

**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

BNSF RAILWAY COMPANY,

Petitioner,

v.

CITY OF MOUNT VERNON,

Respondent

SKAGIT COUNTY, WASHINGTON  
STATE DEPARTMENT OF  
TRANSPORTATION, WEST VALLEY  
FARMS LLC, and SKAGIT COUNTY,

Intervenors.

DOCKET NO. TR-070696

DECLARATION OF KENNETH M.  
UZNANSKI, JR. IN SUPPORT OF  
JOINT RESPONSE IN OPPOSITION  
TO THE CITY'S MOTION IN LIMINE  
AND MOTION FOR SUMMARY  
JUDGMENT

Kenneth M. Uznanski, Jr. declares and says:

I am employed by the Washington State Department of Transportation (WSDOT) in the Freight Systems Division, State Rail Office. Since March 2007, I have served as the Rail Passenger Manager for the State Rail Office. Prior to a corporate restructuring of rail activities within WSDOT, I had served as the Manager of the Public Transportation and Rail Division, Rail Office from 1995 to March 2007.

DEC. OF KENNETH M. UZNANSKI, JR. IN SUPPORT  
OF JOINT RESPONSE IN OPP. TO  
THE CITY'S MOTION IN LIMINE AND  
MOTION FOR SUMMARY JUDGMENT

1

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1. While I was the manager of the rail office, the Mount Vernon Siding Extension project was assigned to members of my staff for execution. Jeffrey T. Schultz had project management responsibilities and Elizabeth J. Phinney served as the Environmental Manager for the project.

2. Throughout the development of the project, my staff provided me with both formal and informal project status updates. I was fully briefed on outreach efforts with local and regional officials in the Mount Vernon area. Staff and our consultants participated in numerous meetings with interested parties. I was aware of the potential permitting requirements for the project and was continuously updated as to the status of likely requirements from permitting agencies. With staff, I reviewed technical documentation, studies and reports that were developed by staff and consultants concerning the project. I conferred with staff about the potential impacts of the project.

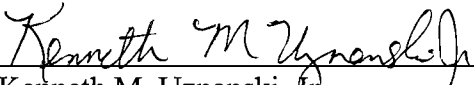
3. Based upon these discussions and the information that was presented to me, I was comfortable that extensive outreach efforts had been taking place throughout the development of the project and that the potential environmental impacts of the project were non-significant. A State Environmental Policy Act (SEPA), Determination of Non-significance (DNS), Environmental Checklist, a National Environmental Policy Act (NEPA), Documented Categorical Exclusion (DCE) were prepared for the project. These documents were supported by the studies presented to me by staff. These studies were available for public review. In fact, the

traffic study was widely distributed by Jeffrey T. Schultz of my office prior to the issuance of the SEPA DNS.

4. On February 16, 2007, WSDOT issued a SEPA DNS and an Environmental Checklist under my signature for the Mount Vernon Siding Extension Project. The development and delivery of this project was part of the rail capital program that I was responsible for administering.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this 10<sup>th</sup> day of September, 2007, at Olympia, Washington.

  
Kenneth M. Uznanski, Jr.

DECLARATION OF SERVICE

Lisa M. Savoia states and declares that I am a citizen of the United States of America, over 18 years old and competent to testify to the matters herein. On September 12, 2007, I caused to be served by e-mail and first class mail, postage prepaid, a true and correct copy of the foregoing document on the following:

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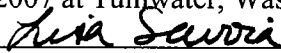
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DATED this 12 day of September, 2007 at Tumwater, Washington.

  
\_\_\_\_\_  
Lisa Savoia, Legal Assistant

DEC. OF KENNETH M. UZNANSKI, JR. IN SUPPORT  
OF JOINT RESPONSE IN OPP. TO  
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4

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