Exhibit No._____ (MM-1T)

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 MEGAN McINTYRE

INTRODUCTION

1. **Please state your full name and job title.**

Megan McIntyre, Manager Public Projects, BNSF Railway Company.

2. **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 four years. During my employment, I have worked as a Management Trainee,

MONTGOMERY SCARP MACDOUGALL, PLLC
1218 Third Avenue, Suite 2700
Seattle, Washington 98101
Telephone (206) 625-1801
Facsimile (206) 625-1807

Assistant Roadmaster, Project Engineer, and Manager Public Projects including the last 2 years in that position out of BNSF's San Bernardino, California terminal (Manager Public Projects for Arizona and Southern California) and for the past four months, out of BNSF's Seattle, Washington terminal (Manager Public Projects for Washington). In general, my duties as Manager Public Projects include negotiating all contract agreements for projects with the Washington State Department of Transportation ("WSDOT"), including design, property, budget and cost-sharing. I am also involved in projects involving crossing closures, whether it be complete closure or grade separations to eliminate highly dangerous, unnecessary or redundant crossings.

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

I am in charge of crossing safety, closures and upgrades for WSDOT projects. Since this project involves a closure with WSDOT funding and is benefitting Amtrak, I have been highly involved since I transferred from California in July 2007.

4. **What does the siding project involve?**

This project involves a southward extension of the existing Mt. Vernon siding track, located north of Hickox Road at Mile Post 66.8.

5. **What will the overall length of the siding track measure when the project is completed?**

The siding track currently measures 6,075 feet, which is too short to accommodate all trains that are going to need to pull into the siding. The project will extend the Mt. Vernon siding south, across and past Hickox Road, so that it will measure 12,726 feet (10,135 feet practically usable because of track configuration) and be able to accommodate virtually all trains.

MONTGOMERY SCARP MACDOUGALL, PLLC
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6. **What are the lengths of the trains that will occupy the siding track once it is put in use?**

The average length of a train is a mile or more, and commonly ranges up to 8,000 feet. It is even possible for trains to measure 10,000 feet. The siding track will be able to accommodate essentially any size train running in Washington, and will be the longest of any of its neighboring siding tracks (the closest siding track to the north measures 8,884 feet; the closest siding track to the south measures 6,846 feet).

7. **How often do trains currently use the existing track through Mount Vernon and is the current number expected to stay the same or change?**

Currently, the count through Mt. Vernon averages 11-12 freight and 4 Amtrak trains daily. Steady growth is projected.

8. **What role does the siding track play in that and what is its purpose?**

Siding track is necessary when trains run on a single track, like the track involved here. It is used in two situations: first, when two trains are traveling toward each other from opposite directions and need to pass each other; and second, when a faster or higher-priority train needs to pass a slower or lower priority train headed in the same direction. Amtrak passenger trains have priority because they must meet time schedules (generally, freight trains are not on a schedule) and they travel faster- so BNSF's freight trains must wait on siding tracks until the Amtrak train passes the siding track. Amtrak trains also use the siding to pass one-another when headed in opposite directions.

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

Depending the speed of the trains and whether or not they are on schedule, a train pulling into the siding may have to wait for a considerable time before it is free to continue its journey. If the oncoming train is late, but has just passed the last siding between the trains, the stopped train

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Seattle, Washington 98101
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would have to wait while the oncoming train covered the miles between the sidings. That could easily mean the stopped train would stay on the siding for an hour or more, depending on the speed of the oncoming train. The problem is even worse in cases where a lower priority train pulls into the siding to allow an overtaking train going in the same direction to pass. In this case, the train must wait until the overtaking train has proceeded far enough so that the passed train has a clear signal from the dispatcher to proceed.

10. **Where will the Hickox Road crossing be located in relation to the siding track once that project is complete?**

Hickox Road will be located on the southern half of the extended siding track.

11. **Are there active warning devices, lights, bells at the Hickox Road crossing, and if so, how and when are those warning devices activated?**

The crossing has automatic lowering gates with flashing lights and clanging bells. The signal detects train movement within 4000 feet of arrival for a maximum speed of 79 m.p.h. (Amtrak), and the warning devices turn on - the gates are lowered, the lights begin to flash, and the bell sound begins to ring.

12. **Would trains block the Hickox Road crossing when they are stopped on the siding track?**

In the majority of cases, yes. But even if a train is short enough and the conductor stops it far enough north of the crossing, a visibility hazard is created for cars and pedestrians at the crossing (should it remain open). The parked train will prevent an open view of southbound trains running on the main line.

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Seattle, Washington 98101
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13. **If the Hickox Road crossing remains open and the warning devices remain in use, would those warning devices, lights, bells be activated while a train was stopped on siding track?**

Yes, the warning lights, bells and gates would be activated while the train approached the crossing on the siding track.

14. **Would the warning devices continue to function during while the train was stopped on the siding track, blocking the crossing? For how long?**

Once the warning device sensed the train had stopped, the bell would "time out" after twenty (20) seconds, whether the train blocks the crossing or is "split" so that part of the train is on one side of the crossing and part of the train is on the other. The gates and lights would continue to function until the train moved out of the range of the sensors.

15. **If a train approached the Hickox Road crossing and stopped on the siding track but did not block the actual crossing during the time it was stopped, would the train activate the warning devices?**

Yes. The activation would begin before the train stopped, once it reached the sensor. If the train stopped closer than 75 feet before the crossing, the warning devices would continue (only the bell would time out).

16. **If a train on a siding track was split and opened for traffic, would the warning devices (gates/lights) still be activated?**

At least initially, yes. When a train is split and parked on either side of a crossing, the gates will stay down and the lights will keep flashing unless each part of the train is parked more than 75 feet from the edge of the roadway. BNSF cannot override the warning system.

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17. **Would these scenarios (train stops before crossing or train is split) cause any particular problems from a train operation or safety standpoint?**

These situations present a huge danger to the public. Imagine, some driver sees a train stopped on the siding track, with the gate down and lights flashing, but no sound (the bell has timed out after the train stopped). Then, the warning device starts clanging. The driver thinks that the warning is for the stopped train - that the stopped train is about to move. The same situation could easily occur if the gates are up because the train is stopped far enough away from the crossing, and then lower with lights and bells. When the train does not move, the driver decides the warning signal is a fluke, drives around the gates, crosses the siding track, and gets hit by a train passing the train stopped on the siding track - because the driver couldn't see the mainline train and was confused by (or ignored) the warning devices.

18. **Is it reasonable for BNSF to "split" a freight train that is stopped on the siding track and blocking the crossing to open the crossing for an approaching emergency vehicle?**

It is completely impractical to do so. It would take more time for the railroad crew to split the train than for the emergency vehicle to travel the extra few miles and use one of the alternate crossings. The conductor's walk from the lead locomotive to the spot of the split may be one mile or more, depending on the length of the train. A split must be done manually; there is no "magic button" to split cars apart. Then, the conductor must walk back to the locomotive and pull the train apart.

19. **Would splitting the train stopped on the siding track to allow vehicle traffic through the blocked crossing have any effect on other rail traffic, such as Amtrak, using the mainline?**

Recombining the split cars takes longer than the actual split, since it involves backing the train to rejoin the cars, walking from the locomotive to the split to reattach the cars, re-hooking the air brakes, then walking back to the locomotive and running required diagnostic testing. This

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would delay other trains behind, delay the split train, and potentially screw up the whole dispatch schedule for the area. This would add at the very least 30 or 45 minutes to the train's original wait time.

20. **What circumstances, if any, would you advise allowing BNSF to split a train at a grade crossing?**

The only circumstance where I may recommend splitting is where a train is going to be blocking a crossing for a long time, such as a broken part or crew change. This should not involve a siding track, however, where other trains' schedules are dependent on a smooth turnover rate. Where siding tracks are involved, it is optimal and necessary to close the crossing first, because of safety, and second, because of train timing. Further, if the crossing remains open and trains are parked or even split, pedestrians may be tempted to walk under, over, near and around the trains. This can have fatal consequences if the engineer cannot see the trespasser. Removing the crossing discourages people from walking under, over and around trains.

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

No, because of the reduced visibility and potential to disregard the warning signals. It is flat-out unsafe, no matter what, especially if a vehicle is racing to get to a destination.

22. **Can you please describe the effect that leaving the Hickox Road crossing open once the siding track is completed would have on BNSF's railroad operations?**

It is unrealistic to expect BNSF to split all trains once a vehicle pulls up. It is impractical to expect a BNSF dispatcher to be liable to warn the public or emergency personnel of an oncoming train - dispatchers have to keep track of trains all over the region at any given time. If

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Facsimile (206) 625-1807

the crossing is left open, there will be a large inefficiency and train delay problem, but most importantly, an intolerable level of risk to public safety.

DECLARATION

I, Megan McIntyre, declare under penalty of perjury under the laws of the State of Washington that the foregoing PREPARED TESTIMONY OF MEGAN McINTYRE is true and correct to the best of my knowledge and belief.

DATED this 8th day of October, 2007.

MEGAN McINTYRE

DATED this 8th day of October, 2007.

Montgomery Scarp MacDougall, PLLC

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

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

MONTGOMERY SCARP MACDOUGALL, PLLC
1218 Third Avenue, Suite 2700
Seattle, Washington 98101
Telephone (206) 625-1801
Facsimile (206) 625-1807

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

Stephen Fallquist
Deputy Prosecuting Attorney
Skagit County
605 S. 3rd Street
Mount Vernon, WA 98273

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

Gary T. Jones
Jones & Smith
PO Box 1245
Mount Vernon, WA 98273

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

Brian K Snure
Snure Law Office
612 South 227th Street
Des Moines, WA 98198

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

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

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 October, 2007 at Seattle, Washington.

Lisa Miller

Lisa Miller, Paralegal

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1218 Third Avenue, Suite 2700
Seattle, Washington 98101
Telephone (206) 625-1801
Facsimile (206) 625-1807