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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY, a Delaware Corporation,

Petitioner

vs.

CITY OF MOUNT VERNON

Respondents,

SKAGIT COUNTY, WSDOT, and WEST VALLEY FARMS, LLC,

Intervenors.

DOCKET NO: TR-070696

BNSF RAILWAY COMPANY'S
PRELIMINARY WITNESS LIST

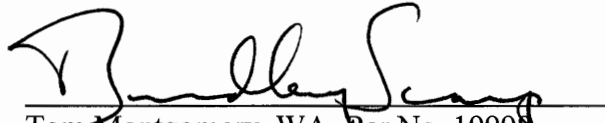
Pursuant to the Commission's pre-hearing order of August 14, 2007, Petitioner BNSF Railway Company discloses the following list of possible witness:

1. John Li and/or Megan McIntyre
Manager Public Projects, BNSF Railway Company
Mr. Li and/or Ms. McIntyre is expected to testify regarding the basis for the petition to close the Hickox Road crossing.
2. Danniell MacDonald
Manager Engineering, BNSF Railway Company
Mr. MacDonald is expected to testify regarding the necessity of closing the Hickox Road crossing from an engineering and railroad operations standpoint.

- 1 3. Robert Stafford
2 Trainmaster, BNSF railway Company
3 Mr. Stafford is expected to testify regarding train operations, public crossings,
4 and the associated safety problems at an open grade crossing at a siding and
5 mainline track.
- 6 4. Darryl Morrow and/or Christine Adams
7 Regional Manager
8 Federal Railroad Administration
9 500 East Broadway, Suite 240
10 Vancouver, WA 98660
11 Mr. Morrow and/or Ms. Adams are expected to testify regarding FRA safety
12 standards, the basis for closure of at-grade crossings, including the public safety
13 factors involved.
- 14 5. Jeff Schulz
15 Rail Operations and Rolling Stock Manager
16 Washington State Department Of Transportation, Freight Systems Division
17 Mr. Schultz will testify about the public use and necessity of the at-grade
18 crossing closure as it relates to the railroad siding project; passenger rail
19 services, transportation and safety factors, and alternative access. Mr. Schultz
20 will also testify, if necessary, regarding the administrative procedures and
21 compliance therewith relating to the siding project.
- 22 6. Gary Norris
23 Garry Struthers Associates, Inc.
24 3150 Richards Road, Suite 200
25 Bellevue, WA 98005
26 Mr. Norris will introduce the traffic impact study, and address the impact of the
27 closure on traffic volumes in the area, including on emergency services and
 response times.
7. Stu Gordon
 Assistant Terminal Superintendent, BNSF Railway Company
 Mr. Gordon is expected to testify regarding railroad operations, public
 crossings, and safety issues at grade crossings with siding and mainline tracks.
9. Foster Peterson
 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.
10. BNSF Railway Company reserves the right to disclose additional witnesses
 depending on the scope of issues allowed that cannot be reasonably anticipated
 at this time, and in rebuttal to witnesses and testimony offered by the City of
 Mount Vernon and the intervening parties.

1 DATED this 19th day of September, 2007.

2
3 Montgomery Scarp MacDougall, PLLC

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6 Tom Montgomery, WA. Bar No. 19998
7 Bradley P. Scarp, WA. Bar No. 21453
8 Of Attorneys for BNSF Railway Company
9 1218 Third Ave., Ste. 2700
10 Seattle, WA 08101
11 Tel. (206) 625-1801
12 Fax (206) 625-1807
13 tom@montgomeryscarp.com
14 brad@montgomeryscarp.com

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 Scarp
13 MacDougall, PLLC, whose address is 1218 Third Avenue, Suite 2700, Seattle, Washington, 98101.

14 I hereby certify that the original and 12 copies of *BNSF's Preliminary Witness List* has been sent by FedEx to Carole
15 J. Washburn at WUTC and a PDF version sent by electronic mail. I also certify that true and complete copies have been sent via
16 electronic mail and U.S. Mail to the following interested parties:

15 Stephen Fallquist
16 Deputy Prosecuting Attorney
17 Skagit County
18 605 S. 3rd Street
19 Mount Vernon, WA 98273

L.Scott Lockwood
Assistant Attorney General
1400 S. Evergreen Park Dr. S.W.
P.O. Box 40128
Olympia, WA 98504

18 Gary T. Jones
19 Jones & Smith
20 PO Box 1245
21 Mount Vernon, WA 98273

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

21 Brian K Snure
22 Snure Law Office
23 612 South 227th Street
24 Des Moines, WA 98198

Kevin Rogerson
City Attorney
P.O Box 809
Mount Vernon, WA 98273

23 Adam E. Torem
24 1300 S. Evergreen Park Dr. SW
25 P.O. Box 47250
26 Olympia, WA 98504-7250

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

26 DATED this 19th day of September, 2007 at Seattle, Washington.

27 

Lisa Miller, Paralegal