



Rob McKenna

## ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

1400 S Evergreen Park Drive SW • PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

September 19, 2007


Carole J. Washburn, Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

Re: *BNSF Railway Company v. City of Mount Vernon*  
Docket No. TR-070696

Dear Ms. Washburn:

Enclosed for filing in the above-referenced docket are the original and 12 copies of Commission Staff's Preliminary Witness List.

Sincerely,



JONATHAN C. THOMPSON  
Assistant Attorney General

JCT:tmw  
Enclosures  
cc: Parties



BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY,

Petitioner,

v.

CITY OF MOUNT VERNON,

Respondent.

DOCKET NO. TR-070696

COMMISSION STAFF'S  
PRELIMINARY WITNESS LIST

1 Pursuant to the Commission's August 14, 2007, Second Prehearing Conference

Order, Commission Staff reserves the right to offer the testimony of:


Thomas R. Zeinz  
Highway-Railroad Safety Consulting, LLC  
4746 Hayden Blvd.  
Columbus, OH 43221

2 Mr. Zeinz's testimony would consist of policy analysis on the issue of whether the public safety requires the closure of Hickox Road, when the public convenience and necessity of retaining the crossing are taken into consideration. Mr. Zeinz may also testify to possible conditions that the Commission could require to mitigate any harms to the public convenience and necessity that might result from closure of the crossing.

DATED this 19<sup>th</sup> day of September, 2007.

Respectfully submitted,

ROBERT M. MCKENNA  
Attorney General

  
JONATHAN C. THOMPSON  
Assistant Attorney General  
Counsel for Washington Utilities and  
Transportation Commission Staff