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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
PREFILED TESTIMONY OF
STUART GORDON

INTRODUCTION

- Please state your full name and job title.**
Stu Gordon, Assistant Terminal Superintendent, BNSF Railway Company.
- Please describe your position with BNSF Railway Company (BNSF).**
I have been employed by BNSF Railway Company (BNSF), or one of its predecessors, for approximately 40 years. During my employment, I have worked as a B&B Helper, Switchman,

ORIGINAL

1 Yardmaster, Assistant Trainmaster, Trainmaster, Terminal Manager, Terminal Superintendent,
2 Superintendent Operations, Terminal Manager and Assistant Terminal Superintendent, including
3 the last year in that position out of BNSF's Everett, Washington terminal. In general, my duties
4 as Assistant Terminal Superintendent include responsibility for train/crew operations on the
5 Bellingham, Scenic, Stampede, and New Westminster Subdivisions.
6

7 **3. Are you familiar with the siding project being constructed at Mount Vernon and if**
8 **so what is the extent of your knowledge or involvement with that project?**

9 Yes I am familiar with the project. My involvement is as a supporter of the siding project,
10 as it is within my area of responsibility and I was consulted on the need for and use of the project.
11

12 **4. In the foreseeable future, how often does BNSF expect trains to be stopped on the**
13 **siding track?**

14 Currently, only two to four trains use the Mt. Vernon siding per day (mostly Amtrak),
15 because the shortened version does not accommodate BNSF trains that are too long to pull in. The
16 current siding measures 6,075 feet, while BNSF trains commonly range up to 8,000 feet or longer.
17 The longer trains slow the rail system down when faster trains cannot pass them at the siding. The
18 completed project will measure 12,726 feet and have an immediate impact, as all BNSF freight
19 trains and Amtrak trains will be able to use the siding track - up to 16 trains per day. The likely
20 initial average will be at least 6-8 trains per day, and this is projected to increase as Amtrak and
21 BNSF increase the number of trains on the route.
22

23 **5. For how long can trains expect to be stopped on the siding track?**

24 Trains may be stopped on the siding track from a range of minutes to several hours.
25
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27

1 **6. Will you please explain the purpose of siding track?**

2 The siding track acts like the second track in a double track - where one train can pass
3 another safely. This is necessary on tracks where trains have different priority and speeds,
4 especially where trains run on the rail frequently.

5
6 **7. How does siding track alter a grade crossing based on a safety standpoint?**

7 Siding track creates any number of hazards. First, you have the inherent danger in crossing
8 two sets of railroad tracks. Second, trains parked in the siding track block motorists' views of
9 trains approaching a crossing on the mainline track. Third, the warning signals may be confusing
10 to drivers and pedestrians when two tracks are involved instead of one and a train is parked on the
11 siding track. Fourth, it is very dangerous for pedestrians to cross near parked trains that are subject
12 to move at any time, where the conductor may be more than a mile away from the pedestrian(s)
13 because of the length of the train. Fifth, emergency personnel rushing to an incident may approach
14 the crossing too hastily and have trouble negotiating the line of sight around a train parked in the
15 siding.

16
17 **8. What is the best way to address those safety concerns?**

18 The best way is to close the crossing.

19
20 **9. Why CLOSE a crossing, as opposed to the other alternatives?**

21 Once a grade crossing is closed/eliminated, there is no possibility the crossing will ever
22 be the site of a vehicle/train crash, with its accompanying possibility of death, personal injuries,
23 property damage, fires, explosions, and/or hazardous material spills. This is especially important
24 where a crossing has operating problems like multiple tracks, long periods of blocked crossings,
25 and extensive rail-switching operations.

1 10. **In what type of scenario would you recommend an alternative to closing the**
2 **crossing?**

3 Where an underpass or overpass already exists, or in the rare situation where a private
4 crossing is the only possible means of access for a single landowner (where construction to
5 another access point is impossible) who by contract assumes the risk of crossing the right-of-way.
6

7 11. **Are there other benefits to closing a crossing, besides safety?**

8 Yes- there are reduced street maintenance costs for the city and reduced noise levels
9 because the trains no longer have to blast their horns approaching the area.
10

11 12. **Why can't trains run only at night to prevent blocked crossings?**

12 The amount of goods, volume of traffic and need for timely delivery of goods - not to
13 mention, the need for commuter trains to get people to and from work during the day - requires
14 that trains move at all times of the day and night.
15

16 13. **Are you aware of other safety problems that can occur if this public crossing is kept**
17 **open where there is a siding track and main line track? What are those problems?**

18 Amtrak, which uses the main rail for its Amtrak Cascades route, runs its trains at even
19 faster speeds than BNSF's freight trains, which creates great risk if drivers cannot see the train
20 approaching. Drivers may try to get through the crossing when it is partially blocked by a train.
21 The risk of trespassers damaging or vandalizing warning devices cannot be ignored - and the result
22 could be catastrophic.
23

24 14. **Would you advise allowing splitting a train at this crossing, under the circumstances**
25 **described, or not? Can you explain your answer?**

26 I would not advise allowing splitting a train at Hickox Road- it is simply too unsafe under
27 any conditions. The reason that trains are put onto siding tracks is because other (often faster)

1 trains need to bypass them. A crossing involving multiple trains on multiple tracks, as well as
2 motor vehicles and pedestrians traveling in multiple directions throughout the day is an accident
3 waiting to happen - an accident that can and should be prevented by eliminating the crossing.
4

5 **15. Is there any circumstance in which you would deem it safe for a vehicle, even an**
6 **emergency vehicle, to cross the tracks if a train stopped on the siding track was split or was**
7 **not blocking or fully blocking the actual crossing?**

8 No. BNSF cannot shut off warning devices when a train is in the vicinity of the crossing.
9

10 **16. This issue obviously involves conflicting demands for efficient transportation. Why,**
11 **besides safety, should railroads be able to close crossings i.e., force residents near Hickox**
12 **Road to reroute to other crossings?**

13 First, the law provides for closure of grade crossings because they are unsafe. Second,
14 Washington is like every other part of the country - its highways are reaching capacity, and
15 planners are rapidly running out of places to locate new highways, particularly within urban and
16 suburban settings. BNSF's rail network, however, still has significant capacity to deliver goods,
17 and Amtrak is increasing its Amtrak Cascades service to commuters. By making intelligent
18 decisions, transportation planners can reduce congestion on I-5, increase the speed and
19 convenience of shipping freight and improve the environmental and logistical quality of life.
20 Closing the Hickox crossing, while inconveniencing some rural residents, would have greater net
21 benefit to the community both in terms of economy and safety.
22
23

24 DECLARATION

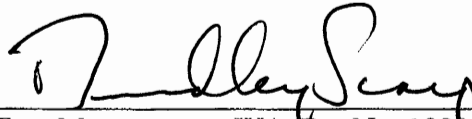
25 I, Stuart Gordon, declare under penalty of perjury under the laws of the State of
26 Washington that the foregoing PREPARED TESTIMONY OF STUART GORDON is true
27 and correct to the best of my knowledge and belief.

1 DATED this 5th day of October, 2007.

2
3 
4 STU GORDON

5 DATED this 8th day of October, 2007.

6
7 Montgomery Scarp MacDougall, PLLC

8 

9
10 Tom Montgomery, WA. Bar No. 19998
11 Bradley P. Scarp, WA. Bar No. 21453
12 Of Attorneys for BNSF Railway Company
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15 Tel. (206) 625-1801
16 Fax (206) 625-1807
17 tom@montgomeryscarp.com
18 brad@montgomeryscarp.com

19 CERTIFICATE OF SERVICE

20 I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp
21 MacDougall, PLLC, whose address is 1218 Third Avenue, Suite 2700, Seattle, Washington, 98101.

22 I hereby certify that the original and 12 copies of PREFILED TESTIMONY OF Stu Gordon has been sent
23 by FedEx to Carole J. Washburn at WUTC and a PDF version sent by electronic mail. I also certify that true and complete copies
24 have been sent via electronic mail and U.S. Mail to the following interested parties:

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

7 DATED this 8th day of October, 2007 at Seattle, Washington.

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9 Lisa Miller, Paralegal

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