

Docket No. TR-140382 and TR 140383

BNSF's First Data Requests to Yakima County – **SECOND SUPPLEMENTAL
RESPONSES THERETO**

July 24, 2014

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To Yakima County:**MONTGOMERY SCARP, PLLC**

Each data response must state the name of the person who prepared the response, and the name of any witness who is knowledgeable about and can respond to questions concerning the response.

DEFINITIONS

IDENTIFY: The term “identify” (or “identity”), when used with reference to an individual person means to state his/her full name, present home address, present business address, present home telephone number, and present business telephone number; his/her present or last known position and business affiliation; and his/her position and business affiliation at the time in question. The term “identify” (or “identity”), when used with reference to a partnership, joint venture, trust, corporation or other entity, means to state the full legal name of such entity; each and every trademark, trade name or other name under which such entity does business; the entity’s street address, mailing address and telephone number; and the identity of the chief operation officer, manager, trustee or other principal representative. The term “identify” (or “identity”), when used with reference to documents, means to state specifically (a) the type of document involved (e.g., whether interoffice memorandum, etc.), together with information sufficient to enable defendants to identify the document, such as its date, the name of any addressee, the name of any signor, the title or heading of the document and its approximate number of pages; and (b) the identity of the person last known to have possession of the document, together with the present or last known location of the document.

DOCUMENT: The term “document” means any written, electronic, recorded or other graphic matter, however produced or reproduced. It includes all matter that relates or refers in whole or in part to the subjects referred to in any data request. If a document has been prepared in several copies, or if additional copies have been made, and the copies are not identical or have undergone alteration, each non-identical copy is a separate “document.” This definition includes, but is not limited to, the following: any paper, writing, chart, memo, note, letter, interoffice memo, intra-office memo, report, study, statement, map, log entry, drawing, photograph, sketch, picture, tape recording, electronic document, or record of any type or description, and any other verbal or pictorial representation of any event or idea which has transpired, whether meant for communication to others or for personal need.

BARNHART ROAD CROSSING is USDOT Crossing Number 104526P, Milepost 62.40, which is the subject of BNSF’s petition TR-140383.

NORTH STEVENS ROAD CROSSING is USDOT Crossing Number 104516J, Railroad Milepost 68.40, which is the subject of BNSF’s petition TR-140382.

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CROSSING Collectively, the Barnhart Road Crossing and the North Stevens Road Crossing are referred to as the “crossing” or “crossings.”

PETITIONS BNSF's petitions in TR-140383 and TR-140382 are referred to collectively as BNSF's “petitions.”

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SUPPLEMENTAL ANSWERS

BNSF DATA REQUEST NO. 16:

Please identify all witnesses (expert and lay) you intend to call at the hearing.

SUPPLEMENTAL ANSWER TO DATA REQUEST NO. 16:

In addition to the witnesses identified in the County's response dated September 25, 2014, and the supplemental response of October 21, 2014, the County intends to call the following witness:

John Hood
Senior Engineering Technician
Yakima County Public Services
128 North 2nd Street, 4th Floor
Yakima, WA 98901
509.574.2300

Date prepared: February 9, 2015
Preparers: Quinn N. Plant
Witness with knowledge about this response: John Hood

BNSF DATA REQUEST NO. 17:

Please state the substance of witnesses' testimony (expert and lay) you intend to present in this matter.

SUPPLEMENTAL ANSWER TO DATA REQUEST NO. 17:

John Hood will testify about his experience operating trains and locomotives between Pasco and Yakima on the line presently operated by BNSF, including over the crossings. Mr. Hood will testify that closing the crossings will divert vehicles, including farm equipment, along South Track Road and SR 22 to other crossings that are not necessarily safer than Barnhart Road and North Stevens Road. Mr. Hood will testify that closing these crossings will lead to a net decrease in public safety in Yakima County.

Date prepared: February 9, 2015
Preparers: Quinn N. Plant
Witness with knowledge about this response: John Hood

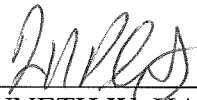
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DATED THIS 9th day of February, 2015.



KENNETH W. HARPER
WSBA #25578
Menke Jackson Beyer, LLP
Attorneys for Yakima County

CERTIFICATE OF SERVICE

I am over the age of 18; not a party to this action. I am the assistant to an attorney with Menke Jackson Beyer, LLP, whose address is 807 North 39th Avenue, Yakima, WA 98902.

I hereby certify that BNSF's First Data Requests to Yakima County – Second Supplemental Responses Thereto has been sent by U.S. Mail, First Class to the following parties:

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Dated this 9th day of February, 2015.

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Kathy S. Lyczewski