

Docket Nos. TR-140382 and TR-140383 - Vol. V

BNSF Railway Company v. Yakima County

April 29, 2015

RECEIVED
PROSECUTOR
2015 MAY 14 PM 2:05
STATE OF WASH.
JULIA A. B. TAYLOR
COURT REPORTER



1325 Fourth Avenue • Suite 1840 • Seattle, Washington 98101

206.287.9066

www.buellrealtime.com

Olympia | 360.534.9066 Spokane | 509.624.3261 National | 800.846.6989

email: info@buellrealtime.com



BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY,)
Petitioner,)
vs.) DOCKET TR-140382 and DOCKET TR-140383
YAKIMA COUNTY,) (Pages 322-365)
Respondent.)

EVIDENTIARY HEARING, VOLUME V ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

April 29, 2015
8:30 a.m.
2403 South 18th Street
Union Gap, Washington

REPORTED BY:
PHYLLIS CRAVER LYKKEN, RPR, CCR NO. 2423

1 INDEX
2 BNSF RAILWAY CO. vs. YAKIMA COUNTY
3 DOCKETS TR-140382 and TR-140383
4 April 29, 2015
5
6

TESTIMONY

7
8 KENNETH BEAR CHIEF PAGE NO.
9 Direct Examination by Mr. Chait 326
10 Cross-Examination by Mr. Sexton 326
11 TERRY STEPHENS
12 Direct Examination by Mr. Chait 356
13 MICHAEL TYCKSEN
14 Direct Examination by Mr. Chait 357
15 Examination by The Judge 358
16 Redirect Examination by Mr. Chait 359
17
18
19
20
21
22
23
24
25

1 APPEARANCES:
2 ADMINISTRATIVE LAW JUDGE:
3 MS. RAYNE PEARSON
4 Washington Utilities and Transportation Commission
5 1300 South Evergreen Park Drive, S.W.
6 P.O. Box 47250
7 Olympia, WA 98504
8 360.664.1136

FOR THE PETITIONER:

9 MESSRS. BRADLEY P. SCARP and MICHAEL CHAIT
10 Montgomery Scarp, PLLC
11 Attorneys at Law
12 1218 Third Avenue, 27th Floor
13 Seattle, WA 98101
14 206.625.1801 206.625.1807 FAX
15 brad@montgomeryscarp.com
16 mike@montgomeryscarp.com

FOR THE RESPONDENT:

17 MR. QUINN N. PLANT
18 Menke Jackson Beyer, LLP
19 Attorneys at Law
20 807 North 39th Avenue
21 Yakima, WA 98902
22 509.575.0313 509.575.0351 FAX
23 qplant@mjbe.com
24 kharper@mjbe.com

FOR THE CONFEDERATED BANDS AND TRIBES OF THE YAKAMA NATION:

25 MR. ROBERT JOSEPH SEXTON
Galanda Broadman, PLLC
Attorneys at Law
P.O. Box 15146
Seattle, WA 98115-0146
509.910.8842
joe@galandabroadman.com

1 BE IT REMEMBERED that on Wednesday, April
2 29, 2015, at 8:30 a.m., at 2403 South 18th Street,
3 Union Gap, Washington, the Evidentiary Hearing re
4 BNSF RAILWAY CO. vs. YAKIMA COUNTY was taken
5 before Phyllis Craver Lykken, Certified Court
6 Reporter. The following proceedings took place:
7

8 THE JUDGE: Good morning. Let's be on the record.
9 We're back on Wednesday, April 29, 2015 at
10 approximately 8:30 a.m. to continue the evidentiary
11 hearing in the petition filed by BNSF to close highway
12 rail grade crossings at North Stevens Road and Barnhart
13 Road.

14 And we already have our first witness on the stand
15 this morning. So if you could please stand and raise
16 your right hand, I'll swear you in.

17 KENNETH BEAR CHIEF, being first duly sworn to
18 tell the truth, the whole
19 truth, and nothing but the
20 truth, testified as follows:
21
22

23 THE JUDGE: If you could state your name, spelling
24 your last name for the record.

25 THE WITNESS: My name Kenneth Bear Chief. That's

1 B-E-A-R capital C-H-I-E-F.
 2 THE JUDGE: Thank you.
 3
 4 DIRECT EXAMINATION
 5 BY MR. CHAIT:
 6 Q. Good morning, Mr. Bear Chief. I'm handing you what's
 7 been pre-marked Exhibit KB-1T, do you recognize that as
 8 your pre-filed testimony in this matter?
 9 A. I do.
 10 Q. And is it complete and is that your signature on the
 11 fourth page?
 12 A. Yes, it is.
 13 Q. Okay. Mr. Bear Chief, if I was to ask you the
 14 questions in this exhibit, would these answers be the
 15 same as your testimony here today?
 16 A. Yes, they would.
 17 MR. CHAIT: Thank you.
 18
 19 CROSS-EXAMINATION
 20 BY MR. SEXTON:
 21 Q. Good morning, Mr. Bear Chief. My name is Joe Sexton.
 22 I represent the Yakama Nation in this matter as
 23 intervenor.
 24 I'd like to discuss a little bit about your
 25 background and your testimony. You indicated you

1 liaison, sounds like did you general work as a
 2 paralegal for the firm; is that correct?
 3 A. Yes.
 4 Q. In those cases, at any time, I guess, in your work as
 5 an independent contractor for Tamaki, have you worked
 6 with respect to roads or highways or railroads?
 7 A. Auto accidents.
 8 Q. Auto accidents?
 9 A. Train crossing accidents.
 10 Q. How many train crossing acts have you worked on?
 11 A. Two, I believe.
 12 Q. You worked for Tamaki --
 13 A. For Tamaki.
 14 Q. -- with respect to two?
 15 A. Yes.
 16 Q. Do you remember where those accidents occurred?
 17 A. Yeah, they were, one was on the old Track Road about a
 18 mile or two down from Winnoway (phonetic) Highway. It
 19 was a private railroad crossing. And I think the other
 20 one was south of Wapato. It's been many years.
 21 Q. Understood. So one was a private railroad crossing?
 22 A. Railroad crossing.
 23 Q. Can you, I guess I don't really understand that?
 24 A. It's private railroad crossing because there was only
 25 one home over there, and the rest of it was all park,

1 worked for, as an independent contractor, I believe,
 2 for Tamaki Law Firm.
 3 A. Yes.
 4 Q. Can you describe your work as an independent
 5 contractor?
 6 A. Paralegal, general paralegal work. I do some
 7 investigation, I'm also a victim liaison with the
 8 Native American community that we represent clients, or
 9 Tamaki does, in Washington, Oregon, Idaho, Montana,
 10 South Dakota.
 11 Q. Okay. And you did that for the past 20 years; is that
 12 correct?
 13 A. Well, since 1994, when I first began working with them.
 14 And we've done a lot of native, we've always done work
 15 with Native Americans through my involvement. And then
 16 in 2008, we entered into a whole new area, which was
 17 the child sexual abuses that occurred at the Native --
 18 at the Indian missions, and of course that has been
 19 what I've concentrated on since 2008.
 20 Q. Do you still work for the law firms?
 21 A. I'm retired.
 22 Q. Okay.
 23 A. Disability.
 24 Q. Understood. Sounds like very important work. Aside
 25 from working on the sexual abuse cases and other Native

1 so there was no, you know, it was just, that was their
 2 egress to and from the property was that one railroad
 3 crossing. Just before that specific farm and family
 4 that lived there.
 5 Q. Understood. Were there, do you understand the
 6 difference between active and passive safety controls
 7 with respect to railroad crossings?
 8 A. Sure. Yeah.
 9 Q. As far as I understand that, and I'm definitely not an
 10 expert in this area, but as far as I understand it,
 11 active includes the crossbars, lights, and bells?
 12 A. Uh-huh, right.
 13 Q. And passive was a stop sign, crossbucks, just a sign
 14 indicating it's a railroad. With respect to these two
 15 crossings, and I understand the one is a private
 16 crossing that you just described, and the other one
 17 you're not sure, you think occurred in and around?
 18 A. Yeah. The other one was just one of the general
 19 railroad crossings that had the stop signs on each side
 20 of the railroad. You know, as you pull up to it. And
 21 that was the only controls.
 22 Q. Which one was that?
 23 A. That's the other one that was south of Wapato.
 24 Q. South of Wapato?
 25 A. Yeah.

1 **Q. So there was no -- you know for a fact that there was**
2 **no --**
3 **A. There were no up and down and no flashing lights, it**
4 **was just a, if this was the roadway there would be a**
5 **stop sign here and a stop sign here. As you pulled up**
6 **to the railroad, you're required to stop, look both**
7 **ways before you stop.**
8 **Q. Just to be clear for the record, we're talking about**
9 **the accident that correct occurred south of Wapato?**
10 **A. Yes.**
11 **Q. You're not sure where the crossing is; is that right?**
12 **A. Sure, right.**
13 **Q. And your recollection, your testimony today is that**
14 **they only had stop signs, no crossbars, no bells or**
15 **lights?**
16 **A. Yeah.**
17 **Q. Is that correct?**
18 **A. Yes.**
19 **Q. Okay. Can you describe what happened at that accident?**
20 **A. At the private crossing railroad where the family lived**
21 **in the farmhouse and they leased that farmhouse from**
22 **the farmer, at that incident, she pulled up to the**
23 **railroad crossing with her infant child, she looked**
24 **down the road, didn't see the railroad -- the train**
25 **coming, and thought she had more than enough time to**

1 **was crossing at an at-grade crossing when her car**
2 **sputtered. She and her son were both ejected from the**
3 **car. She suffered brain trauma, he was miraculously**
4 **okay.**
5 **A. Uh-huh.**
6 **Q. That's what we're talking about right now, the**
7 **residence and the private crossing?**
8 **A. Uh-huh.**
9 **Q. And then the other accident south of Wapato occurred in**
10 **the 1990s as well?**
11 **A. Yeah. I didn't work on that one as the paralegal**
12 **specifically, although it was, I was aware of it,**
13 **working through the office, and that was a fatality.**
14 **Q. Okay. So talking about the one at the residence with**
15 **the private crossing, that was a subject of litigation?**
16 **A. We investigated it and we were not able to determine**
17 **what the actual cause of the accident was, because I**
18 **said the vehicle sputtered out, the victim claimed that**
19 **the boards on the railroad crossing that are this way,**
20 **that they were so loose as they popped up and prevented**
21 **her front wheel from going over. And that's the actual**
22 **testimony of the person as to what she recalled before**
23 **the moment of impact.**
24 **Q. This is the victim, the mother with the child in the**
25 **car?**

1 **get across, but what had happened is her car stalled**
2 **right in the middle of the railroad crossing, and as**
3 **she kept trying to start it and start it, it wouldn't**
4 **start and the train hit them, you know, broadside.**
5 **Drug them a quarter of a mile down the highway.**
6 **They were both ejected out. She was in a coma for**
7 **11 days. The baby was miraculously uninjured, just**
8 **laying there, not 25 feet from its mother. The woman**
9 **was in a coma for 11 days and suffered brain damage and**
10 **never recovered.**
11 **Q. Did she pass away, sir?**
12 **A. No, she's still living.**
13 **Q. Okay.**
14 **A. But, you know, I know the, I know the family, and, you**
15 **know, I can tell you, I can't recall her name right at**
16 **this moment, but I know that because of her brain**
17 **damage and other issues, you know, she eventually lost**
18 **her children and her husband divorced her. You know,**
19 **she lives with her family.**
20 **Q. Okay. That's, if I'm understanding correctly, that's**
21 **one of the accidents you reference in your testimony**
22 **that occurred in the 1990s; does that sound correct?**
23 **A. Yeah, that occurred back in the 1990s, mid 1990s. Both**
24 **of those occurred in the mid 1990s.**
25 **Q. You say specifically, in the mid 1990s a friend of mine**

1 **A. Yes.**
2 **Q. Okay. And based on that --**
3 **A. I wouldn't, from my own investigation I went out there**
4 **and I took photographs, we found that the boards jumped**
5 **up and down, they were very loose. About within three**
6 **weeks of the accident the railroad company went out**
7 **there and completely replaced everything.**
8 **Q. Okay. And I'm sorry if you answered this already**
9 **before, but was there -- there was no litigation with**
10 **respect to that?**
11 **A. No, no, because we weren't actually able to determine**
12 **whether or not that could actually happen that way.**
13 **Like I said, I went out and did a quick initial,**
14 **driving my car across there and then watching somebody**
15 **else drive back and forth and taking photographs and**
16 **just trying to determine whether or not what she said**
17 **was possible. And we couldn't determine whether that's**
18 **what happened or did not happen, and so we eventually**
19 **just closed it out.**
20 **Q. Closed it out. Did you -- was there a settlement of**
21 **any sort?**
22 **A. No.**
23 **Q. So she received no money --**
24 **A. No.**
25 **Q. -- from the railroad?**

Page 334

1 A. No.

2 **Q. Okay. But it sounds, if I understand your testimony**

3 **correctly today, that, according to the person who was**

4 **involved in this accident, she claims there was a**

5 **problem with the tracks that caused her car to stop --**

6 A. Yes.

7 **Q. -- on the track; is that right?**

8 A. Uh-huh. Yeah.

9 **Q. Okay. And it sounds like to me that had that problem**

10 **not occurred, at least according to her testimony, she**

11 **would have been able to safely --**

12 A. She would have been able to just proceed across the

13 railroad tracks.

14 **Q. Right. Okay. Thank you. Do you recall what happened**

15 **at the accident moving to the south Wapato accident?**

16 A. No. I was not the paralegal assigned to that case. I

17 only mentioned it because I recalled that. There were

18 other accidents that I can also recall that I know from

19 family and friends that were injured at railroad

20 crossings along the old Track Road.

21 **Q. We'll get to the other ones in a minute. But I want to**

22 **focus and finish up the questions on the south Wapato**

23 **accident.**

24 **You were not the paralegal, I understand. You do**

25 **not recall exactly what happened; is that correct?**

Page 335

1 A. Right.

2 **Q. I know you don't recall the names of the individuals at**

3 **the residence with the private crossing. Do you recall**

4 **the names of the individuals involved?**

5 A. No.

6 **Q. Do you recall whether that accident was the subject of**

7 **any litigation?**

8 A. Again, I know it was investigated and it was a lawsuit

9 that was initiated by the family. That's all I can

10 tell you. Because it was a traffic fatality.

11 **Q. Okay.**

12 A. But I can't tell you who it was or what the results

13 were or whether a lawsuit was ever filed.

14 **Q. Okay. And you remember that it was in the 1990s?**

15 A. Yeah.

16 **Q. Do you remember what year?**

17 A. Mid '90s, around '95, '96, somewhere around there.

18 **Q. And you do recall there was as fatality involved in**

19 **that?**

20 A. Yeah, there was, because I used to, because of my own

21 personal history, I used to do a lot of auto accident

22 investigations back in those days, and work on those

23 for the office. And most all of them, because I'm from

24 the Lower Valley, were for tribal members.

25 **Q. Okay. So we talked about two accidents so far. Your**

Page 336

1 **testimony references a third accident in the 1970s; is**

2 **that right?**

3 A. Yeah, well, one was from the '60s, and it was my

4 stepfather and his first -- second wife were crossing

5 at McDonald Road about at the edge of the city limits

6 south of Toppenish, and that was at that McDonald Road

7 crossing back in the days when it was not patrolled

8 like it is now. They didn't have the up and down bars,

9 the flashing lights, and all of that.

10 It was late at night. He didn't see the train and

11 he started to go right across and they were broadsided

12 and he was permanently disfigured with a scar that ran

13 from the back of his head all of the way to the corner

14 of his mouth, facially disfigured. His wife suffered

15 several broken bones and suffered from a limp for the

16 rest of her life until she died of cancer. And he

17 later became my stepfather through marriage to my

18 mother.

19 **Q. Your stepfather?**

20 A. I had a friend named Ron Maldonado who was engaged and

21 they had an engagement party and they were crossing the

22 same intersection I'm talking about at McDonald Road,

23 they were hit by a train and she died and Ron suffered

24 permanent brain injury.

25 **Q. Okay. So now we have --**

Page 337

1 A. Two at the same intersection.

2 **Q. We have two at the same intersection.**

3 A. And there are many more that people, you know, if I

4 wanted to ask, you know, local people, they would start

5 just telling me, you know, because of the notorious

6 crossing. You have three crossings I think are

7 probably the most notorious: The one at McDonald Road,

8 the one that runs right through Toppenish down at

9 Donald Road in Wapato, and the one down in Parker were

10 primarily high traffic.

11 **Q. Okay.**

12 A. And back in those days they were not controlled

13 intersections.

14 **Q. Did you ever use those?**

15 A. But they are now.

16 **Q. Did you ever use those?**

17 A. Yeah.

18 **Q. And you've never been involved in an accident?**

19 A. I've never been involved in an accident. Although when

20 I was 18 years old when you go there straight down

21 Donald Road you reached the Old Valley Highway, there

22 was a railroad spur that went through there, and I

23 pulled off of the old highway and there was no stop

24 sign there in those days, and I just went across. And

25 right as I crossed the train went behind me. I didn't

1 see it, I didn't hear it, I came within an inch of my
 2 life, and it taught me a lesson. Always stop. Always
 3 look. You know. That was my only one close, close
 4 call, and it scared me to death because I had other
 5 people with me, you know.
 6 **Q. Understood.**
 7 A. You know.
 8 **Q. Sounds like a scary situation.**
 9 A. Yeah.
 10 **Q. So I don't want to get confused, but we've talked in**
 11 **your testimony you reference your stepfather's accident**
 12 **in the 1970s, if I understood your testimony today, you**
 13 **indicated that that was in the 1960s?**
 14 A. Yeah, late '60s, somewhere around there.
 15 **Q. Late '60s. Do you remember the year?**
 16 A. No, I do not.
 17 **Q. Okay. But the testimony that, the written testimony**
 18 **where you say this was in the '70s, that's inaccurate**
 19 **now that your memory has been refreshed?**
 20 A. Yeah. When -- you mean from when, you mean what
 21 happened to Matt Shiloh (phonetic), who I was talking
 22 to, the one that was disfigured, my stepfather?
 23 **Q. I hadn't asked?**
 24 A. That was his name, was Matt Shiloh, and his wife
 25 Gloria.

1 A. Yeah.
 2 **Q. Okay.**
 3 A. Yes.
 4 **Q. Was that accident the subject of litigation?**
 5 A. Yes. I believe he got a settlement from that.
 6 **Q. A settlement. Who paid?**
 7 A. Railroad.
 8 **Q. Burlington Northern paid the settlement?**
 9 A. I believe so.
 10 **Q. Okay.**
 11 A. Either that or his auto insurance. I don't know.
 12 **Q. Okay.**
 13 A. But he did get a settlement. He did tell me that.
 14 **Q. Okay. You referenced, so, so far I think we have four**
 15 **accidents that we've talked about?**
 16 A. Yeah.
 17 **Q. You indicated that you could talk about more. But I**
 18 **guess my question is have you, you haven't been**
 19 **involved in any train accidents directly?**
 20 A. No. No. The only active case that I was involved in
 21 was the one that was involved with the railroad
 22 crossing that was just below Winnoway Highway, and it
 23 was on the west side of the railroad track. Because
 24 the railroad track is on that side of the road going
 25 north and it's on the same side going south, you know.

1 **Q. Understood. You say my stepfather and his wife were**
 2 **gravely injured at a crossing one mile south of**
 3 **Toppenish, this is in the 1970s, bottom of page 2.**
 4 A. I may have been incorrect. You know, it's hard to
 5 recall --
 6 **Q. Sure.**
 7 A. -- specific dates. This was before he was married to
 8 my mother and he told me about it and they were married
 9 in 1978. So this could have happened ten years before,
 10 it could have happened eight years before.
 11 **Q. Understood.**
 12 A. I'm not sure, so I can't tell you --
 13 **Q. Okay.**
 14 A. -- specific dates.
 15 **Q. His name, you mentioned his name, his name is Matt**
 16 **Shiloh; is that correct?**
 17 A. Yes, it was.
 18 **Q. What's your, who else was with Mr. Shiloh at the time**
 19 **of the accident?**
 20 A. Pardon me?
 21 **Q. Who else?**
 22 A. Wife Gloria.
 23 **Q. His wife Gloria. And the information that you have and**
 24 **that you're testifying about, you learned about this**
 25 **accident from Mr. Shiloh?**

1 **Q. Sure.**
 2 A. On the side of the highway.
 3 **Q. You were involved in an accident on Winnoway Highway?**
 4 A. No. No. That's the only case I investigated
 5 personally.
 6 **Q. That was the residence with the private crossing?**
 7 A. Yeah.
 8 **Q. Making sure I keep everything straight. But you were**
 9 **not involved in that accident at the time it occurred?**
 10 A. No.
 11 **Q. Okay. Do you know of video or written testimony**
 12 **regarding any of the accidents you have talked about?**
 13 A. Not that I'm personally aware of, no.
 14 **Q. Okay. And aside from the settlement that you seem to**
 15 **recall about the accident that occurred in the 1960s,**
 16 **none of the other accidents you've talked about were**
 17 **the subject of litigation; is that correct?**
 18 A. That's correct.
 19 **Q. Okay. What formal training do you have in terms of**
 20 **investigating --**
 21 A. I have a paralegal certificate through Eastern
 22 Washington University.
 23 **Q. Okay. Is that an associate's degree?**
 24 A. No. It's just a --
 25 **Q. Certificate?**

1 A. -- certificate.
 2 **Q. Beyond that, what other degrees or education do you**
 3 **have?**
 4 A. I have a, through business school I have an
 5 administrative assistant diploma that I earned way back
 6 in the early '70s, and then I had a second one in
 7 accounting that I earned in 1988. After I was involved
 8 in a motorcycle accident I had the opportunity to go
 9 back to school and so I chose to take some accounting
 10 training.
 11 **Q. So that was in accounting?**
 12 A. Yes.
 13 **Q. That's a diploma, you mentioned?**
 14 A. Yes. They were business schools here that were in
 15 Yakima. The first one was called Yakima Business
 16 School, which was later taken over by Trend Business
 17 College, and I graduated from both programs.
 18 **Q. Okay. Do you have any degrees or education with**
 19 **respect to civil engineering?**
 20 A. No, I do not.
 21 **Q. What about same question with respect to highways or**
 22 **roads?**
 23 A. No, I do not.
 24 **Q. Okay. Aside from your work as a paralegal in the cases**
 25 **you've just described with respect to railroads and**

1 **sir?**
 2 A. Pardon me?
 3 **Q. Who asked you to testify in this matter?**
 4 A. I was contacted by Bryan Smith, who is an attorney with
 5 Tamaki Law, and he knows I'm from the Valley, I was
 6 born and raised here, lived here all of my life, and he
 7 called me up and asked me if I would be willing to talk
 8 to these gentlemen about what my opinions were about
 9 the railroad crossings. And I told him, I said, sure,
 10 because I've had some family that have been affected
 11 and friends that I would be willing to talk to them.
 12 And just this testimony that I gave was a result of
 13 that interview.
 14 **Q. Okay. That's Bryan Smith from Tamaki called you?**
 15 A. Yes.
 16 **Q. Are you being compensated for your time today?**
 17 A. No, I'm not.
 18 **Q. Have you received any compensation with respect to your**
 19 **testimony in this case?**
 20 A. Pardon me?
 21 **Q. Have you received any compensation with respect to your**
 22 **testimony in this case?**
 23 A. No, none. No, not in this case, no.
 24 **Q. I'd like to shift gears a little bit. I know your**
 25 **testimony you indicate you are married to an enrolled**

1 **investigating railroad accidents, do you have any other**
 2 **work in your life that you've done regarding highway**
 3 **safety?**
 4 A. No.
 5 **Q. What about railroad safety?**
 6 A. No.
 7 **Q. Okay. Have you ever testified before in any civil or**
 8 **criminal matter?**
 9 A. No.
 10 **Q. Okay. So it's safe to say you've not testified as an**
 11 **expert in any matter?**
 12 A. No.
 13 **Q. Okay. And you're not offering your testimony this**
 14 **morning as an expert?**
 15 A. No, I'm not an expert witness.
 16 **Q. Okay. Thank you. Have you ever been an employee for**
 17 **BNSF?**
 18 A. No.
 19 **Q. Okay. Have you ever done independent contracting work**
 20 **for them?**
 21 A. No, not for them.
 22 **Q. Did Tamaki ever represent BNSF when you were working**
 23 **for Tamaki?**
 24 A. No.
 25 **Q. No. Okay. Who asked you to testify in this matter,**

1 **Yakama, but you yourself are an enrolled Nooksack; is**
 2 **that correct?**
 3 A. Yes, I am a Nooksack tribal member, both of my former
 4 wives, and I have two children that are Yakama, three
 5 that are Nez Perce, and they're three-eighths Yakama
 6 themselves. Their mother was an enrolled Yakama. So I
 7 have numerous relatives, cousins, aunts and uncles that
 8 are Yakama tribal members.
 9 **Q. Okay. Aside from your family connections to Yakama,**
 10 **have you ever worked for the Yakama Nation?**
 11 A. Yes, I did. Back in, well, the late '60s to the 1978,
 12 1976, somewhere around there.
 13 **Q. What did you do for the Nation?**
 14 A. Well, back in the days when I was very young I used to
 15 work with a furniture factory. Everyone worked there.
 16 It was an available job and paid better than farm work
 17 or anything else.
 18 And in my youth I used to work with my uncle on
 19 the cattle ranch, so that was where I was growing up to
 20 be a young cowboy. But I worked for Harry Kent and
 21 Harry used to tell me, you know, your uncle's way of
 22 life is ending and this is not going to be a life for
 23 you. You're not going to be able to when have you a
 24 young son, you know, and he told me the best things to
 25 do were to try and find better avenues of work.

1 So the furniture factory was owned by the Yakama
2 Nation, it was called White Swan Industries, and I went
3 to work there. And I went to work at the Northwest
4 Hardwoods, which is a company right next to it, it was
5 called the Yakama Nation Industrial Park, and there
6 were various employment opportunities there.

7 And then I worked for the tribe through the tribal
8 newspaper. I was the business manager there. And then
9 through a warehouse for the tribe, I was the manager
10 there. And then after 1978 I started working
11 elsewhere.

12 **Q. Okay.**

13 A. I'm not a tribal member. I'm not a tribal member and I
14 don't have first preference. And when I would work for
15 the tribe, I was always shadowed by someone who was
16 going to assume my job at a certain point. And after
17 working for the tribe for six years having that happen
18 to me twice, I just decided that I didn't want to put
19 in a lot of effort and be replaced.

20 **Q. Understood. So since then you haven't worked formally
21 for the nation itself?**

22 A. No.

23 **Q. And if I understand your testimony earlier, was that
24 this is your personal opinion and so you're not putting
25 yourself out as a spokesperson?**

1 A. It's not Satus, no. Ahtanum Creek. Yeah, south of
2 Ahtanum Creek, that's the border. The northern border
3 of the Yakama Reservation. If you go up along the side
4 there, there are may be, all of the way up to as far
5 west as Tampico I think there are probably a half a
6 dozen various tribal member family plots in that whole
7 area.

8 **Q. Have you ever been to a funeral service at the Satus
9 Longhouse?**

10 A. Pardon me?

11 **Q. Have you ever been to a funeral service at the Satus
12 Longhouse?**

13 A. Yes.

14 **Q. Do you recall what route you took from --**

15 A. Yeah, we went down Indian Church Road.

16 **Q. Okay.**

17 A. And as you cross Schuster Road you can see the Satus
18 Longhouse right there.

19 **Q. Sure.**

20 A. I don't think it's a hundred yards down.

21 **Q. There was a procession from the longhouse to the
22 cemetery?**

23 A. There was a procession from the funeral home first, and
24 then to the longhouse.

25 **Q. Okay.**

1 A. Yeah. This is my personal opinion about what I know
2 and that's all I'm testifying about.

3 **Q. You're not holding yourself out as a spokesperson for
4 the Nation?**

5 A. No.

6 **Q. Do you attend longhouse on the reservation, sir?**

7 A. I used to as child. I grew up here. My grandfather
8 and uncle are both Shakers and they used the longhouse
9 for all of our funerals and everything, we used either
10 the longhouse or the community centers, and so yes, I
11 did.

12 **Q. Which longhouse did you attend?**

13 A. Well, since I grew up in Wapato, Wapato was the primary
14 longhouse. And of course a lot of tribal members are
15 now shifting towards using the funeral homes in Wapato
16 and at Toppenish. But for Washat services and other
17 things they will use, for traditional funerals they
18 will use the longhouses, and they're in Satus,
19 Toppenish, Wapato, down at the Columbia River, and, you
20 know, and at White Swan.

21 And there are cemeteries all over the reservation,
22 tribal cemeteries, I mean, from this side of the ridge
23 running across the other side of -- what's this creek
24 that runs through here? Not --

25 **Q. Satus?**

1 A. And then they held their three-day Washat services
2 there and then at the end of the conclusion of that,
3 then they had burial.

4 **Q. Where was the burial?**

5 A. It was at Smohalla, which is on the other side of
6 Highway 22.

7 **Q. Sure.**

8 A. Down Plank Road and you go up around and it's up on the
9 top of the hill. And that's also where my family plot
10 is. I have about a dozen family members who are all
11 buried there.

12 **Q. Okay. Sounds like that was one service you attended at
13 Satus?**

14 A. Well, yeah, that's the one that I did was for a friend
15 that I grew up with. He was, lived, his name was
16 Robert Strong, and he lived, if you turn left on
17 Schuster Road, the longhouse is here, you go down and
18 there's a road called Strong Road, and at the end of
19 it, that was their family home. That's the only house
20 there.

21 **Q. Would it surprise you to know that there is testimony
22 in the record now that the Satus Longhouse elders find
23 the Barnhart Road crossing culturally important to
24 access the cemetery and the longhouse?**

25 A. It wouldn't surprise me, but in, when the service that

1 I went to, that was not the road that was used, you
2 know. So, you know, I've never used the Barnhart Road.

3 **Q. Sure. But you're not an elder of the longhouse?**

4 A. No, I'm not an elder of the longhouse or of the
5 community center that's over on Shaker Church Road.

6 **Q. I'd like to turn back to the accidents that you know
7 of, the train-involved accidents on the reservation, or
8 anywhere, for that matter. As I understand it, you
9 did, all of the information you have regarding those
10 accidents you learned secondhand from someone else,
11 right?**

12 A. Well, yeah. I mean, you read about them in the
13 newspaper, you know family or tribal members that have
14 been killed at the crossings, and there are funerals
15 for them. It's community knowledge, so yeah. That's
16 what I know.

17 **Q. Right. But you've never been at --**

18 A. No I wasn't there.

19 **Q. -- the scene of an accident?**

20 A. I didn't see them. I wasn't involved in them.

21 **Q. And you have no basis to testify as to whether the
22 railroad or the train observed the proper safety
23 protocols or properly maintained their tracks --**

24 A. No.

25 **Q. -- with respect to any of that?**

1 A. I simply believe that they're redundant. If you go up,
2 there is another crossing on Barnhart Road further up,
3 there is a crossing there, and if you're familiar with
4 the area, you've probably gone up in the area south,
5 but if you look down from the longhouse down Indian
6 Church Road after you pass Schuster Road, it runs this
7 way, straight down is the intersection, which you can
8 take a left or you can go to Granger, or you can turn
9 left and go up to the stop sign to Highway 22, turn
10 left, go up a couple of miles, turn right on Plank Road
11 and go up to Smohalla, where there is the cemetery
12 there. Or you can take a right to Toppenish and go to
13 any of the other tribal cemeteries that may be in that
14 direction.

15 **Q. Sure. I understand that we're dealing with a lot of
16 crossings here, but I guess I'm trying to get at, I
17 just have a couple more questions, and I'm looking at
18 your testimony and on page 3 you state the safety risk
19 of leaving these two crossings open is too high; is
20 that correct?**

21 A. There are not, there are not that many deaths that are
22 occurring and to where the Satus Longhouse is the
23 primary longhouse being used, and it's infrequent and
24 because of the infrequency of the use it's also mostly
25 just a local, kind of like a dogleg crossing that goes

1 A. No.

2 **Q. Okay. And it sounds like you have a wide variety of
3 experience professionally. Have you ever worked as a
4 first responder, sir?**

5 A. No.

6 **Q. You don't have a basis to testify here as to whether
7 the closing of either the Barnhart or North Stevens
8 railroad crossings would impact --**

9 MR. SCARP: Your Honor, if I may, this goes far
10 behind the pre-filed testimony.

11 THE JUDGE: I agree.

12 MR. SEXTON: In fact, Your Honor, respectfully, it
13 doesn't. He testified about there are safer ways, that
14 essentially these crossings are dangerous and it would
15 be safer to close these crossings. So I'm getting at
16 the foundation for his testimony.

17 THE JUDGE: I think it's well established that all
18 of his testimony is opinion at this point.

19 **Q. (By Mr. Sexton) Okay. Sir, you testified that the
20 safety risks for leaving these crossings open is too
21 high; is that true?**

22 A. Pardon me?

23 **Q. You testified that the safety risks of leaving these
24 two crossings that are at issue here is too high; is
25 that true?**

1 over that.

2 And to me, in my opinion, and that's what I'm
3 testifying here, is that using Indian Church Road or if
4 you're at the community center and holding funeral
5 services there, two and a half, three miles up the
6 road, that's Shaker Church Road and you cross to
7 Highway 22. You can either go across the highway and
8 follow it around to Smohalla and be totally avoid
9 Highway 22, and all of those funeral processions are
10 accompanied by the Yakama tribal police front and rear
11 to block off the traffic and to maintain the safety of
12 all of the cars involved.

13 **Q. Sure.**

14 A. To me, these, in my own opinion, those are the
15 directions that I have been involved with when we've
16 used those, and to me, they're safer.

17 **Q. Okay. But you know of no accidents that have occurred
18 at either of the two crossings at issue here; is that
19 true?**

20 A. I'm not aware of at the crossings there, although if
21 you're interested in --

22 **Q. I'm glad you mentioned that your believe that these
23 crossings are infrequently used. How many hours would
24 you say you've spent observing those crossings?**

25 A. I go out there -- in that area?

1 Q. Yeah.

2 A. My ex-wife and her family live out there on Shaker
3 Church Road, so I go down Indian Church Road and around
4 the Schuster Road over to Shaker Church to go there and
5 visit. Sometimes I go out at the other end and come
6 down Highway 22. But I've also used that to go across
7 in the past. Sixty-three years living here. I have
8 been everywhere on this reservation.

9 Q. So the basis of your testimony that these crossings are
10 infrequently used is based on just your traveling
11 around or near those crossings?

12 A. Yeah. Then also because of my, my recent activity out
13 there going out there because of my ex-wife and taking
14 my children out there or going out there with them for
15 different purposes and things, I have actually
16 witnessed how much the farm trucks use both Indian
17 Church Road and Shaker Church Road going this way
18 towards Granger or Toppenish or going out to
19 Highway 22. I mean, they're just going through there
20 all the time. And just from what I've witnessed, those
21 seem to be the primary routes.

22 Q. How many hours a week would you say you spend observing
23 the traffic in this area?

24 A. Well, I go there once or twice a week.

25 Q. So once or twice a week do you sit there and watch the

1 the court reporter.

2 THE WITNESS: First name is Terry, last name is
3 Stephens, S-T-E-P-H-E-N-S.

4
5 DIRECT EXAMINATION

6 BY MR. CHAIT:

7 Q. Good morning, Mr. Stephens. Thanks for being here.
8 Can you just briefly state who you work for?

9 A. BNSF Railway.

10 Q. What's your position with BNSF?

11 A. Currently terminal train master.

12 Q. I'm going to hand you what's been marked as Exhibit
13 TS-1T, if you could briefly look through that. Is that
14 your signature on the last page there?

15 A. Yes, it is.

16 Q. And is that your testimony in this case as if I were
17 asking it today and you were answering today?

18 A. Yes, it is.

19 MR. CHAIT: Thank you.

20 MR. PLANT: I have no questions.

21 MR. SEXTON: No questions, Your Honor.

22 THE JUDGE: Okay. I don't have any questions for
23 you, either. Thank you.

24 THE WITNESS: Thank you.

25 THE JUDGE: Do you have questions for Mr. Tycksen?

1 traffic?

2 A. No. I don't count the traffic, but whenever I'm there,
3 you know, if it's the springtime, there has been a lot
4 of farm, farm truck use out there going across and
5 using those roads, the ones that I mentioned. Of
6 course I wasn't over on Buena Road watching to see how
7 much farm traffic was going across there. I can only
8 say what I witnessed on Shaker Church Road, Schuster
9 Road, and Indian Church Road.

10 MR. SEXTON: Okay. Thank you for your time, sir.
11 Appreciate it. That's all of the questions I have.

12 THE JUDGE: Mr. Plant, do you have any questions
13 for this witness?

14 MR. PLANT: No.

15 THE JUDGE: Thank you. You may step down.

16 THE WITNESS: Thank you.

17 THE JUDGE: You have Mr. Stephens next.

18
19 TERRY STEPHENS, being first duly sworn to tell
20 the truth, the whole truth,
21 and nothing but the truth,
22 testified as follows:

23
24 THE JUDGE: If you could take a seat and state
25 your first and last name, spelling your last name for

1 I do have a couple of questions for him. So bring him
2 up here.

3
4 MICHAEL TYCKSEN, being first duly sworn to tell
5 the truth, the whole truth,
6 and nothing but the truth,
7 testified as follows:

8
9 THE JUDGE: If you could state your name, spelling
10 your last name for the record.

11 THE WITNESS: My name is Mike Tycksen,
12 T-Y-C-K-S-E-N.

13
14 DIRECT EXAMINATION

15 BY MR. CHAIT:

16 Q. Thank you for coming out this morning, Mr. Tycksen.
17 You work for BNSF?

18 A. That's correct.

19 Q. What's your position at BNSF?

20 A. Currently road foreman of engines.

21 Q. I'm going to hand you what's been pre-marked as MET-1T,
22 if you could briefly take a look at that. Is that your
23 signature on the last page?

24 A. That is my signature.

25 Q. This is your testimony in this case as though I were

1 asking it and you were responding today?
 2 A. That is correct.
 3 MR. CHAIT: Okay. Thank you.
 4
 5 EXAMINATION
 6 BY THE JUDGE:
 7 Q. Good morning, Mr. Tycksen.
 8 A. Good morning.
 9 Q. On page 4 of your pre-filed testimony, beginning at
 10 line 5, you stated that people are often injured or
 11 killed in grade crossing accidents that you've
 12 responded to, and you also talk about how throwing the
 13 emergency brake can result in a derailment and the
 14 casualties can be in the train or other bystanders on
 15 the ground. My question is, do you have any data about
 16 how many when and what type of crossing incidents have
 17 occurred?
 18 A. I don't have any actual data or statistics, no.
 19 Q. Okay. It's just based on personal experience?
 20 A. Yes.
 21 Q. Okay. And of those incidents you've responded to, can
 22 you tell me roughly how many have resulted in
 23 fatalities and to whom?
 24 A. In my current position, of the road crossing accidents
 25 that I've responded to in the last five years and

1 and I didn't work as an engineer that entire time, my
 2 seniority didn't allow me to, but I've worked between,
 3 out of Spokane between Spokane and White Fish, Montana,
 4 Spokane and Kettle Falls, Spokane and Wenatchee,
 5 Spokane and Pasco, and then in my time working out of
 6 Pasco I worked many local jobs, traveling 20 to
 7 30 miles a day between Ellensburg and Pasco, and then
 8 I, one of my primary duties in my current job is to
 9 actually perform train ride evaluations on engineers,
 10 so I ride trains three to four days a week, typically
 11 50 to 60 miles per trip, hundreds of, hundreds of
 12 thousands of miles in those years. Well, maybe that
 13 might be a little excessive, but a lot of miles.
 14 MR. CHAIT: Thank you. Appreciate it.
 15 THE WITNESS: Thank you.
 16 THE JUDGE: Thank you. Anything further for this
 17 witness?
 18 MR. PLANT: No, Your Honor.
 19 THE JUDGE: You may step down. Thank you very
 20 much.
 21 Okay. So that concludes the evidentiary hearing
 22 unless there is anything else that anyone wants to say
 23 while we're still on the record and before I get to the
 24 exhibit list. No? Okay.
 25 MR. SCARP: What was the question?

1 four months, approximately, the fatalities that have
 2 occurred have all been the people who were in the
 3 vehicles that were hit by the train. And I, I don't
 4 have an actual amount, but I would estimate probably
 5 between 15 and 20. Well, my territory covers other
 6 than just the Yakima Valley, so I also work between
 7 Pasco and Spokane. So that's all of those areas
 8 included.
 9 Q. And so what percentage would that represent?
 10 A. Percentage of?
 11 Q. The accidents that you've responded to where there were
 12 fatalities.
 13 A. Fatalities. Between 95 and 100 percent.
 14 THE JUDGE: Okay. Thank you. That's all I have.
 15 MR. CHAIT: I'll add one little thing for record
 16 that might be helpful.
 17 THE JUDGE: Okay.
 18
 19 REDIRECT EXAMINATION
 20 BY MR. CHAIT:
 21 Q. Can you tell us how many years of service you have?
 22 A. I've worked for the railroad for 20 years.
 23 Q. Okay. And can you estimate the number of miles of
 24 track you've had?
 25 A. I was an engineer for, from 1996 until January of 2010,

1 THE JUDGE: I said that concludes the evidentiary
 2 portion of the hearing unless anyone has anything
 3 further.
 4 But the simultaneous post hearing briefs are due
 5 on June 1st, according to the procedural schedule.
 6 So now I'll go over the list for record to
 7 document that all of the exhibits were stipulated to
 8 for admission. With respect to the public comments
 9 that were received, I have marked those as Exhibit B-1.
 10 MR. SCARP: Your Honor, if I may, I think the
 11 public comments by one of the witnesses that was
 12 withdrawn, Mr. Sealock.
 13 THE JUDGE: The phone call?
 14 MR. SCARP: Yeah. I mean, the witness was
 15 withdrawn, so I guess his testimony is withdrawn.
 16 THE JUDGE: He can still make a personal comment.
 17 MR. SCARP: That's fine.
 18 THE JUDGE: Okay. Then David Agee, his exhibits
 19 are marked DA-1T and then DA-2 through DA-4, DA-5T and
 20 the cross exhibits that were admitted are DA-6CX and
 21 DA-7CX.
 22 For Ken Bear Chief, his direct testimony KB-1T.
 23 For Terry Stephens, his direct testimony marked
 24 TS-1T.
 25 For Foster Peterson, his direct testimony marked

1 FP-1T.
 2 For Michael Tycksen, his direct testimony marked
 3 MT-1T.
 4 For Gary Norris, his direct testimony marked GN-1T
 5 and the exhibits marked GN-2 through GN-10, his
 6 rebuttal testimony marked GN-11T, and the exhibit
 7 marked GN-12, and the cross-examination Exhibits
 8 GN-13CX and GN-14CX.
 9 For Kent McHenry, his pre-filed testimony marked
 10 KM-1T and the exhibits attached to that marked KM-2
 11 through KM-6, his rebuttal testimony marked KM-7T, and
 12 the exhibits attached to that marked KM-8 through
 13 KM-10, and the cross-examination exhibits numbered
 14 KM-11CX through KM-33CX.
 15 For Andy Curfman, his pre-filed testimony marked
 16 AC-1T and the exhibits attached to that marked AC-2
 17 through AC-5, and the cross-examination Exhibit AC --
 18 sorry, AC-6CX and AC-7CX.
 19 For Curtis Parrish, direct testimony CP-1T, and
 20 the exhibits attached to that CP-2 and CP-3, and one
 21 cross-examination exhibit, CP-4CX.
 22 For John Hood, his direct testimony marked JH-1T.
 23 For Alex Zecchino, his direct testimony marked
 24 AZ-1T and the exhibits attached to that AZ-2 through
 25 AZ-4, and cross-examination exhibits AZ-5CX and AZ-6CX.

1 come to me electronically by Friday and come to the
 2 record center the following week. That's fine as well.
 3 Is there anything else before we conclude the
 4 hearing? Okay. Thank you all very much for coming.
 5 It's been a pleasure.
 6 MR. SCARP: Thank you.
 7 MR. PLANT: Thank you.
 8 (HEARING CONCLUDED AT 9:25 A.M.)
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 For Ed Boob, his directed testimony, EB-1T, and
 2 the cross-examination EB-2CX.
 3 For David Trautman, his direct testimony marked
 4 DT-1T and one cross-examination exhibit marked DT-2CX.
 5 For Roy Dick, his direct testimony marked RD-1T,
 6 and the cross-examination exhibit marked RD-2CX.
 7 For Alvin Pinkham, his direct pre-filed testimony
 8 marked AAP-1T and the exhibits attached to that marked
 9 AAP-2 through AAP-8, his rebuttal testimony marked
 10 AAP-9T, and the exhibit attached to that AAP-10, and
 11 the cross-examination exhibits numbered AAP-11CX
 12 through AAP-16CX.
 13 And finally, Jonnson Meninick, his pre-filed
 14 testimony marked JM-1T.
 15 MR. PLANT: Your Honor, real quick for
 16 clarification, public comments, was that B-1?
 17 THE JUDGE: Yes. B for bench.
 18 MR. PLANT: Thank you.
 19 THE JUDGE: With respect to the bench requests I
 20 made yesterday, we discussed off the record those will
 21 be submitted to me by Friday.
 22 MR. CHAIT: We'll do our best by Friday.
 23 THE JUDGE: I'll accept them electronically, and
 24 if you can file original plus one with the record
 25 center, that would be great. And it's okay if they

1 CERTIFICATE
 2 STATE OF WASHINGTON)
 3) ss.
 4 COUNTY OF YAKIMA)
 5
 6 This is to certify that I, Phyllis Craver Lykken,
 7 Certified Court Reporter in and for the State of
 8 Washington, residing at Yakima, reported the within and
 9 foregoing hearing; said hearing being taken before me on
 10 the date herein set forth; that the witnesses were first
 11 by the administrative law judge duly sworn; that said
 12 proceedings was taken by me in shorthand and thereafter
 13 under my supervision transcribed, and that same is a
 14 full, true and correct record of the testimony of said
 15 witness, including all questions, answers and objections,
 16 if any, of counsel.
 17 I further certify that I am not a relative or
 18 employee or attorney or counsel of any of the parties,
 19 nor am I financially interested in the outcome of the
 20 cause.
 21 IN WITNESS WHEREOF I have set my hand this
 22 8th day of May, 2015.
 23
 24 PHYLLIS CRAVER LYKKEN, RPR,
 25 CCR NO. 2423

A				C
a.m 322:14 325:2 325:10 364:8	actual 332:17,21 358:18 359:4	at-grade 332:1	Bear 324:8 325:18 325:25 326:6,13 326:21 361:22	buried 349:11
AAP-10 363:10	add 359:15	attached 362:10,12 362:16,20,24 363:8,10	began 327:13	Burlington 340:8
AAP-11CX 363:11	administrative 322:12 323:2 342:5 365:10	attend 347:6,12	beginning 358:9	business 342:4,14 342:15,16 346:8
AAP-16CX 363:12	admission 361:8	attended 349:12	believe 327:1 328:11 340:5,9 352:1 353:22	bystanders 358:14
AAP-1T 363:8	admitted 361:20	attorney 344:4 365:17	bells 329:11 330:14	
AAP-2 363:9	Agee 361:18	Attorneys 323:8,14 323:20	bench 363:17,19	C 365:1,1
AAP-8 363:9	agree 351:11	aunts 345:7	best 345:24 363:22	C-H-I-E-F 326:1
AAP-9T 363:10	Ahtanum 348:1,2	auto 328:7,8 335:21 340:11	better 345:16,25	call 338:4 361:13
able 332:16 333:11 334:11,12 345:23	Alex 362:23	available 345:16	Beyer 323:13	called 342:15 344:7 344:14 346:2,5 349:18
abuse 327:25	allow 360:2	Avenue 323:9,14	Beyond 342:2	cancer 336:16
abuses 327:17	Alvin 363:7	avenues 345:25	bit 326:24 344:24	capital 326:1
AC 362:17	American 327:8	avoid 353:8	block 353:11	car 331:1 332:1,3 332:25 333:14 334:5
AC-1T 362:16	Americans 327:15	aware 332:12 341:13 353:20	BNSF 322:4 324:2 325:4,11 343:17 343:22 356:9,10 357:17,19	cars 353:12
AC-2 362:16	amount 359:4	AZ-1T 362:24	boards 332:19 333:4	case 334:16 340:20 341:4 344:19,22 344:23 356:16 357:25
AC-5 362:17	Andy 362:15	AZ-2 362:24	bones 336:15	cases 327:25 328:4 342:24
AC-6CX 362:18	answered 333:8	AZ-4 362:25	Boob 363:1	casualties 358:14
AC-7CX 362:18	answering 356:17	AZ-5CX 362:25	border 348:2,2	cattle 345:19
accept 363:23	answers 326:14 365:14	AZ-6CX 362:25	born 344:6	cause 332:17 365:19
access 349:24	APPEARANCES 323:1		bottom 339:3	caused 334:5
accident 330:9,19 332:9,17 333:6 334:4,15,15,23 335:6,21 336:1 337:18,19 338:11 339:19,25 340:4 341:3,9,15 342:8 350:19	Appreciate 355:11 360:14	B	Box 323:4,20	CCR 322:25 365:23
accidents 328:7,8,9 328:16 331:21 334:18 335:25 340:15,19 341:12 341:16 343:1 350:6,7,10 353:17 358:11,24 359:11	approximately 325:10 359:1	B 363:17	brad@montgom... 323:10	cemeteries 347:21 347:22 352:13 349:24 352:11
accompanied 353:10	April 322:14 324:3 325:1,9	B-1 361:9 363:16	BRADLEY 323:7	cemetery 348:22 349:24 352:11
accounting 342:7,9 342:11	area 327:16 329:10 348:7 352:4,4 353:25 354:23	B-E-A-R 326:1	brain 331:9,16 332:3 336:24	center 350:5 353:4 363:25 364:2
active 329:6,11 340:20	areas 359:7	baby 331:7	brake 358:13	centers 347:10
activity 354:12	aside 327:24 341:14 342:24 345:9	back 325:9 331:23 333:15 335:22 336:7,13 337:12 342:5,9 345:11,14 350:6	briefly 356:8,13 357:22	certain 346:16
acts 328:10	asked 338:23 343:25 344:3,7	background 326:25	briefs 361:4	certificate 341:21 341:25 342:1
	asking 356:17 358:1	BANDS 323:17	bring 357:1	Certified 325:5 365:6
	assigned 334:16	Barnhart 325:12 349:23 350:2 351:7 352:2	Broadman 323:19	certify 365:5,16
	assistant 342:5	bars 336:8	broadside 331:4	Chait 323:7 324:9
	associate's 341:23	based 333:2 354:10 358:19	broad-sided 336:11	
	assume 346:16	basis 350:21 351:6 354:9	broken 336:15	
			Bryan 344:4,14	
			Buena 355:6	
			burial 349:3,4	

<p>324:12,14,16 326:5,17 356:6,19 357:15 358:3 359:15,20 360:14 363:22 Chief 324:8 325:18 325:25 326:6,13 326:21 361:22 child 327:17 330:23 332:24 347:7 children 331:18 345:4 354:14 chose 342:9 Church 348:15 350:5 352:6 353:3 353:6 354:3,3,4 354:17,17 355:8,9 city 336:5 civil 342:19 343:7 claimed 332:18 claims 334:4 clarification 363:16 clear 330:8 clients 327:8 close 325:11 338:3 338:3 351:15 closed 333:19,20 closing 351:7 College 342:17 Columbia 347:19 coma 331:6,9 come 354:5 364:1,1 coming 330:25 357:16 364:4 comment 361:16 comments 361:8,11 363:16 Commission 322:2 323:3 community 327:8 347:10 350:5,15 353:4 company 322:4 333:6 346:4</p>	<p>compensated 344:16 compensation 344:18,21 complete 326:10 completely 333:7 concentrated 327:19 conclude 364:3 CONCLUDED 364:8 concludes 360:21 361:1 conclusion 349:2 CONFEDERAT... 323:17 confused 338:10 connections 345:9 contacted 344:4 continue 325:10 contracting 343:19 contractor 327:1,5 328:5 controlled 337:12 controls 329:6,21 corner 336:13 correct 327:12 328:2 330:9,17 331:22 334:25 339:16 341:17,18 345:2 352:20 357:18 358:2 365:13 correctly 331:20 334:3 counsel 365:15,17 count 355:2 COUNTY 322:7 324:2 325:4 365:3 couple 352:10,17 357:1 course 327:18 347:14 355:6 court 325:5 356:1 365:6</p>	<p>cousins 345:7 covers 359:5 cowboy 345:20 CP-1T 362:19 CP-2 362:20 CP-3 362:20 CP-4CX 362:21 Craver 322:25 325:5 365:5,23 creek 347:23 348:1 348:2 criminal 343:8 cross 348:17 353:6 361:20 cross-examination 324:10 326:19 362:7,13,17,21,25 363:2,4,6,11 crossbars 329:11 330:14 crossbucks 329:13 crossed 337:25 crossing 328:9,10 328:19,21,22,24 329:3,16 330:11 330:20,23 331:2 332:1,1,7,15,19 335:3 336:4,7,21 337:6 339:2 340:22 341:6 349:23 352:2,3,25 358:11,16,24 crossings 325:12 329:7,15,19 334:20 337:6 344:9 350:14 351:8,14,15,20,24 352:16,19 353:18 353:20,23,24 354:9,11 culturally 349:23 Curfman 362:15 current 358:24 360:8 Currently 356:11</p>	<p>357:20 Curtis 362:19</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 324:1 DA-1T 361:19 DA-2 361:19 DA-4 361:19 DA-5T 361:19 DA-6CX 361:20 DA-7CX 361:21 Dakota 327:10 damage 331:9,17 dangerous 351:14 data 358:15,18 date 365:9 dates 339:7,14 David 361:18 363:3 day 360:7 365:21 days 331:7,9 335:22 336:7 337:12,24 345:14 360:10 dealing 352:15 death 338:4 deaths 352:21 decided 346:18 definitely 329:9 degree 341:23 degrees 342:2,18 derailment 358:13 describe 327:4 330:19 described 329:16 342:25 determine 332:16 333:11,16,17 Dick 363:5 died 336:16,23 difference 329:6 different 354:15 diploma 342:5,13 direct 324:9,12,14 326:4 356:5 357:14 361:22,23 361:25 362:2,4,19</p>	<p>362:22,23 363:3,5 363:7 directed 363:1 direction 352:14 directions 353:15 directly 340:19 Disability 327:23 discuss 326:24 discussed 363:20 disfigured 336:12 336:14 338:22 divorced 331:18 DOCKET 322:5,6 DOCKETS 324:2 document 361:7 dogleg 352:25 Donald 337:9,21 dozen 348:6 349:10 drive 323:4 333:15 driving 333:14 Drug 331:5 DT-1T 363:4 DT-2CX 363:4 due 361:4 duly 325:18 355:19 357:4 365:10 duties 360:8</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 324:1,6 365:1,1 earlier 346:23 early 342:6 earned 342:5,7 Eastern 341:21 EB-1T 363:1 EB-2CX 363:2 Ed 363:1 edge 336:5 education 342:2,18 effort 346:19 egress 329:2 eight 339:10 either 340:11 347:9 351:7 353:7,18 356:23 ejected 331:6 332:2</p>
---	--	--	---	--

<p>elder 350:3,4 elders 349:22 electronically 363:23 364:1 Ellensburg 360:7 emergency 358:13 employee 343:16 365:17 employment 346:6 engaged 336:20 engagement 336:21 engineer 359:25 360:1 engineering 342:19 engineers 360:9 engines 357:20 enrolled 344:25 345:1,6 entered 327:16 entire 360:1 essentially 351:14 established 351:17 estimate 359:4,23 evaluations 360:9 eventually 331:17 333:18 Evergreen 323:4 evidentiary 322:11 325:3,10 360:21 361:1 ex-wife 354:2,13 exactly 334:25 Examination 324:9 324:12,14,15,16 326:4 356:5 357:14 358:5 359:19 excessive 360:13 exhibit 326:7,14 356:12 360:24 361:9 362:6,17,21 363:4,6,10 exhibits 361:7,18 361:20 362:5,7,10 362:12,13,16,20</p>	<p>362:24,25 363:8 363:11 experience 351:3 358:19 expert 329:10 343:11,14,15</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F 365:1 facially 336:14 fact 330:1 351:12 factory 345:15 346:1 Falls 360:4 familiar 352:3 family 329:3 330:20 331:14,19 334:19 335:9 344:10 345:9 348:6 349:9,10,19 350:13 354:2 far 329:9,10 335:25 340:14 348:4 351:9 farm 329:3 345:16 354:16 355:4,4,7 farmer 330:22 farmhouse 330:21 330:21 fatalities 358:23 359:1,12,13 fatality 332:13 335:10,18 FAX 323:10,15 feet 331:8 file 363:24 filed 325:11 335:13 finally 363:13 financially 365:18 find 345:25 349:22 fine 361:17 364:2 finish 334:22 firm 327:2 328:2 firms 327:20 first 325:14,18 327:13 336:4</p>	<p>342:15 346:14 348:23 351:4 355:19,25 356:2 357:4 365:9 Fish 360:3 five 358:25 flashing 330:3 336:9 Floor 323:9 focus 334:22 follow 353:8 following 325:6 364:2 follows 325:21 355:22 357:7 foregoing 365:8 foreman 357:20 formal 341:19 formally 346:20 former 345:3 forth 333:15 365:9 Foster 361:25 found 333:4 foundation 351:16 four 340:14 359:1 360:10 fourth 326:11 FP-1T 362:1 Friday 363:21,22 364:1 friend 331:25 336:20 349:14 friends 334:19 344:11 front 332:21 353:10 full 365:13 funeral 347:15 348:8,11,23 353:4 353:9 funerals 347:9,17 350:14 furniture 345:15 346:1 further 352:2</p>	<p>360:16 361:3 365:16</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>Galanda 323:19 Gap 322:15 325:3 Gary 362:4 gears 344:24 general 327:6 328:1 329:18 gentlemen 344:8 getting 351:15 glad 353:22 Gloria 338:25 339:22,23 GN-10 362:5 GN-11T 362:6 GN-12 362:7 GN-13CX 362:8 GN-14CX 362:8 GN-1T 362:4 GN-2 362:5 go 336:11 337:20 342:8 348:3 349:8 349:17 352:1,8,9 352:10,11,12 353:7,25 354:3,4 354:5,6,24 361:6 goes 351:9 352:25 going 332:21 340:24,25 345:22 345:23 346:16 354:13,14,17,18 354:19 355:4,7 356:12 357:21 Good 325:8 326:6 326:21 356:7 358:7,8 grade 325:12 358:11 graduated 342:17 grandfather 347:7 Granger 352:8 354:18 gravely 339:2 great 363:25</p>	<p>grew 347:7,13 349:15 ground 358:15 growing 345:19 guess 328:4,23 340:18 352:16 361:15</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 348:5 353:5 hand 325:16 356:12 357:21 365:20 handing 326:6 happen 333:12,18 346:17 happened 330:19 331:1 333:18 334:14,25 338:21 339:9,10 hard 339:4 Hardwoods 346:4 Harry 345:20,21 head 336:13 hear 338:1 hearing 322:11 325:3,11 360:21 361:2,4 364:4,8 365:8,8 held 349:1 helpful 359:16 high 337:10 351:21 351:24 352:19 highway 325:11 328:18 331:5 337:21,23 340:22 341:2,3 343:2 349:6 352:9 353:7 353:7,9 354:6,19 highways 328:6 342:21 hill 349:9 history 335:21 hit 331:4 336:23 359:3 holding 347:3</p>
---	--	--	--	---

353:4 home 328:25 348:23 349:19 homes 347:15 Honor 351:9,12 356:21 360:18 361:10 363:15 Hood 362:22 hours 353:23 354:22 house 349:19 hundred 348:20 hundreds 360:11 360:11 husband 331:18	350:9 infrequency 352:24 infrequent 352:23 infrequently 353:23 354:10 initial 333:13 initiated 335:9 injured 334:19 339:2 358:10 injury 336:24 insurance 340:11 interested 353:21 365:18 intersection 336:22 337:1,2 352:7 intersections 337:13 intervenor 326:23 interview 344:13 investigated 332:16 335:8 341:4 investigating 341:20 343:1 investigation 327:7 333:3 investigations 335:22 involved 334:4 335:4,18 337:18 337:19 340:19,20 340:21 341:3,9 342:7 350:20 353:12,15 involvement 327:15 issue 351:24 353:18 issues 331:17	Joe 326:21 joe@galandabro... 323:22 John 362:22 Jonsson 363:13 JOSEPH 323:19 judge 322:12 323:2 324:15 325:8,23 326:2 351:11,17 355:12,15,17,24 356:22,25 357:9 358:6 359:14,17 360:16,19 361:1 361:13,16,18 363:17,19,23 365:10 jumped 333:4 June 361:5	335:2,8 337:3,4,5 338:3,5,7 339:4 340:11,25 341:11 344:24 345:21,24 347:1,20 349:21 350:2,2,6,13,16 353:17 355:3 knowledge 350:15 knows 344:5	lives 331:19 living 331:12 354:7 LLP 323:13 local 337:4 352:25 360:6 longhouse 347:6,8 347:10,12,14 348:9,12,18,21,24 349:17,22,24 350:3,4 352:5,22 352:23 longhouses 347:18 look 330:6 338:3 352:5 356:13 357:22 looked 330:23 looking 352:17 loose 332:20 333:5 lost 331:17 lot 327:14 335:21 346:19 347:14 352:15 355:3 360:13 Lower 335:24 Lykken 322:25 325:5 365:5,23
I		K	L	M
Idaho 327:9 impact 332:23 351:8 important 327:24 349:23 inaccurate 338:18 inch 338:1 incident 330:22 incidents 358:16,21 included 359:8 includes 329:11 including 365:14 incorrect 339:4 independent 327:1 327:4 328:5 343:19 Indian 327:18 348:15 352:5 353:3 354:3,16 355:9 indicate 344:25 indicated 326:25 338:13 340:17 indicating 329:14 individuals 335:2,4 Industrial 346:5 Industries 346:2 infant 330:23 information 339:23	J Jackson 323:13 January 359:25 JH-1T 362:22 JM-1T 363:14 job 345:16 346:16 360:8 jobs 360:6	KB-1T 326:7 361:22 keep 341:8 Ken 361:22 Kenneth 324:8 325:18,25 Kent 345:20 362:9 kept 331:3 Kettle 360:4 kharper@mjbe.c... 323:16 killed 350:14 358:11 kind 352:25 KM-10 362:13 KM-11CX 362:14 KM-1T 362:10 KM-2 362:10 KM-33CX 362:14 KM-6 362:11 KM-7T 362:11 KM-8 362:12 know 329:1,20 330:1 331:4,14,14 331:14,15,16,17 331:18 334:18	late 336:10 338:14 338:15 345:11 law 322:12 323:2,8 323:14,20 327:2 327:20 344:5 365:10 lawsuit 335:8,13 laying 331:8 learned 339:24 350:10 leased 330:21 leaving 351:20,23 352:19 left 349:16 352:8,9 352:10 lesson 338:2 Let's 325:8 liaison 327:7 328:1 life 336:16 338:2 343:2 344:6 345:22,22 lights 329:11 330:3 330:15 336:9 limits 336:5 limp 336:15 line 358:10 list 360:24 361:6 litigation 332:15 333:9 335:7 340:4 341:17 little 326:24 344:24 359:15 360:13 live 354:2 lived 329:4 330:20 344:6 349:15,16	life 336:16 338:2 343:2 344:6 345:22,22 lights 329:11 330:3 330:15 336:9 limits 336:5 limp 336:15 line 358:10 list 360:24 361:6 litigation 332:15 333:9 335:7 340:4 341:17 little 326:24 344:24 359:15 360:13 live 354:2 lived 329:4 330:20 344:6 349:15,16 maintain 353:11 maintained 350:23 Making 341:8 Maldonado 336:20 manager 346:8,9 marked 356:12 361:9,19,23,25 362:2,4,5,6,7,9,10 362:11,12,15,16 362:22,23 363:3,4 363:5,6,8,8,9,14 marriage 336:17 married 339:7,8 344:25 master 356:11 Matt 338:21,24 339:15

matter 326:8,22 343:8,11,25 344:3 350:8	360:3	Northwest 346:3	337:20,21,23	323:3
McDonald 336:5,6 336:22 337:7	Montgomery 323:8	notorious 337:5,7	Olympia 323:5	people 337:3,4 338:5 358:10 359:2
McHenry 362:9	months 359:1	number 359:23	once 354:24,25	Perce 345:5
mean 338:20,20 347:22 350:12 354:19 361:14	morning 325:8,15 326:6,21 343:14 356:7 357:16 358:7,8	numbered 362:13 363:11	ones 334:21 355:5	percent 359:13
member 345:3 346:13,13 348:6	mother 331:8 332:24 336:18 339:8 345:6	numerous 345:7	open 351:20 352:19	percentage 359:9 359:10
members 335:24 345:8 347:14 349:10 350:13	motorcycle 342:8	<hr/> O <hr/>	opinion 346:24 347:1 351:18 353:2,14	perform 360:9
memory 338:19	mouth 336:14	O 324:6	opinions 344:8	permanent 336:24
Meninick 363:13	moving 334:15	objections 365:14	opportunities 346:6	permanently 336:12
Menke 323:13	MT-1T 362:3	observed 350:22	opportunity 342:8	person 332:22 334:3
mentioned 334:17 339:15 342:13 353:22 355:5	<hr/> N <hr/>	observing 353:24 354:22	Oregon 327:9	personal 335:21 346:24 347:1 358:19 361:16
MESSRS 323:7	N 323:13 324:1,6	occurred 327:17 328:16 329:17 330:9 331:22,23 331:24 332:9 334:10 341:9,15 353:17 358:17 359:2	original 363:24	personally 341:5 341:13
MET-1T 357:21	name 325:23,24,25 326:21 331:15 338:24 339:15,15 339:15 349:15 355:25,25 356:2,2 357:9,10,11	occurring 352:22	outcome 365:18	Peterson 361:25
Michael 323:7 324:13 357:4 362:2	named 336:20	offering 343:13	owned 346:1	petition 325:11
mid 331:23,24,25 335:17	names 335:2,4	office 332:13 335:23	<hr/> P <hr/>	Petitioner 322:5 323:6
middle 331:2	nation 323:18 326:22 345:10,13 346:2,5,21 347:4	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	page 324:8 326:11 339:3 352:18 356:14 357:23 358:9	phone 361:13
Mike 357:11	native 327:8,14,15 327:17,25	offering 352:22	Pages 322:7	phonetic 328:18 338:21
mike@montgom... 323:11	near 354:11	office 332:13 335:23	paid 340:6,8 345:16	photographs 333:4 333:15
mile 328:18 331:5 339:2	never 331:10 337:18,19 350:2 350:17	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	paralegal 327:6,6 328:2 332:11 334:16,24 341:21 342:24	Phyllis 322:25 325:5 365:5,23
miles 352:10 353:5 359:23 360:7,11 360:12,13	new 327:16	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	Pardon 339:20 344:2,20 348:10 351:22	Pinkham 363:7
mine 331:25	newspaper 346:8 350:13	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	park 323:4 328:25 346:5	place 325:6
minute 334:21	Nez 345:5	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	Parker 337:9	Plank 349:8 352:10
miraculously 331:7 332:3	Night 336:10	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	Parrish 362:19	Plant 323:13 355:12,14 356:20 360:18 363:15,18 364:7
missions 327:18	Nooksack 345:1,3	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	parties 365:17	please 325:15
moment 331:16 332:23	Norris 362:4	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	party 336:21	pleasure 364:5
money 333:23	north 323:14 325:12 340:25 351:7	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	Pasco 359:7 360:5 360:6,7	PLLC 323:8,19
Montana 327:9	northern 340:8 348:2	okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	pass 331:11 352:6	plot 349:9
		okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	passive 329:6,13	plots 348:6
		okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	patrolled 336:7	plus 363:24
		okay 326:13 327:11 327:22 330:19 331:13,20 332:4 332:14 333:2,8 334:2,9,14 335:11 335:14,25 336:25 337:11 338:17 339:13 340:2,10 340:12,14 341:11 341:14,19,23 342:18,24 343:7 343:10,13,16,19 343:25 344:14 345:9 346:12 348:16,25 349:12 351:2,19 353:17 355:10 356:22 358:3,19,21 359:14,17,23 360:21,24 361:18 363:25 364:4	PEARSON 322:12	point 346:16 351:18

<p>police 353:10 popped 332:20 portion 361:2 position 356:10 357:19 358:24 possible 333:17 post 361:4 pre-filed 326:8 351:10 358:9 362:9,15 363:7,13 pre-marked 326:7 357:21 preference 346:14 prevented 332:20 primarily 337:10 primary 347:13 352:23 354:21 360:8 private 328:19,21 328:24 329:15 330:20 332:7,15 335:3 341:6 probably 337:7 348:5 352:4 359:4 problem 334:5,9 procedural 361:5 proceed 334:12 proceedings 325:6 365:11 procession 348:21 348:23 processions 353:9 professionally 351:3 programs 342:17 proper 350:22 properly 350:23 property 329:2 protocols 350:23 public 361:8,11 363:16 pull 329:20 pulled 330:5,22 337:23 purposes 354:15</p>	<p>put 346:18 putting 346:24</p> <hr/> <p style="text-align: center;">Q</p> <p>qplant@mjbe.com 323:16 quarter 331:5 question 340:18 342:21 358:15 360:25 questions 326:14 334:22 352:17 355:11,12 356:20 356:21,22,25 357:1 365:14 quick 333:13 363:15 QUINN 323:13</p> <hr/> <p style="text-align: center;">R</p> <p>R 365:1 rail 325:12 railroad 328:19,21 328:22,24 329:2,7 329:14,19,20 330:6,20,23,24 331:2 332:19 333:6,25 334:13 334:19 337:22 340:7,21,23,24 343:1,5 344:9 350:22 351:8 359:22 railroads 328:6 342:25 Railway 322:4 324:2 325:4 356:9 raise 325:15 raised 344:6 ran 336:12 ranch 345:19 RAYNE 322:12 323:3 RD-1T 363:5 RD-2CX 363:6 reached 337:21</p>	<p>read 350:12 real 363:15 really 328:23 rear 353:10 rebuttal 362:6,11 363:9 recall 331:15 334:14,18,25 335:2,3,6,18 339:5 341:15 348:14 recalled 332:22 334:17 received 333:23 344:18,21 361:9 recognize 326:7 recollection 330:13 record 325:8,24 330:8 349:22 357:10 359:15 360:23 361:6 363:20,24 364:2 365:13 recovered 331:10 Redirect 324:16 359:19 redundant 352:1 reference 331:21 338:11 referenced 340:14 references 336:1 refreshed 338:19 regarding 341:12 343:2 350:9 relative 365:16 relatives 345:7 remember 328:16 335:14,16 338:15 REMEMBERED 325:1 replaced 333:7 346:19 reported 322:24 365:7 reporter 325:6</p>	<p>356:1 365:6 represent 326:22 327:8 343:22 359:9 requests 363:19 required 330:6 reservation 347:6 347:21 348:3 350:7 354:8 residence 332:7,14 335:3 341:6 residing 365:7 respect 328:6,14 329:7,14 333:10 342:19,21,25 344:18,21 350:25 361:8 363:19 respectfully 351:12 responded 358:12 358:21,25 359:11 Respondent 322:8 323:12 responder 351:4 responding 358:1 rest 328:25 336:16 result 344:12 358:13 resulted 358:22 results 335:12 retired 327:21 ride 360:9,10 ridge 347:22 right 325:16 329:12 330:11,12 331:2 331:15 332:6 334:7,14 335:1 336:2,11 337:8,25 346:4 348:18 350:11,17 352:10 352:12 risk 352:18 risks 351:20,23 River 347:19 road 325:12,13 328:17 330:24</p>	<p>334:20 336:5,6,22 337:7,9,21 340:24 348:15,17 349:8 349:17,18,18,23 350:1,2,5 352:2,6 352:6,10 353:3,6 353:6 354:3,3,4 354:17,17 355:6,8 355:9,9 357:20 358:24 roads 328:6 342:22 355:5 roadway 330:4 Robert 323:19 349:16 Ron 336:20,23 roughly 358:22 route 348:14 routes 354:21 Roy 363:5 RPR 322:25 365:23 running 347:23 runs 337:8 347:24 352:6</p> <hr/> <p style="text-align: center;">S</p> <p>S 324:6 S-T-E-P-H-E-N-S 356:3 S.W 323:4 safe 343:10 safely 334:11 safer 351:13,15 353:16 safety 329:6 343:3 343:5 350:22 351:20,23 352:18 353:11 Satus 347:18,25 348:1,8,11,17 349:13,22 352:22 scar 336:12 scared 338:4 Scarp 323:7,8 351:9 360:25 361:10,14,17</p>
---	--	--	---	--

364:6	330:5,5 337:24	springtime 355:3	344:9 348:19	343:7,10 351:13
scary 338:8	352:9	spur 337:22	349:7 350:3	351:19,23 355:22
scene 350:19	signature 326:10	sputtered 332:2,18	352:15 353:13	357:7
schedule 361:5	356:14 357:23,24	ss 365:2	surprise 349:21,25	testify 343:25 344:3
school 342:4,9,16	signs 329:19 330:14	stalled 331:1	Swan 346:2 347:20	350:21 351:6
schools 342:14	simply 352:1	stand 325:14,15	swear 325:16	testifying 339:24
Schuster 348:17	simultaneous 361:4	start 331:3,3,4	sworn 325:18	347:2 353:3
349:17 352:6	sir 331:11 344:1	337:4	355:19 357:4	testimony 326:8,15
354:4 355:8	347:6 351:4,19	started 336:11	365:10	326:25 330:13
Sealock 361:12	355:10	346:10		331:21 332:22
seat 355:24	sit 354:25	state 325:23 352:18	T	334:2,10 336:1
Seattle 323:9,21	situation 338:8	355:24 356:8	T 324:6,6 365:1,1	338:11,12,17,17
second 336:4 342:6	six 346:17	357:9 365:2,6	T-Y-C-K-S-E-N	341:11 343:13
secondhand 350:10	Sixty-three 354:7	stated 358:10	357:12	344:12,19,22,25
see 330:24 336:10	Smith 344:4,14	statistics 358:18	take 342:9 352:8,12	346:23 349:21
338:1 348:17	Smohalla 349:5	step 355:15 360:19	355:24 357:22	351:10,16,18
350:20 355:6	352:11 353:8	stepfather 336:4,17	taken 325:4 342:16	352:18 354:9
seniority 360:2	somebody 333:14	336:19 338:22	365:8,11	356:16 357:25
service 348:8,11	son 332:2 345:24	339:1	talk 340:17 344:7	358:9 361:15,22
349:12,25 359:21	sorry 333:8 362:18	stepfather's 338:11	344:11 358:12	361:23,25 362:2,4
services 347:16	sort 333:21	Stephens 324:11	talked 335:25	362:6,9,11,15,19
349:1 353:5	sound 331:22	355:17,19 356:3,7	338:10 340:15	362:22,23 363:1,3
set 365:9,20	sounds 327:24	361:23	341:12,16	363:5,7,9,14
settlement 333:20	328:1 334:2,9	Stevens 325:12	talking 330:8 332:6	365:13
340:5,6,8,13	338:8 349:12	351:7	332:14 336:22	Thank 326:2,17
341:14	351:2	stipulated 361:7	338:21	334:14 343:16
Sexton 323:19	south 322:15 323:4	stop 329:13,19	Tamaki 327:2,9	355:10,15,16
324:10 326:20,21	325:2 327:10	330:5,5,6,7,14	328:5,12,13	356:19,23,24
351:12,19 355:10	328:20 329:23,24	334:5 337:23	343:22,23 344:5	357:16 358:3
356:21	330:9 332:9	338:2 352:9	344:14	359:14 360:14,15
sexual 327:17,25	334:15,22 336:6	straight 337:20	Tampico 348:5	360:16,19 363:18
shadowed 346:15	339:2 340:25	341:8 352:7	taught 338:2	364:4,6,7
Shaker 350:5 353:6	348:1 352:4	Street 322:15 325:2	tell 325:19 331:15	Thanks 356:7
354:2,4,17 355:8	specific 329:3	Strong 349:16,18	335:10,12 339:12	thing 359:15
Shakers 347:8	339:7,14	subject 332:15	340:13 345:21	things 345:24
shift 344:24	specifically 331:25	335:6 340:4	355:19 357:4	347:17 354:15
shifting 347:15	332:12	341:17	358:22 359:21	think 328:19
Shiloh 338:21,24	spelling 325:23	submitted 363:21	telling 337:5	329:17 337:6
339:16,18,25	355:25 357:9	suffered 331:9	ten 339:9	340:14 348:5,20
shorthand 365:11	spend 354:22	332:3 336:14,15	terminal 356:11	351:17 361:10
side 329:19 340:23	spent 353:24	336:23	terms 341:19	third 323:9 336:1
340:24,25 341:2	Spokane 359:7	supervision 365:12	territory 359:5	thought 330:25
347:22,23 348:3	360:3,3,4,4,5	sure 329:8,17	Terry 324:11	thousands 360:12
349:5	spokesperson	330:11,12 339:6	355:19 356:2	three 333:5 337:6
sign 329:13,13	346:25 347:3	339:12 341:1,8	361:23	345:4 353:5
			testified 325:21	

360:10 three-day 349:1 three-eighths 345:5 throwing 358:12 time 328:4 330:25 339:18 341:9 344:16 354:20 355:10 360:1,5 today 326:15 330:13 334:3 338:12 344:16 356:17,17 358:1 told 339:8 344:9 345:24 top 349:9 Toppenish 336:6 337:8 339:3 347:16,19 352:12 354:18 totally 353:8 TR-140382 322:5 324:2 TR-140383 322:6 324:2 track 328:17 334:7 334:20 340:23,24 359:24 tracks 334:5,13 350:23 traditional 347:17 traffic 335:10 337:10 353:11 354:23 355:1,2,7 train 328:9,10 330:24 331:4 336:10,23 337:25 340:19 350:22 356:11 358:14 359:3 360:9 train-involved 350:7 training 341:19 342:10 trains 360:10 transcribed 365:12	Transportation 322:2 323:3 trauma 332:3 Trautman 363:3 traveling 354:10 360:6 Trend 342:16 tribal 335:24 345:3 345:8 346:7,13,13 347:14,22 348:6 350:13 352:13 353:10 tribe 346:7,9,15,17 TRIBES 323:17 trip 360:11 truck 355:4 trucks 354:16 true 351:21,25 353:19 365:13 truth 325:19,20,21 355:20,20,21 357:5,5,6 try 345:25 trying 331:3 333:16 352:16 TS-1T 356:13 361:24 turn 349:16 350:6 352:8,9,10 twice 346:18 354:24,25 two 328:11,14,18 329:14 335:25 337:1,2 345:4 351:24 352:19 353:5,18 Tycksen 324:13 356:25 357:4,11 357:16 358:7 362:2 type 358:16 typically 360:10	uncle 345:18 347:8 uncle's 345:21 uncles 345:7 understand 328:23 329:5,9,10,15 334:2,24 346:23 350:8 352:15 understanding 331:20 understood 327:24 328:21 329:5 338:6,12 339:1,11 346:20 uninjured 331:7 Union 322:15 325:3 University 341:22 use 337:14,16 347:17,18 352:24 354:16 355:4 Utilities 322:2 323:3	Wapato 328:20 329:23,24 330:9 332:9 334:15,22 337:9 347:13,13 347:15,19 warehouse 346:9 Washat 347:16 349:1 Washington 322:1 322:15 323:3 325:3 327:9 341:22 365:2,7 wasn't 350:18,20 355:6 watch 354:25 watching 333:14 355:6 way 332:19 333:12 336:13 342:5 345:21 348:4 352:7 354:17 ways 330:7 351:13 We'll 334:21 363:22 we're 325:9 330:8 332:6 352:15 360:23 we've 327:14,14 338:10 340:15 353:15 Wednesday 325:1 325:9 week 354:22,24,25 360:10 364:2 weeks 333:6 Wenatchee 360:4 went 333:3,6,13 337:22,24,25 346:2,3 348:15 350:1 weren't 333:11 west 340:23 348:5 wheel 332:21 WHEREOF 365:20	White 346:2 347:20 360:3 wide 351:2 wife 336:4,14 338:24 339:1,22 339:23 willing 344:7,11 Winnoway 328:18 340:22 341:3 withdrawn 361:12 361:15,15 witness 325:14,25 343:15 355:13,16 356:2,24 357:11 360:15,17 361:14 365:14,20 witnessed 354:16 354:20 355:8 witnesses 361:11 365:9 wives 345:4 woman 331:8 work 327:4,6,14,20 327:24 328:1,4 332:11 335:22 342:24 343:2,19 345:15,16,18,25 346:3,3,14 356:8 357:17 359:6 360:1 worked 327:1 328:5,10,12 345:10,15,20 346:7,20 351:3 359:22 360:2,6 working 327:13,25 332:13 343:22 346:10,17 360:5 wouldn't 331:3 333:3 349:25 written 338:17 341:11
	U	V		
	Uh-huh 329:12 332:5,8 334:8	Valley 335:24 337:21 344:5 359:6 variety 351:2 various 346:6 348:6 vehicle 332:18 vehicles 359:3 victim 327:7 332:18,24 video 341:11 visit 354:5 VOLUME 322:11 vs 322:6 324:2 325:4	W	
		WA 323:5,9,15,21 want 334:21 338:10 346:18 wanted 337:4 wants 360:22	X	
			X 324:1	

Y	1960s 338:13 341:15	39th 323:14	
Y 324:6	1970s 336:1 338:12 339:3	4	
Yakama 323:17 326:22 345:1,4,5 345:6,8,9,10 346:1,5 348:3 353:10	1976 345:12 1978 339:9 345:11 346:10	4 358:9 47250 323:4	
Yakima 322:7 323:15 324:2 325:4 342:15,15 359:6 365:3,7	1988 342:7 1990s 331:22,23,23 331:24,25 332:10 335:14	5	
yards 348:20	1994 327:13	5 358:10 50 360:11 509.575.0313 323:15 509.575.0351 323:15 509.910.8842 323:21	
yeah 328:17 329:8 329:18,25 330:16 331:23 332:11 334:8 335:15,20 336:3 337:17 338:9,14,20 340:1 340:16 341:7 347:1 348:1,15 349:14 350:12,15 354:1,12 361:14	1996 359:25 1st 361:5	6	
year 335:16 338:15	2	60 360:11 60s 336:3 338:14 338:15 345:11	
years 327:11 328:20 337:20 339:9,10 346:17 354:7 358:25 359:21,22 360:12	2 339:3 20 327:11 359:5,22 360:6 2008 327:16,19 2010 359:25 2015 322:14 324:3 325:2,9 365:21	7	
yesterday 363:20	206.625.1801 323:10	70s 338:18 342:6	
young 345:14,20,24	206.625.1807 323:10	8	
youth 345:18	22 349:6 352:9 353:7,9 354:6,19	8:30 322:14 325:2 325:10 807 323:14 8th 365:21	
Z	2403 322:15 325:2 2423 322:25 365:23	9	
Zecchino 362:23	25 331:8 27th 323:9	9:25 364:8 90s 335:17 95 335:17 359:13 96 335:17 98101 323:9 98115-0146 323:21 98504 323:5 98902 323:15	
0	29 322:14 324:3 325:2,9		
1	3		
100 359:13 11 331:7,9 1218 323:9 1300 323:4 15 359:5 15146 323:20 18 337:20 18th 322:15 325:2	3 352:18 30 360:7 322-365 322:7 326 324:9,10 356 324:12 357 324:14 358 324:15 359 324:16 360.664.1136 323:5		