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2
3 BEFORE THE WASHINGTON UTILITIES AND
4 TRANSPORTATION COMMISSION
5

6 BNSF RAILWAY COMPANY,) DOCKET NO. TR-090121
7)
8 Petitioner,) PRELIMINARY WITNESS AND
9 vs.) EXHIBITS LIST
10) **and SUPPLEMENTAL WITNESS**
11 SNOHOMISH COUNTY,) **AND EXHIBIT LIST**
12 Respondent.)

13
14 WITNESSES

15 Petitioner BNSF Railway Company discloses the following list of possible witness:

- 16 1. **Rick Wagner**, Project Engineer ~~and/or Megan McIntyre~~, Construction
17 Roadmaster.
BNSF Railway Company

18 Mr. Wagner ~~and/or Ms. McIntyre~~ is expected to testify regarding the basis for the
19 petition to close the Logen Road crossing, i.e., why a public crossing in the middle of an
20 active siding track would create an exceptionally hazardous situation. Mr. Wagner may testify
21 why warning devices will not adequately address or remedy the dangers such that BNSF could
safely use the siding track while leaving the Logen Road crossing open to vehicular and
pedestrian travel. Mr. Wagner will also testify regarding BNSF's plan to make improvements
to adjacent crossings to help mitigate any effect on motor vehicle traffic.

- 22 2. **Daniel MacDonald**, Manager Engineering ~~and/or Megan McIntyre~~,
23 Construction Roadmaster.
BNSF Railway Company

24 Mr. MacDonald ~~and/or Ms. McIntyre~~ may testify regarding the necessity of closing the
25 Logen Road crossing from an engineering and railroad operations standpoint. Mr. MacDonald
26 will also explain why siding tracks are necessary to reduce train congestion up and down the
27 impacted I-5 rail corridor, and the necessity of the Stanwood siding track to allow freight
trains to meet and pass, and to allow trains to bypass the new Amtrak station when passenger
trains are approaching or at the station.

1 3. **David Agee**, Manager Field Safety
2 BNSF Railway Company

3 Mr. Agee's testimony will focus on his first hand observations at railroad crossings as
4 a former locomotive engineer/ conductor, the Operation Lifesaver message he delivers to the
5 community, and the reason why crossing consolidations promote public safety. Mr. Agee is
6 not testifying on behalf of or as an agent of Operation Lifesaver, however, he may illustrate
7 his testimony with one or more Operation Lifesaver PowerPoint slides, which BNSF expects
8 to receive and produce during the week of March 9, 2009.

9 4. **Kevin Jeffers**, P.E., Capital Projects Manager
10 Washington State Department Of Transportation, State Rail and Marine Office

11 Mr. Jeffers will testify about Amtrak's long-term plan to increase train traffic on the
12 line, plans for the Stanwood Amtrak station, and the necessity to extend the existing siding
13 track so that freight trains can bypass passenger trains at the station, as well as help prevent
14 rail congestion along the impacted I-5 rail corridor.

15 ~~5. **Kathy Hunter** and/or **Paul Curl**, WUTC Staff
16 Washington Utilities and Transportation Commission~~

17 ~~Ms. Hunter and/or Mr. Curl may testify regarding considerations of safety versus
18 public convenience/necessity.~~

19 6. **Gary Norris**, P.E., P.T.O.E., Senior Engineer
20 Garry Struthers Associates, Inc.
21 3150 Richards Road, Suite 200
22 Bellevue, WA 98005

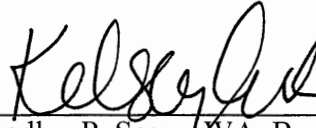
23 Mr. Norris is expected to testify about the traffic related impacts of the proposed
24 crossing closure, specifically, that the closure will not have a substantial impact on traffic
25 volumes in the area or emergency response times. Mr. Norris will also testify that suitable
26 alternative crossings exist nearby. Mr. Norris may supplement his testimony with **a Traffic
27 Impact Study and** one or more graphics illustrating Logen Road and nearby roadways, speed
limits, and traffic volumes. BNSF expects to receive and produce this/these graphic(s) during
the week of March 9, 2009.

 7. **Foster Peterson**, Partner and Railroad Consultant
 Full Service Railroad Consulting, Inc.
 4426 Hugh Howell Road, Suite B-339
 Tucker, GA 30084

 Mr. Peterson may testify regarding train operations and safety, grade crossing
accidents relating to railroad operations, the circumstances under which pedestrians and
motorists disregard warning devices, the exceptionally hazardous configuration of a crossing
in the middle of a siding track, and the potential consequences of a train/vehicle or
train/pedestrian collision. Mr. Peterson may also explain why no warning devices will
sufficiently address the dangers that would exist at the Logen Road crossing once the siding
track is constructed and in use.

1 DATED this 25th day of March, 2009.

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3 Montgomery Scarp MacDougall, PLLC

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5 _____
6 Bradley P. Scarp, WA. Bar No. 21453
7 Kelsey E. Endres, WA Bar No. 39409
8 Attorneys for BNSF Railway Company
9 1218 Third Ave., Ste. 2700
10 Seattle, WA 08101

11 CERTIFICATE OF SERVICE

12 I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery
13 Scarp MacDougall, PLLC, whose address is 1218 Third Avenue, Suite 2700, Seattle, Washington, 98101.

14 I hereby certify that the original and 11 copies of *BNSF's Preliminary Witness and Exhibits List and*
15 *Supplemental Exhibit List* has been sent by FedEx to the Executive Secretary at WUTC and a PDF and work perfect
16 version sent by electronic mail. I also certify that true and complete copies have been sent via electronic mail and U.S.
17 Mail to the following interested parties:

18 Justin W. Kasting
19 Matthew A Otten
20 Prosecuting Attorney, Civil Division
21 Robert J. Drewel Building, 7th Floor
22 M/S 504
23 3000 Rockefeller Avenue
24 Everett, WA 98201-4060

Lynn F. Logen
15017 SE 43rd Place
Bellevue, WA 98201-4060
(425) 641-1692

19 Adam E. Torem
20 1300 S. Evergreen Park Dr. SW
21 P.O. Box 47250
22 Olympia, WA 98504-7250

Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Dr. S.W.
PO Box 40128
Olympia, WA 98504-0128

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

24 DATED this 25th day of March, 2009 at Seattle, Washington.

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26 _____
27 Lisa Miller, Paralegal