

**From:** [Pearson, Rayne \(UTC\)](#)  
**To:** [Records Management \(UTC\)](#)  
**Subject:** FW: Docket No. TR-220540 - City of Wenatchee v. BNSF Railway Company  
**Date:** Monday, July 31, 2023 4:54:25 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

Received  
Records Management  
Jul 31, 2023

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Please place the below email thread in Docket TR-220540. Thank you!

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**From:** Pearson, Rayne (UTC)  
**Sent:** Monday, July 31, 2023 4:53 PM  
**To:** 'Steve Smith' <[steve@dadkp.com](mailto:steve@dadkp.com)>; Gabby DeGregorio <[Gabby.DeGregorio@Foster.com](mailto:Gabby.DeGregorio@Foster.com)>; Toni Martin <[toni@dadkp.com](mailto:toni@dadkp.com)>; Roberson, Jeff (UTC) <[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)>; DeMarco, Betsy (UTC) <[betsy.demarco@utc.wa.gov](mailto:betsy.demarco@utc.wa.gov)>  
**Cc:** Christopher Emch <[chris.emch@foster.com](mailto:chris.emch@foster.com)>; Trey.Sargent@BNSF.com; Thomas Ahearne <[ahearne@foster.com](mailto:ahearne@foster.com)>; Adrian Urquhart Winder <[adrian.winder@foster.com](mailto:adrian.winder@foster.com)>  
**Subject:** RE: Docket No. TR-220540 - City of Wenatchee v. BNSF Railway Company

Thank you, this works. I'll place your email in the docket. Please update me again by September 1 if you have not yet reached a resolution by then.

## **Rayne Pearson (she/her)**

Administrative Law and Policy Director  
(360) 664-1136 (Desk)  
(360) 480-8022 (Cell)  
[rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)



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**From:** Steve Smith <[steve@dadkp.com](mailto:steve@dadkp.com)>  
**Sent:** Monday, July 31, 2023 4:34 PM  
**To:** Pearson, Rayne (UTC) <[rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)>; Gabby DeGregorio <[Gabby.DeGregorio@Foster.com](mailto:Gabby.DeGregorio@Foster.com)>; Toni Martin <[toni@dadkp.com](mailto:toni@dadkp.com)>; Roberson, Jeff (UTC) <[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)>; DeMarco, Betsy (UTC) <[betsy.demarco@utc.wa.gov](mailto:betsy.demarco@utc.wa.gov)>  
**Cc:** Christopher Emch <[chris.emch@foster.com](mailto:chris.emch@foster.com)>; [Trey.Sargent@BNSF.com](mailto:Trey.Sargent@BNSF.com); Thomas Ahearne

<[ahearne@foster.com](mailto:ahearne@foster.com)>; Adrian Urquhart Winder <[adrian.winder@foster.com](mailto:adrian.winder@foster.com)>

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### External Email

Dear Judge Pearson,

We have a status update due tomorrow and both Chris Emch on behalf of BNSF and me on behalf of the City of Wenatchee are out of the office traveling. I am hoping this email will suffice as a proper status update. The parties have been conversing and city staff reports that they have reached an agreement as to the key issues. We just need to work through a maintenance agreement and then should be in a position to resolve the case. We have no pending hearing date and at this time it does not appear that we will need one.

Please feel free to contact me if you have further questions.

Steve Smith

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**From:** Pearson, Rayne (UTC) <[rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)>

**Sent:** Friday, April 14, 2023 3:23 PM

**To:** Gabby DeGregorio <[Gabby.DeGregorio@Foster.com](mailto:Gabby.DeGregorio@Foster.com)>; Steve Smith <[steve@dadkp.com](mailto:steve@dadkp.com)>; Toni Martin <[toni@dadkp.com](mailto:toni@dadkp.com)>; Roberson, Jeff (UTC) <[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)>; DeMarco, Betsy (UTC) <[betsy.demarco@utc.wa.gov](mailto:betsy.demarco@utc.wa.gov)>

**Cc:** Christopher Emch <[chris.emch@foster.com](mailto:chris.emch@foster.com)>; [Trey.Sargent@BNSF.com](mailto:Trey.Sargent@BNSF.com); Thomas Ahearne <[ahearne@foster.com](mailto:ahearne@foster.com)>; Adrian Urquhart Winder <[adrian.winder@foster.com](mailto:adrian.winder@foster.com)>

**Subject:** RE: Docket No. TR-220540 - City of Wenatchee v. BNSF Railway Company

Thank you to both parties for making these corrections. Have a great weekend.

## Rayne Pearson (she/her)

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**From:** Gabby DeGregorio <[Gabby.DeGregorio@Foster.com](mailto:Gabby.DeGregorio@Foster.com)>

**Sent:** Friday, April 14, 2023 3:20 PM

**To:** [steve@dadkp.com](mailto:steve@dadkp.com); [toni@dadkp.com](mailto:toni@dadkp.com); Roberson, Jeff (UTC) <[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)>; DeMarco, Betsy (UTC) <[betsy.demarco@utc.wa.gov](mailto:betsy.demarco@utc.wa.gov)>; Pearson, Rayne (UTC) <[rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov)>

**Cc:** Christopher Emch <[chris.emch@foster.com](mailto:chris.emch@foster.com)>; [Trey.Sargent@BNSF.com](mailto:Trey.Sargent@BNSF.com); Thomas Ahearne <[ahearne@foster.com](mailto:ahearne@foster.com)>; Adrian Urquhart Winder <[adrian.winder@foster.com](mailto:adrian.winder@foster.com)>

**Subject:** Docket No. TR-220540 - City of Wenatchee v. BNSF Railway Company

External Email

Good afternoon,

Attached please find the following documents that were re-filed today with the WUTC.

1. Cover letter to Amanda Maxwell
2. Prefiled Testimony of Alex D. Funderburg, Jr.
3. Exhibit A – 49 CFR Subtitle B, Chapter II, Part 222, including Appendix A (Approved Supplementary Safety Measures)
4. Exhibit B – Aerial view of approximate distance from existing gate arm to commercial driveway, obtained from Google Maps on March 3, 2023

Thank you,

**Gabby DeGregorio**  
**Legal Practice Assistant**

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