



**STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

**621 Woodland Square Loop S.E. • Lacey, Washington 98503**

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April 18, 2023

**NOTICE SUSPENDING PROCEDURAL SCHEDULE**

**NOTICE CANCELING HEARING**

**and**

**NOTICE REQUIRING FILING OF SETTLEMENT DOCUMENTS  
OR STATUS UPDATE  
(By August 1, 2023)**

RE: *City of Wenatchee v. Burlington Northern Santa Fe Railway*,  
Docket TR-220540

TO ALL PARTIES:

On July 15, 2022, the City of Wenatchee filed with the Washington Utilities and Transportation Commission (Commission) a Petition to Modify Highway-Rail Grade Crossing Warning Devices (Petition). The Petition seeks to modify warning devices at the crossing at 9th Street in Wenatchee, Washington. On August 15, 2022, Burlington Northern Santa Fe Railway (BNSF) filed a response opposing the Petition.

On October 27, 2022, the Commission entered its Prehearing Conference Order; Notice of Hearing, which established a procedural schedule that includes, among other things, an evidentiary hearing set for May 22, 2023.

On April 18, 2023, counsel for the City of Wenatchee contacted the presiding officer on behalf of the parties to inform the Commission that the parties are working towards a potential settlement and have agreed to a 90 day continuance or suspension of the procedural schedule to allow time to resolve all issues. The parties request that the Commission suspend or postpone the procedural schedule and cancel the hearing to afford them time to finalize the settlement.

The Commission finds good cause to suspend the procedural schedule and cancel hearing to allow the parties to continue settlement negotiations and to require the parties to file their

settlement agreement or provide a status update by **5 p.m. on August 1, 2023**. At such time, the Commission will determine what further procedure will be necessary in light of any proposed settlement or lack thereof.

**THE COMMISSION GIVES NOTICE That the procedural schedule in this matter is suspended.**

**THE COMMISSION GIVES FURTHER NOTICE That the evidentiary hearing set for May 22, 2023, is canceled.**

**THE COMMISSION GIVES FURTHER NOTICE That the Settling Parties must file a settlement agreement or provide a status update no later than August 1, 2023.**

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