

**The Route to Success.**

**MONTGOMERY SCARP & CHAIT PLLC**

**ATTORNEYS AT LAW**

**TOM MONTGOMERY** (admitted in WA)  
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**HAYLEY VENTOZA** (admitted in WA)

**VIA U.S. MAIL**

March 25, 2020

Mark L. Johnson, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

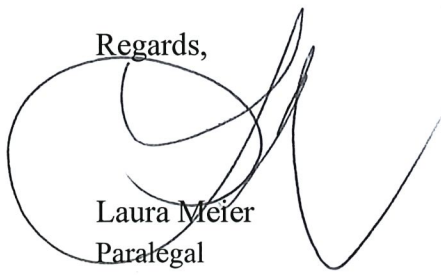
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**APR 01 2020**  
**STATE OF WASH.**  
**UTIL. & TRANSP. COMMISSION**

RE: Clark County v. BNSF Railway Company  
Docket TR-190228

Dear Mr. Johnson:

Enclosed for filing in the above-referenced docket is the original and one copy of the Sixth Joint Status Report.


Regards,

  
Laura Meier  
Paralegal  
Montgomery Scarp & Chait PLLC

Enclosure  
Cc: Parties via email

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**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

In Re the Petition of:  CLARK COUNTY,  Petitioner  v.  BURLINGTON NORTHERN SANTA FE RAILWAY,  Respondent.	DOCKET NO. TR-190228  <b>SIXTH STATUS REPORT</b>
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Pursuant to the ALJ's September 25, 2019, Notice Suspending Procedural Schedule, BNSF provides this Sixth Status Report regarding ongoing settlement negotiations. BNSF did not obtain a response from the County to BNSF's proposed draft of this status report prior to the filing deadline, and so submits it unilaterally.

The parties attended a site visit on March 3, 2020. At that visit, it became apparent that the installation of a median on the west side of the crossing, as a safety measure to facilitate a quiet zone, may not accommodate BNSF's service vehicles and crew van shuttles' that need to turn left onto an access road, which parallels the railroad tracks to the south of the crossing. BNSF is currently working to confirm the minimum distance from the tracks to a median necessary to facilitate its operational needs.

The parties are still working to determine ownership and access issues on both sides of the crossing.



BNSF requests that the ALJ maintain the suspension of the procedural schedule to allow the parties to continue the above referenced discussions. BNSF does not anticipate that the County will object, based on the parties' discussions at the March 3 site visit.

Respectfully submitted this 25th day of March 2020.

s/ Kelsey Endres

Kelsey Endres, WSBA # 39409

Attorney, BNSF Railway Company

Attorney for Respondent



**CERTIFICATE OF SERVICE**

I hereby certify that I have this day mailed the parties Sixth Joint Status Report to Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Dr. SW, P.O. Box 47250, Olympia, Washington 98504-7250 and served the same upon the persons and entities listed below via U.S. Mail:

Jeff Roberson  
Assistant Attorney General  
Office of the Attorney General  
Utilities and Transportation Division  
P.O. Box 40128, Olympia, WA 98504-0128  
[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)

Taylor Hallvik  
Deputy Prosecuting Attorney  
Clark County Prosecutor's Office  
P.O. Box 5000  
Vancouver, WA 98666  
[Taylor.Hallvik@clark.wa.gov](mailto:Taylor.Hallvik@clark.wa.gov)

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this 25th day of March 2020, Seattle, Washington.

s/Laura Meier  
Laura Meier

