that all parties to the private crossing agreement concur with the need for a two week continuance of the deadline.

BNSF's request to extend the existing deadlines set in Order 06 regarding the filing of (1) a private crossing agreement and (2) the safety measures recommended by a diagnostic team is granted. The request complies with the requirements in WAC 480-07-385 for such requests, and a two week continuance will not prejudice the parties or the Commission. The Commission strikes the deadline date of January 16, 2009, and extends the deadline for these filings to Friday, January 30, 2009.

THE COMMISSION GIVES NOTICE That the deadline for filing a private crossing agreement and safety measures recommended by a diagnostic team is extended from Friday, January 16, 2009, to **Friday, January 30, 2009**, by the close of business.

Sincerely,

ANN E. RENDAHL
Director, Administrative Law Division