

**STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

**BNSF Railway Company
Review of Private Railroad Crossing
Application**

Case No. RR-10-26

NOTICE OF HEARING

October 20, 2010

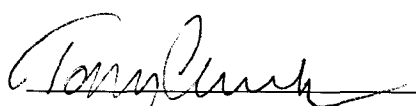
On May 18, 2010, the North Dakota Public Service Commission issued an Order stating that the Fraine Barracks railroad crossing in Bismarck, ND, would be a private crossing after certain modifications were made to the crossing. The Order also stated that audible devices warning of a train's approach should not be sounded at this crossing after the specified modifications to this crossing have been made, unless an exception under North Dakota Century Code Section 49-11-21 applies. The Commission is reopening the record in this case to incorporate relevant evidence regarding the crossing arising subsequent to May 18, 2010.

A **public hearing** on this case is scheduled to begin **November 29, 2010 at 1:30 p.m.** in the **Public Service Commission Hearing Room, 12th Floor, State Capitol, 600 E Boulevard Ave, Bismarck, North Dakota.** The issues to be considered are:

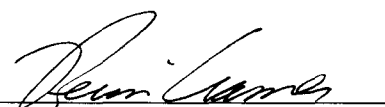
1. What modifications have been made to the Fraine Barracks crossing?
2. Whether modifications made to the Fraine Barracks crossing are sufficient to comply with the Commission's May 18, 2010 Order supporting a determination that the Fraine Barracks crossing is a private crossing?
3. Whether the railroad should discontinue sounding a warning device at the Fraine Barracks crossing, unless an exception under N.D.C.C. Section 49-11-21 applies?

For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota, 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance.

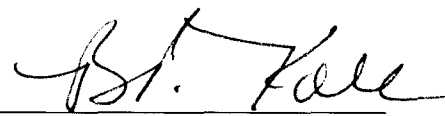
PUBLIC SERVICE COMMISSION



**Tony Clark
Commissioner**



**Kevin Cramer
Chairman**



**Brian P. Kalk
Commissioner**