

Docket TR-180466  
BNSF'S RESPONSE TO BENCH REQUEST NO. 1  
March 8, 2019  
Page 1

**BENCH REQUEST NO. 1 TO BNSF:**

Please provide a history of the warning devices at the crossing in question.

**BNSF RESPONSE:**

BNSF's Signal Department was unable to locate records showing an installation date for the warning devices currently installed at the crossing. The attached FRA inventory report indicates the date the crossing was reported to the FRA's database (1/1/1970), and is the best information BNSF has in regard to installation date. This report shows flashing lights and gates were present at the time of record creation. Therefore, the crossing has had flashing lights and gates since at least January 1, 1970.

Date prepared: March 8, 2019  
Preparers: BNSF attorney  
Witness with knowledge about this response: Steve Semenick

DATED this 8<sup>th</sup> day of March 2019.

**MONTGOMERY SCARP & CHAIT PLLC**



---

Kelsey Endres, WSBA No. 39409  
1218 Third Avenue, Suite 2500  
Seattle, WA 98101  
[Kelsey@montgomeryscarp.com](mailto:Kelsey@montgomeryscarp.com)  
Attorneys for BNSF RAILWAY COMPANY

**CERTIFICATE OF SERVICE**

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

I hereby certify that true and complete copies of BNSF'S RESPONSES TO BENCH REQUEST have been sent via Electronic mail and electronic mail to the following interested parties:

Jeff Roberson  
Office of the Attorney General, WUTC  
1400 S. Evergreen Park Drive SW  
P.O. Box 40128, Olympia, WA 98504-0128  
[jeff.roberson@utc.wa.gov](mailto:jeff.roberson@utc.wa.gov)

James P. Karcher  
Whatcom County Public Works Department  
5280 Northwest Drive, Suite C  
Bellingham, W A 98226  
[jkarcher@co.whatcom.wa.us](mailto:jkarcher@co.whatcom.wa.us)

Christopher Quinn  
311 Grand Ave Suite 201  
Bellingham, WA 98225  
[cquinn@co.whatcom.wa.us](mailto:cquinn@co.whatcom.wa.us)

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

DATED this 8th day of March 2019, at Seattle, Washington.

s/Pamela Ruggles  
Pamela Ruggles, Paralegal