

[Service Date February 3, 2009]

February 3, 2009

**NOTICE OF ADDITIONAL EXTENSION OF DEADLINE TO FILE PRIVATE
CROSSING AGREEMENT AND PROPOSED SAFETY MEASURES
(Now Due Monday, February 9, 2009)**

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

TO ALL PARTIES:

On January 30, 2009, Burlington Northern Santa Fe Railway Company (BNSF) filed a letter with the Washington Utilities and Transportation Commission (Commission) seeking to extend for an additional week, from January 30, 2009 to February 6, 2009, the deadline for filing a finalized private crossing agreement and proposed safety measures as required in Order 06 in this proceeding. The Commission granted the parties' first request for an extension on January 16, 2009, allowing an extension until January 30, 2009. In its recent letter, BNSF states that the parties have an agreement in principal, but have not yet finalized the agreement. BNSF's letter also indicates that all parties to the private crossing agreement concur with the need for the additional extension of time.

After conferring with counsel for BNSF about allowing the parties more time to resolve the remaining issues, counsel agreed to extend the request until Monday, February 9, 2009. The request complies with the requirements in WAC 480-07-385 for such requests, and a continuance until February 9 will not prejudice the parties or the Commission. The modified request is granted. The Commission strikes the deadline date of January 30, 2009, and extends the deadline for these filings to Monday, February 9, 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 30, 2009, to **Monday, February 9, 2009**, by the close of business.

Sincerely,

ANN E. RENDAHL
Director, Administrative Law Division