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MONTGOMERY SCARP, PLLC

BEFORE THE WASHINGTON STATE UTILITIES
AND TRANSPORTATION COMMISSION

BNSF Railway,)	Docket No: TR -150189
)	
Petitioner,)	PREFILED TESTIMONY OF JOE RUTAN
)	
vs.)	
WHATCOM COUNTY,)	
)	
Respondent.)	

Q: Please state your full name and job title, and describe your professional background and training.

A: My name is Joe Rutan. I am the County Road Engineer for Whatcom County. I have been a licensed professional engineer since January of 1994. I have served as the Whatcom County Engineer and Assistant Director of Public Works since January of 2003.

Q: Please describe your position with Whatcom County and your previous positions.

A: I have been employed by Whatcom County for over 12 years. Duties for my current position include planning, designing, constructing, operating and maintaining Whatcom County's transportation network as well as oversight and management of related County Right-of-Ways.

Q: Are you familiar with the proposed closure of Valley View Road by BNSF?

A: I have reviewed the submittal by BNSF for the closure of Valley View Road for the project titled Intalco Yard Expansion, including its latest submission of a new traffic study of the area surrounding the proposed closure of Valley View Road on either side of the BNSF railroad tracks on the Custer Spur a short distance west of BNSF's mainline tracks.

Q: Please describe the Intalco Yard Expansion as you understand it.

A: The Intalco Yard Expansion will add rail storage and capacity on Custer Spur off the railroad's mainline for improved function and safety, and as proposed, result in the closure of Valley View Road at its current point of intersection with the railroad tracks south of Portal Way and Creasey Roads and north of Arnie Road.

Q: Did you previously have concerns about the accuracy of the traffic counts that BNSF had submitted for Valley View Road in the area of the proposed closure?

A: Yes, in the traffic information upon which BNSF had been relying prior to its submission of a new study earlier this month (September, 2015), the traffic counts for Valley View Road were significantly understated compared to traffic counts that the County had performed or commissioned.

Q: Does BNSF's recent traffic study that it has just submitted in this matter correct the traffic counts about which you previously had concerns?

A: Yes. The most recent numbers supplied by BNSF for traffic counts in the area of proposed closure are almost identical to the traffic counts that Whatcom County had previously developed for this area, so we are satisfied that the most recent information submitted by BNSF (Exhibit KB-3) for the traffic counts is fairly accurate. This updated traffic information should enable the Commission to consider community impacts of closure at least with accurate information in hand.

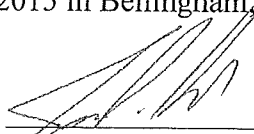
Q: Do you have any remaining concerns about the proposed closure of Valley View Road now that the traffic counts have been corrected?

A: In addition to the correction of the traffic counts, BNSF is also now proposing additional mitigation in the vicinity of the proposed closure in order to reduce traffic impacts from the closure. The mitigation proposed is an additional turn-lane at Main Street in Custer which a portion of the displaced traffic is likely to use as an alternative route through the area affected by closure. This is very helpful in my view. Nevertheless, as is noted in Exhibit KB-3, a recent traffic impact study supplementing the prefiled testimony of Kurt Bialobreski, the closure of Valley View will adversely affect emergency response times from the nearest station houses in North Whatcom Fire and Rescue's service area. Though BNSF points out that the delayed response times are still within an acceptable range, it should be apparent that time is especially of the essence whenever a true emergency exists, so the additional two to four minutes that it may take emergency response vehicles to arrive at locations south of the proposed closure on Valley View Road could be a matter of life and death for the person(s) in need of emergency assistance. I expect that this matter will be more fully addressed by personnel from nearby fire districts who have already expressed concern about the proposed closure's impact upon response times.

DECLARATION

I, Joe Rutan, declare under penalty of perjury under the laws of the State of Washington that the foregoing PREFILED TESTIMONY OF JOE RUTAN is true and correct to the best of my knowledge and belief.

Dated this 21st day of September, 2015 in Bellingham, Washington.



Joe Rutan