

## Thelma Kremer

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**From:** Pamela Hamilton  
**Sent:** Monday, July 27, 2020 11:07 AM  
**To:** Pearson, Rayne (UTC)  
**Cc:** Roberson, Jeff (UTC); Taylor Hallvik; Brewster, Stacey (UTC); Kelsey Endres; Mike Chait; Laura Meier; Hayley Ventoza; Thelma Kremer  
**Subject:** TR-190228: Clark County v BNSF Railway Company - Tenth Joint Status Report attached  
**Attachments:** Tenth Joint Status Report.pdf

Dear Honorable Judge Pearson,

Attached please find the Tenth Joint Status Report regarding the above-referenced matter. Feel free to call or email with any questions or to further discuss.

Respectfully,

**Pamela Hamilton**, Civil Paralegal / Criminal Public Records Coordinator  
CLARK COUNTY PROSECUTOR'S OFFICE – Civil Division  
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**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

<p>In Re the Petition of:  CLARK COUNTY, <span style="margin-left: 100px;">Petitioner</span>  v.  BURLINGTON NORTHERN SANTA FE RAILWAY, <span style="margin-left: 100px;">Respondent.</span></p>	<p style="text-align: center;">DOCKET NO. TR-190228  <b>TENTH JOINT STATUS REPORT</b></p>
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Pursuant to the ALJ’s September 25, 2019, Notice Suspending Procedural Schedule, the parties provide this Tenth Joint Status Report regarding ongoing settlement negotiations.

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’ need to turn left onto an access road, which parallels the railroad tracks to the south of the crossing. The parties have not yet resolved issues pertaining to ownership and access on both sides of the crossing. The parties are now evaluating whether and how these unresolved issues will impact this matter and the ability to proceed with any measures that may ultimately be approved by the UTC. In addition, the public health emergency surrounding COVID-19 has complicated the County’s ability to analyze these issues, consult with community stake holders, and engage policy makers to determine a path forward.

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The Parties jointly request that the ALJ maintain the suspension of the procedural schedule to allow the parties to continue the above referenced discussions.

Respectfully submitted this 27th day of July 2020.

*s/ Taylor R. Hallvik*

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Taylor R. Hallvik, WSBA #44963  
Deputy Prosecuting Attorney  
Clark County Prosecutor's Office – Civil Div.  
Attorney for Petitioner

*s/ Hayley Ventoza*

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Hayley Ventoza, WSBA # 46306  
Attorney, BNSF Railway Company  
Attorney for Respondent  
*Per email authority*

## CERTIFICATE OF SERVICE

I hereby certify that I have this day mailed the parties' Tenth 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 electronic mail and regular U.S.P.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

Hayley Ventoza  
Montgomery Scarp, & Chait PLLC  
1218 Third Avenue, Suite 2500  
Seattle, WA 98101  
hayley@montgomeryscarp.com

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

DATED this 27<sup>th</sup> day of July 2020, at Vancouver, Washington.

*s/ Pamela Hamilton*  
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Pamela Hamilton, Civil Paralegal