



1 **Q: On page 5 of Mr. Curl’s testimony, he states that “Up to three school buses travel**  
2 **over the crossing daily. Is that accurate?**

3 A: It is not. I spoke to the school district and confirmed that school buses do not currently  
4 travel over the Valley View crossing. Additionally, I am uncertain what “railroad  
5 crossing inventory records” Mr. Curl refers to (see, for example, his answer to the  
6 second question on page 5), as he did not provide those records. Those records appear  
7 to have outdated information as compared to the Traffic Impact Study we performed and  
8 the information that the County provided.

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10 **Q: Mr. Curl wonders about the sources of data for the AADT counts in the Traffic**  
11 **Impact Study, on page 6 of his prefiled testimony. Can you please explain what**  
12 **the sources of data were?**

13 A: Yes. We conducted AADT counts for the Valley View and Ham/Arnie Road crossings  
14 on Tuesday, August 11, 2015. In areas where we did not use actual traffic counts, data  
15 from the Whatcom Council of Governments Traffic Count Manual was used. We also  
16 calculated AADT, using either historic growth rates or, when no historic information  
17 was available, a very conservative growth rate (which means we actually projected a  
18 growth rate that was faster than will likely occur). This is industry standard practice.

19  
20 **Q: On page 14 of Mr. Curl’s testimony, he states that the AADT shown in the Traffic**  
21 **Impact Study for Ham Road was not consistent with the Commission’s crossing**  
22 **inventory information. Do you agree?**

23 A: Although, again, I am unable to review the Commission’s actual crossing inventory  
24 information, these AADTs are generally consistent. From a traffic engineering  
25 perspective, there is no statistical difference between AADTs of 205 (crossing  
26 inventory) and 211 (Traffic Impact Study). Other than that, all I can say is that we  
27 actually counted the AADT at Ham Road on Tuesday, August 11, 2015.

1 **Q: Mr. Curl states that the Traffic Impact Study incorrectly described the**  
2 **characteristics of the Ham Road crossing. What is your response?**

3 A: Mr. Curl is correct that the Ham Road crossing does not currently have active devices.  
4 We have been advised that BNSF plans to install active devices, but it was an error on  
5 our part to indicate that they exist today.

6  
7 **Q: Does that change the recommendations/conclusions of the TIS?**

8 A: No. Under the “Guidance on Traffic Control Devices at Highway-Rail Grade  
9 Crossings” (November 2002), active devices would not be required at the Ham  
10 crossing even after the closure of the Valley View crossing. This is an action by BNSF  
11 that actually goes above and beyond what current safety standards would require.

12  
13 **Q: On page 15, Mr. Curl notes a discrepancy between his measurement of the width**  
14 **of Ham Road (18 feet) and the traffic study’s measurement of the width of Ham**  
15 **Road (20 feet). What is your response?**

16 A: We measured 20 feet at the location via Google Earth. However, the width can vary at  
17 different locations, and Mr. Curl may have measured 18 feet. This does not change our  
18 recommendations.

19  
20 **Q: Mr. Curl calculated the required sight distance at the Ham Road crossing as 100**  
21 **feet. Your traffic study calculated the required sight distance as 105 feet. What is**  
22 **your response?**

23 A: We evaluated the required sight distance at the Ham Road crossing using Table 2 from  
24 “Guidance on Traffic Control at Highway-Rail Grade Crossings” assuming a passenger  
25 car is the design vehicle and the trains are traveling at 10 mph. We agree with Mr. Curl  
26 that the sight distance at Ham Road exceeds minimum requirements.

1 **Q: Mr. Curl recommends that BNSF install flashing lights, in addition to gates, at the**  
2 **Ham/Arnie crossing. Do you agree? Why or why not?**

3 A: We agree, as it is generally a safer condition to have both warning devices. It is our  
4 understanding that it is BNSF standard practice to install flashing lights when it installs  
5 gates.

6  
7 **Q: Mr. Curl mentions that there are “deep ditches” adjacent to Arnie and Ham**  
8 **Road. Does that impact your analysis? Why or why not?**

9 A: This does not impact our analysis as the roadway cross section is substandard given the  
10 existing functional classification and traffic volumes per Washington State DOT  
11 standards. The functional classification and traffic volume characteristics of Ham or  
12 Arnie Road are not expected to substantially change with the Valley View Road  
13 closure causing there to be no remediation required by BNSF. Lastly, there are  
14 substandard cross section elements for most roads in the in the study area, meaning that  
15 the public is already likely traversing a substandard roadway.

16  
17 **Q: Mr. Curl recommends safety improvements at Ham Road including pavement**  
18 **markings, stop lines, and increased signage. Do you agree with those**  
19 **recommendations?**

20 A: Yes. Those would be appropriate for the crossing upgrade at Ham Road.

21  
22 **Q: Do you agree with Mr. Curl’s statement that “it seems reasonable to explore the**  
23 **possibility of widening the crossing or including stop refuges for vehicles such as**  
24 **school busses?**

25 A: No. Stop refuges are not necessary to facilitate existing travel because the AADT and  
26 peak hour volumes are low. We do not foresee backups caused by buses stopping in  
27 the lane of travel. Widening the crossing is not necessary. There would be no benefit  
28 because of road width limits.

1 **Q: Mr. Curl describes the Main Street crossing on page 19. He notes an AADT of**  
2 **751. Do you agree that that AADT is accurate?**

3 A: No, that appears to be outdated information.  
4

5 **Q: Mr. Curl notes that he is unable to understand the difference in the two different**  
6 **AADT counts that the traffic study provided for the Main Street crossing. Can**  
7 **you please explain the difference?**

8 A: Yes. The AADT 823 was counted by Whatcom County in 2010, and since there is no  
9 historical count data to calculate an average annual growth rate, we assumed a very  
10 conservative 2% average annual growth rate to calculate an estimated 964 AADT in  
11 2015.  
12

13 **Q: Please explain the discrepancy in street widths at Main Street, which were noted**  
14 **by Mr. Curl on page 20 (the traffic study noted 16 feet; Mr. Curl measured 18**  
15 **feet).**

16 A: Our measurement was from Google Earth and given as approximate. Our  
17 recommendation remains the same.  
18

19 **Q: Does that impact your recommendations in this case?**

20 A: No.  
21

22 **Q: Mr. Curl did not agree that the required sight distance at the Main Street**  
23 **crossing is 1,460 feet from the stop bar. He estimated the required sight distance**  
24 **to be approximately 825 feet. What is your response?**

25 A: If the crossing were passive (meaning no gates), we believe the required sight distance  
26 to be 1,460 feet based on Table 2 from the "Guidance on Traffic Control at  
27 Highway-Rail Grade Crossings" for trains at 80 mph and using a single unit truck as  
28 the design vehicle. We didn't use a passenger vehicle as the design vehicle because

1 Main Street has a higher functional classification and is more likely to service large  
2 vehicles.

3  
4 **Q: Do you agree with Mr. Curl that the inconsistency does not make a difference in**  
5 **recommending that the Valley View crossing be closed, due to lights and gates**  
6 **that currently exist at the crossing?**

7 A: Yes.

8  
9 **Q: Mr. Curl stated that it “seems reasonable to explore the possibility of widening**  
10 **the [Main Street] crossing or including stop refuges for vehicles such as school**  
11 **busses” on page 21. Do you agree? Why or why not?**

12 A: We do not recommend constructing such an improvement. Given the low traffic  
13 volume, we do not expect a bus to cause a backup into Portal Way for westbound  
14 vehicles. Additionally, a stop refuge requiring vehicles to depart from the normal  
15 traveled way can cause additional same direction sideswipes or rear end crashes. This  
16 condition may occur as it can be difficult for bus drivers to see vehicles approach from  
17 behind, especially when it is uncommon for vehicles to be approaching the bus from  
18 this direction.

19  
20 **Q: On page 22, Mr. Curl recommends that Whatcom County evaluate whether a**  
21 **traffic signal is warranted at the intersection at Main Street and Portal Way. Do**  
22 **you believe that such a traffic signal is necessary?**

23 A: We did evaluate whether a traffic signal is recommended at the intersection of Portal  
24 Way and Main Street. Per the Manual on Uniform Traffic Control Devices, a traffic  
25 signal at this intersection would not be warranted (Warrant 9, Intersection Near a  
26 Grade Crossing) based on the projected traffic volumes.

1 **Q: Mr. Curl notes, on page 25, that he is unclear as to what was meant by “appropriately**  
2 **signing the change in access” north of the Valley View crossing closure. Can you**  
3 **please clarify?**

4 A: “Appropriately signing the change in access” refers to alerting the roadway user that  
5 there is a dead end or that the road is closed ahead using signage per the appropriate  
6 sections of the Manual on Uniform Traffic Control Devices.

7  
8 **Q: Does this end your testimony in response to Mr. Curl’s prefiled testimony?**

9 A: Yes it does.

10  
11 **Q: Joe Rutan, County Road Engineer for Whatcom County, also submitted**  
12 **testimony relating to the traffic study. Have you reviewed the testimony that he**  
13 **filed in this case?**

14 A: Yes.

15  
16 **Q: Mr. Rutan was asked whether he had “remaining concerns about the proposed**  
17 **closure of Valley View Road [crossing]” in light of your traffic study. He stated**  
18 **that although the traffic study “points out that the delayed response times are still**  
19 **within acceptable range,” adding an additional two to four minutes “could be a**  
20 **matter of life and death for the persons in need of emergency assistance.” As a**  
21 **traffic engineering professional, what is your response?**

22 A: We understand that any time traffic flow or patterns change, such as adding a traffic  
23 signal or developing surrounding land, that there may be adverse impacts on  
24 emergency response times. In general, our objective is to maintain response times  
25 similar to the current district response times. At the very least, we recommend not  
26 creating a response time greater than the longest response time being served by the  
27 impacted responders.

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As per our conversation with Henry Hollander from North Whatcom Fire and Rescue (see Traffic Impact Study), existing response times to the Valley View Road area (between the crossing and Bay Road) are approximately 8-10 minutes. Per Mr. Hollander, expectations would be that the response time would increase to 10-12 minutes with the Valley View Road crossing closure. Mr. Hollander also stated that the proposed 10-12 minute response time is not uncommon for the fire district as some response times are as long as 15 minutes. This would keep the maximum response time for the all customers within the service area no longer than the maximum 15 minute response that currently occurs.

**Q: Does this end your testimony in response to Mr. Rutan’s prefiled testimony?**

A: Yes it does.



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DECLARATION

I, KURT BIALOBRESKI, declare under penalty of perjury under the laws of the State of Washington that the foregoing REBUTTAL PREFILED TESTIMONY OF KURT BIALOBRESKI is true and correct to the best of my knowledge and belief.

DATED this 16th day of October, 2015.



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KURT BIALOBRESKI

DATED this \_\_\_\_\_ day of October, 2015.

Montgomery Scarp, PLLC

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1 **CERTIFICATE OF SERVICE**

2 I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery  
3 Scarp PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

4 I hereby certify that the original and 1 copies of the REBUTTAL PREFILED TESTIMONY OF KURT  
5 BIALOBRESKI have been electronically filed with the WUTC and sent via FED EX to Steven King at WUTC. I also  
6 certify that true and complete copies have been sent to the following interested parties via U.S. Mail:

7 Daniel L. Gibson  
8 Chief Civil Deputy  
9 Prosecuting Attorney  
10 Whatcom County  
11 311 Grand Ave., Suite 201  
12 Bellingham, WA 98225

Joseph P. Rutan  
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11 Julian Beattie  
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15 Olympia, WA 98504-0128

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

18 DATED this 21st day of October, 2015, at Seattle, Washington.

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20 \_\_\_\_\_  
21 Pamela Ruggles, Paralegal  
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