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SMAR 13 2013

MONTGOMERY SCARP, PLLC

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

**IN RE PENALTY ASSESSMENT:
TR-121921**

DOCKET NO. TR-121921

DECLARATION OF JAMES
DENSMORE

I, James Densmore, under penalty of perjury of the laws of the State of Washington,
hereby declare:

1. I am currently employed as a track inspector for the BNSF Railway Company
("BNSF"). In 2009 - 2011, I was employed as an Assistant Roadmaster and truck driver for
BNSF.

2. I am familiar with the BNSF crossing located at Siper Road in Whatcom
County.

3. The Siper Road crossing is adjacent to a gravel pit, the Siper Quarry.

4. I have had multiple occasions to observe the traffic going to and from the Siper
Quarry. On any given day, anywhere from fifteen to one hundred trucks with attached pigs
(trailers) can traverse the crossing going to and from the Siper Quarry.

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5. Just recently, I spent about twenty minutes at the crossing and saw approximately ten trucks traversing the crossing during that short time.

6. The trucks coming from the Siper Quarry are usually hitched to a pig. The hitches often hit the approaches to the crossing, causing deterioration of the asphalt.

7. The trucks going to and from the quarry can have a loaded gross weight in excess of 100,000 pounds, and the loaded pigs weigh between 40,000 and 45,000 pounds.

8. In 2009, I recall traversing the Siper Road crossing and being aware that BNSF was replacing rubber pads at that crossing.

9. In 2010, when I was working as a truck driver for BNSF, I picked up six to nine old rubber pads that had been removed at the Siper Road crossing in 2009, and noticed the new replacement pads in place there.

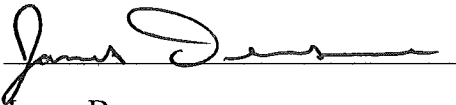
10. I am also familiar with the BNSF crossing located at Aldergrove Road in Whatcom County.

11. I am aware of BNSF replacing planks at the Aldergrove Road crossing in 2011. I personally delivered planks to that crossing for replacement.

12. I am also familiar with the BNSF crossing located at S. Walnut Street in Skagit County.

13. I cut out a deteriorated plank at the S. Walnut Street crossing and filled the portion I removed with rock. I don't recall when.

DATED this 11 day of March, 2013, at Burlington, Washington.


James Densmore