

1 including the last year in that position out of BNSF's Seattle, Washington Northwest Division
2 Headquarters. In general, my duties as Manager Engineering include delivery of BNSF's capitol
3 construction program for Engineering Services and providing engineering assistance to other
4 BNSF departments, when requested to do so, on the Northwest and Montana Divisions. This
5 includes delivery of the BNSF/WSDOT Rail Office program in the State of Washington.
6

7 **3. Please explain your background and qualifications for working on crossing safety**
8 **issues and potential crossing closures.**

9 In addition to my experience working for BNSF, prior to working for BNSF, I worked as
10 the Manager, Crossing Safety Section, for the Oregon Department of Transportation's Rail
11 Division. In general, my duties as Manager, Crossing Safety Section included oversight of the
12 State's Crossing Safety Section, enforcement of highway-rail grade crossing regulations, rule
13 making (OAR), management of the grade crossing application process (including petitions to
14 establish, alter, or eliminate highway-rail grade crossings), and providing technical information
15 and guidance to ODOT's Highway Division (i.e. State Traffic Engineer) and regulated Public
16 Authorities. I am currently the Secretary for the Railroad and Light Rail Transit Committee (Parts
17 8 and 10 of the MUTCD) of the National Committee on Uniform Traffic Control Devices.
18

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

21 Yes, I am familiar with the project. One of my project engineers is responsible for
22 managing the day to day design and construction of this project under my oversight and
23 responsibility. I am involved in the project to the extent needed to address the issues raised. At this
24 time, I am extensively involved.
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1 **5. Do you believe the Hickox Road grade crossing should be closed once the siding**
2 **project is complete? Why or why not?**

3 Yes, I believe the crossing should be closed once the project is complete. I believe it is a
4 safety issue for our train crews and the traveling public. The Railroad-Highway Grade Crossing
5 Handbook (Revised Second Edition – FHWA-SA-07-010) states that crossings should always be
6 considered for closure. The construction of this siding will create the situation whereby trains may
7 occupy the crossing for an extended period of time. This creates the potential for an increase in
8 drivers' tendencies to attempt to "beat the train" rather than wait at the crossing. Additionally,
9 given the two tracks that would exist at this crossing, it creates a potential safety issue for drivers
10 and pedestrians to ignore the warning devices once the train on the siding stops: the train on the
11 main line continues at authorized speed.

12
13 **6. The Hickox Road crossing already has "active" warning devices installed - gates,**
14 **lights, and bells. Once the siding track is extended across it, would the current warnings be**
15 **adequate? Why or why not?**

16 The installation of flashing lights and gates provide the required minimum for
17 crossings where federal funds are used (see 23 CFR 646). However, the planned operation of
18 trains through this segment of the railroad will require trains to meet at this location. Therefore,
19 the devices would be active for extended periods and the crossing would not be available to public
20 travel for the length of time needed to meet and pass trains. The loss of the use of the crossing to
21 the public for extended periods of time has the tendency to create driver behavior to attempt to
22 "beat the train" when the driver notices the warning devices activate in advance of a train's arrival.

23
24 **7. Is it reasonable to "split" trains to allow the crossing to remain open? Why or**
25 **why not?**

26 No, it is not reasonable to split the train for meets and passes. This creates hazards for
27

1 our train crews who must walk the length of the train to “split” it as well as for inspections.
2 Having the train crew on the ground at the grade crossing exposes them to the risk of being struck
3 by motor vehicles. BNSF operates 24 hours a day, 365 days a year regardless of weather
4 conditions. Splitting the train would require the train to stop, let an employee off the train then
5 pull the train forward to the point the cut would be made. The train would stop again, and the
6 employee would release the coupler. The train would then move forward to clear the crossing. The
7 employee would be required to walk the train and set a required number of hand brakes (per BNSF
8 Operating Rules). The employee would then have to walk all the way to the front of the train to
9 return to the cab. Once the train was cleared for movement, this entire process would have to be
10 reversed.

11
12 **8. Will you please describe any safety issues that would result if trains are split and**
13 **the crossing remains open to public drivers?**

14 It is my experience that drivers tend to disregard warning devices when they believe the
15 cause for the activation is the nearby train that is not moving. This creates the potential for a driver
16 to violate the warning devices and drive into the path of an oncoming train.

17
18 **9. Can you please describe the effect that leaving the Hickox Road crossing open**
19 **once the siding track is completed would have on BNSF’s engineering?**

20 Keeping the crossing open would have impacts on BNSF’s engineering of the proposed
21 siding construction. The siding would have to be redesigned to accommodate a full trainman’s
22 walkway on the east side of the proposed siding. This is required to allow a safe walkway for the
23 employee while performing duties associated with “splitting” the train. There is a potential for
24 right-of-way issues to exist for this additional construction given the recent development approved
25 by the City of Mt. Vernon adjacent to BNSF’s right-of-way.

26 With regard to BNSF’s maintenance of the crossing, the crossing, as it exists, is
27 maintained to the standards required by the Washington Utilities and Transportation Commission.

1 Adding a second track would require additional surface maintenance for the crossing. BNSF
2 would also become responsible for the upkeep of the asphalt between the crossing panels.

3 The approach grades of Hickox Road would also have to be evaluated to verify if they
4 could be adjusted, given the recent land use activities adjacent to the crossing that were approved
5 by the City, to meet current American Association of State Highway and Transportation Officials
6 ("AASHTO") standards.

7 Keeping the crossing open creates undesirable public safety and railroad operational safety
8 issues.

9
10 DECLARATION

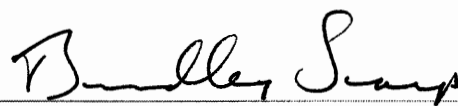
11 I, Danniell MacDonald, declare under penalty of perjury under the laws of the State of
12 Washington that the foregoing PREPARED TESTIMONY OF DANNIEL MacDONALD is
13 true and correct to the best of my knowledge and belief.

14 DATED this 15th day of October, 2007.

15
16 
17 _____
18 DANNIEL MacDONALD

19 DATED this 15th day of October, 2007.

20
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22 
23 _____
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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.

I hereby certify that the original and 12 copies of PREFILED TESTIMONY OF DANNIEL MacDONALD 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:

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

DATED this 15th day of October, 2007 at Seattle, Washington.



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