

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

CLARK COUNTY,

Petitioner,

v.

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-190228

ORDER 02

GRANTING MOTION TO  
WITHDRAW PETITION; CLOSING  
DOCKET

- 1 On April 2, 2019, Clark County filed with the Washington Utilities and Transportation Commission (Commission) a Petition for Installation of Median Barriers at a Highway-Rail Grade Crossing (Petition). The Petition seeks to install median barriers at the crossing at NW 122 Street, Vancouver, Washington.
- 2 The Commission convened a prehearing conference in this Docket at the Commission's headquarters in Lacey, Washington, on July 15, 2019, before Administrative Law Judge Rayne Pearson.
- 3 On July 18, 2019, the Commission entered Order 01, Prehearing Conference Order. Among other things, Order 01 established a procedural schedule that included evidentiary and public comment hearings set for February 26, 2020.
- 4 On September 25, 2020, Clark County filed a letter explaining that the parties were engaging in productive settlement discussions and requesting the Commission suspend the procedural schedule to give the parties more time to reach an agreed outcome. That same day, the Commission issued a Notice Suspending Procedural Schedule; Notice Canceling Evidentiary and Public Comment Hearings; and Notice Requiring Filing of Status Updates (Notice). The Notice required the parties to file a joint status report on the 25<sup>th</sup> day of each month beginning October 25, 2019.
- 5 On August 25, 2020, Clark County filed with the Commission a Motion to Withdraw Petition Without Prejudice (Motion). In its Motion, Clark County explains that the median design referenced in the Petition does not appear to be feasible because it will block access to crew change areas on the north and south sides of the crossing. Clark County seeks to withdraw its Petition without prejudice and with permission to file a future petition to facilitate obtaining a quiet zone designation at the crossing.

**DISCUSSION**

- 6 The Commission finds good cause to grant Clark County's Motion to withdraw its Petition because such withdrawal eliminates the underlying dispute in this Docket. The Commission's decision does not prejudice Clark County's ability to file a new petition in the future that seeks to modify the crossing at issue in this proceeding.

**ORDER**

THE COMMISSION ORDERS:

- 7 (1) Clark County's Motion to Withdraw Petition is granted, without prejudice, and the Petition is deemed withdrawn.
- 8 (2) Docket TR-190228 is closed.

Dated at Lacey, Washington, and effective August 27, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ Rayne Pearson*  
RAYNE PEARSON  
Administrative Law Judge