

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Chelan County,)	DOCKET NO. TR- <u>061442</u>
)	
Petitioner,)	PETITION FOR ALTERATION
)	AND RELOCATION OF A
vs.)	HIGHWAY-RAIL UNDER-CROSSING
)	
)	WUTC CROSSING NO. <u>2A1673.50U</u>
BNSF Railway Company,)	USDOT CROSSING NO. <u>084493W</u>
)	
Respondent.)	
)	
.....)	

RECEIVED
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 WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Pursuant to RCW 81.53.010, .020, .060, .110, and WAC 480-62-150, petition is hereby made to the Washington Utilities and Transportation Commission for an order authorizing the alteration and the relocation of the under-crossing as identified above and described in this petition:

1. **Identifying information for the existing crossing**
 - a. Roadway: Chumstick Highway mile post 1.83
 - b. Railway: BNSF Railway Company (hereafter "BNSF") mile post 1673.50
 Located in SE ¼ of the NW ¼ of Sec. 31 Twp. 25 N. Range 18 E.W.M.
 - c. WUTC Crossing Number 2A1673.50U
 - d. USDOT Number 084493W
 - e. See Exhibit 1 for vicinity map.

2. **Identifying information for the proposed altered and relocated crossing**
 - a. Roadway Chumstick Highway mile post 1.83
 - b. Railway BNSF mile post 1673.50
 Located in SE ¼ of the NW ¼ of Sec. 31 Twp. 25 N. Range 18 E.W.M.

3. **Character of rail line**
 - a. Is this a main line, branch line, siding or spur? Main line
 - b. Do passenger, freight trains, or both use the crossing? Both passenger and freight trains use the crossing
 - c. Legal maximum speed for passenger and freight trains:
 Passenger 55 mph Freight 45 mph
 - d. Actual or estimated train traffic in 24 hours for both passenger and freight trains:
 Passenger 2 Freight 22
 - e. Note any significant changes to the information in a. through d. expected within ten years: Unknown

4. **Character of Roadway – Existing Crossing**
 - a. Government agency responsible for maintaining the road: Chelan County

- b. Number of traffic lanes in each direction: One (1)
- c. Posted vehicle speed limit: 50 mph with 25 mph caution
- d. Estimated vehicle traffic in 24 hours: 2800 ADT
- e. Is the crossing part of a truck route? Yes
- f. Is the crossing part of a school bus route? Yes
- g. Roadway type: Rural major collector; Federal Functional Classification is "07"

5. Character of Roadway – Altered and Relocated Crossing

- a. Government agency responsible for maintaining the road at the existing crossing: Chelan County
- b. Government agency responsible for maintaining the road at the altered and relocated crossing: Chelan County
- c. Number of traffic lanes in each direction at the existing crossing: One
- d. Number of traffic lanes in each direction at the altered and relocated crossing: One
- e. Posted vehicle speed limit at the altered and relocated crossing: 50 mph
- f. Estimated vehicle traffic in 24 hours: 2800 ADT
- g. Is the crossing part of a truck route? Yes
- h. Is the crossing part of a school bus route? Yes
- i. Roadway type after alteration and relocation: Rural major collector; the Federal Functional Classification will remain "07"
- j. Note any significant changes to the information in a. through i. expected within ten years: ADT will increase to 3600

6. Description of the existing crossing.

Chelan County's Chumstick Highway crosses under the BNSF trestle at the existing grade-separated crossing/under-crossing. The existing under-crossing and roadway were apparently designed and constructed in the early 1930s. This under-crossing has (1) limited sight distances, (2) narrow roadway width, (3) a roadway sharing the underpass with Chumstick Creek, and (4) limited trestle height. The Chumstick Highway is one of the most heavily-traveled of Chelan County roads and is used as a detour for SR2 as detailed in a 1997 agreement between WSDOT and Chelan County.

7. Project description and justification:

a. Proposed alteration and relocation of the under-crossing:

Chelan County proposes altering and relocating the BNSF under-crossing along with straightening the existing Chumstick Highway roadway to achieve greater sight distances and roadway continuity. The roadway will be widened and the trestle clearance will be increased to comply with current grade separated crossing design standards.

b. Justification for alteration and relocation of the under-crossing:

Chelan County proposes the project to alter and relocate the under-crossing to improve public safety through increased sight distances, roadway continuity, and upgrading the underpass and roadway to current standards. The project is part of a larger, ongoing Chelan County project to widen and repave the Chumstick

Highway, one of the highest traffic Chelan County roads. The alteration and relocation of the under-crossing will improve public safety at this location which has a number of negative public safety factors, including: (1) a high accident rate, (2) limited sight distances, (3) narrow roadway width, (4) roadway sharing the underpass with Chumstick Creek, and (5) limited trestle height.

See Exhibits 2 – 7, accident reports; Exhibit 8, crossing looking south; and Exhibit 9, crossing looking north.

8. Warning system – Existing crossing

- a. Warning devices at the existing crossing: Does not apply
- b. Existing crossing circuitry: Does not apply

9. Warning system – Altered and Relocated crossing

- a. Warning devices at altered and relocated crossing: Does not apply
- b. Crossing circuitry at altered and relocated crossing: Does not apply

10. Drawings.

Sketches drawn to scale are attached accurately showing the current and proposed layout of the highway and the crossing, including shoulders, sidewalks, lanes of travel, bike lanes and crossing warning devices; of the crossing surface; and of the railway in the vicinity of the crossing. If highway grades will be changed, sketches drawn to scale accurately displaying the existing and proposed highway profile for 50 feet on each side of the crossing are also be attached. See Exhibit 10, aerial photograph; Exhibit 11, typical section; and Exhibit 12, design worksheet.

11. Funding.

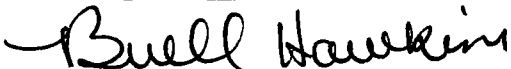
BNSF has provided the county with a preliminary estimate of \$1,750,000.00 to alter and relocate the under-crossing structure as proposed under this petition.

Petitioner Chelan County is prepared to, and promises to, pay to the respondent railway company the county's share of the cost of alteration and relocation of the under-crossing as provided by law.

12. Certification.

I certify under penalty of perjury that the foregoing is true and correct.

Dated at Wenatchee, Washington this 29th day of August 2006.



Buell Hawkins

Title: Chairman, Board of County Commissioners
Petitioner: Chelan County
Address: 350 Orondo Avenue
Wenatchee, WA 98801
Phone: (509)667-6215

13. Contact Information.

Petitioner's attorney: Louis N. Chernak, Deputy Prosecuting Attorney *WSBA#16957*
Chelan County Prosecuting Attorney's Office
401 Washington Street
Post Office Box 2596
Wenatchee, WA 99807-2596
lchernak@wapa-sep.wa.gov
Phone: (509)667-6202
Fax: (509)665-0445

WAIVER OF HEARING BY RESPONDENT

The respondent has investigated the conditions existing at and in the vicinity of the grade – separated crossing described herein and is satisfied that such conditions are substantially as described in the petition. Respondent consents to the modification of the crossing configuration and of the crossing location. Hearing in this proceeding is hereby waived.

Dated at _____, Washington, on the _____ day of _____, 2006.

Respondent:

By: _____

(Mailing address, e-mail address, phone)

INSTRUCTIONS

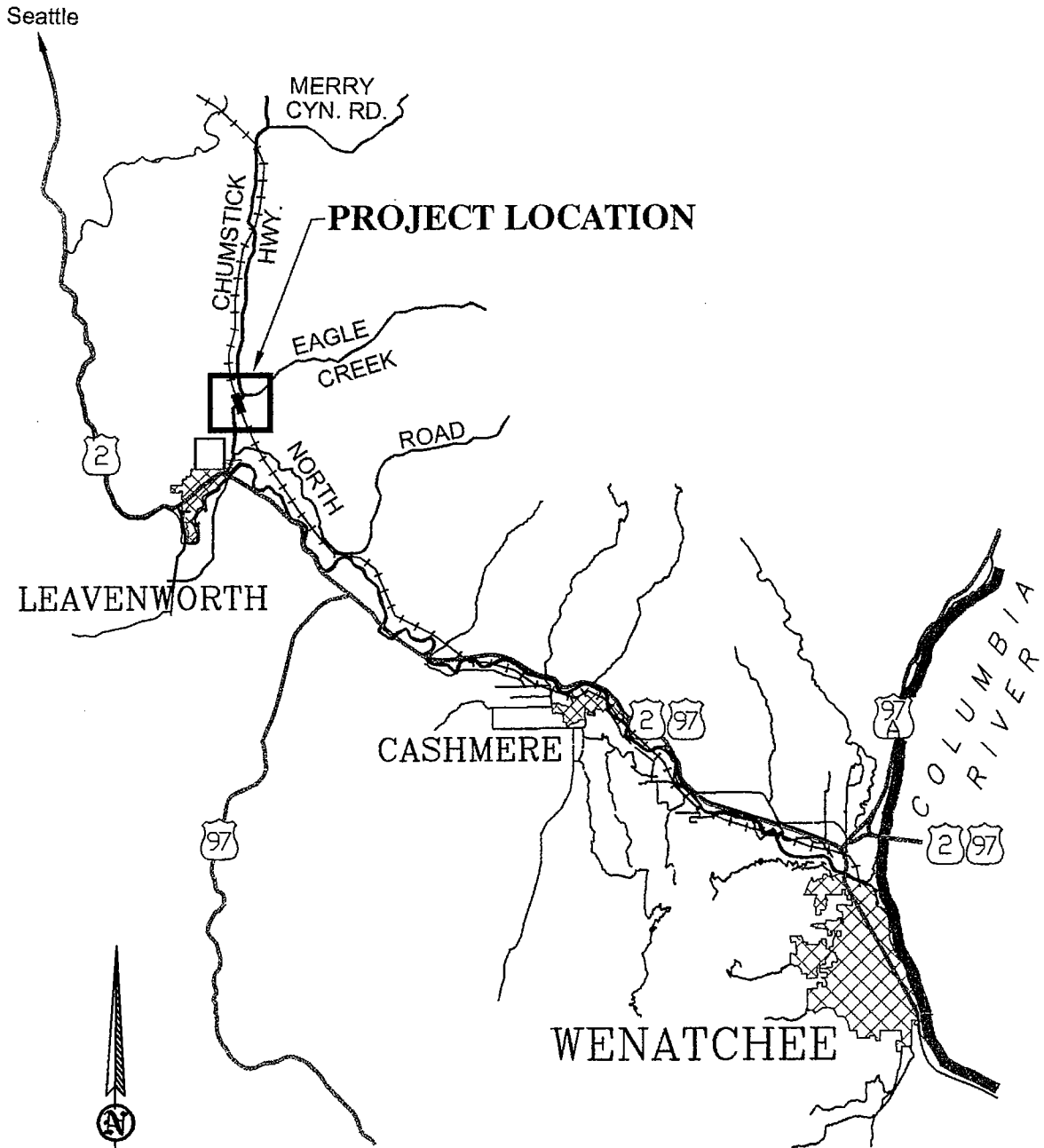
Petitioner can be the railroad, the road authority or the Washington Utilities and Transportation Commission. If the railroad is the petitioner, the road authority will be the respondent. If the road authority is the petitioner, the railroad will be the respondent.

The original and two copies of the petition must be filed with the Washington Utilities and Transportation Commission.

If the waiver of hearing is executed, the petition will be investigated and a decision made within approximately two weeks from receipt of the documents.

If the waiver of hearing is not executed on the petition filed, a copy of the petition will be served upon the respondent by the Commission for answer within 20 days. Upon receipt of respondent's answer or after the 20 day period has elapsed, the application will be processed. Time for making a decision will depend on whether an answer is filed and the content of the answer.

Chumstick Hwy. MP 1.83 / BNSF Railroad Overpass



V I C I N I T Y M A P



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



75350

REPORT NO. 0309272

103

CASE # 00-1521

223

INTERSTATE <input type="checkbox"/>	CITY STREET <input type="checkbox"/>	FIRE RESULTED <input type="checkbox"/>
STATE ROUTE <input type="checkbox"/>	OTHER <input type="checkbox"/>	STOLEN VEHICLE <input type="checkbox"/>
COUNTY RD <input checked="" type="checkbox"/>	PRIVATE WAY <input type="checkbox"/>	HIT & RUN <input type="checkbox"/>

LOCAL AGENCY CODING RD # 6

TOTAL # OF UNITS 01 OBJECT STRUCK GUARD RAIL

DATE OF COLLISION 02 29 2000 180004 TIME (2400) COUNTY # MILES 190 CITY # 0680

N S E W IN OF

ON (PRIMARY TRAFFIC WAY) INTERSECTION NON-INTERSECTION

CHUMSTICK HWY

BLOCK NO.
MILE POST

190

DISTANCE OF (REFERENCE OR CROSS STREET)

30 MILES N E FEET S W EAGLE CRK RA



UNIT 01 MOTOR VEHICLE PEDAL-CYCLE

DAMAGE THRESHOLD MET PHONE 509-548-8011

LAST NAME STEINER

FIRST NAME JACK

MIDDLE INITIAL

STREET NEW ADDRESS 12125 SPROMBERG CYN RD

CITY LEAVENWORTH ST WA ZIP 98801

DRIVER'S LICENSE # STEINER *469M8 STATE WA SEX M D.O.B. MMDDYYYY 07 28 1954

ON DUTY STATUS AIRBAG RESTR. 4 EJECT HELMET USE INJURY CLASS 1 NATURE OF INJURIES None Injury

LICENSE PLATE # 94105P STATE WA VIN# 1FTEF14NSZPAS9136

TRAILER PLATE # STATE TRAILER PLATE # STATE

VEH. YEAR 1990 MAKE Ford MODEL PU STYLE TOWED BY

VEHICLE NO. 1 SHADE IN DAMAGED AREA

REGISTERED OWNER INFO JACK STEINER

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY # LA Vigne #06-46-086800-4



VEHICLE LEGALLY STANDING YES NO CITATION # ICC 019172 CHARGE IMPROPER Lane TRAVEL

UNIT 02 MOTOR VEHICLE PEDAL-CYCLE PEDESTRIAN PROPERTY OWNER DAMAGE THRESHOLD MET PHONE

LAST NAME

FIRST NAME

MIDDLE INITIAL

STREET NEW ADDRESS

EXHIBIT 2, p. 1

CITY

ST ZIP

DRIVER'S LICENSE #

STATE SEX D.O.B. MMDDYYYY

ON DUTY STATUS AIRBAG RESTR. EJECT HELMET USE INJURY CLASS NATURE OF INJURIES

LICENSE PLATE # STATE VIN#

TRAILER PLATE # STATE TRAILER PLATE # STATE

VEH. YEAR MAKE MODEL STYLE TOWED BY

VEHICLE NO. 2 SHADE IN DAMAGED AREA

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY #

VEHICLE LEGALLY STANDING YES NO CITATION #

CHARGE

OFFICER'S NAME (PRINT)

BADGE OR ID #

AGENCY

0309272

Filed



1591972

111771
CORRECTION REPORT NO. 0309222

CASE # 00-1521

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX D.O.B.
MMDDYYYY

PASSENGER WITNESS UNIT #

SEAT
POS.

AIRBAG

RESTR.

EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX D.O.B.
MMDDYYYY

PASSENGER WITNESS UNIT #

SEAT
POS.

AIRBAG

RESTR.

EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX D.O.B.
MMDDYYYY

PASSENGER WITNESS UNIT #

SEAT
POS.

AIRBAG

RESTR.

EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

NAME
(LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE #

SEX D.O.B.
MMDDYYYY

PASSENGER WITNESS UNIT #

SEAT
POS.

AIRBAG

RESTR.

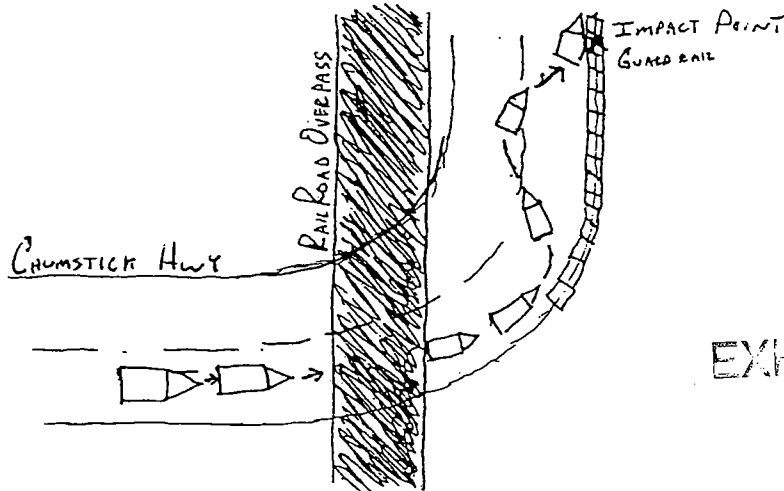
EJECT

HELMET
USE

INJURY
CLASS

NATURE OF INJURIES

DIAGRAM



INDICATE NORTH
BY ARROW



EXHIBIT 2, p. 2

NARRATIVE

VEH #1 WAS TRAVELING N/B ON CHUMSTICK HWY @ MP 01.9. VEH #1 WAS APPROACHING A 25 MPH CORNER. NOT PAYING ATTENTION, THE DRIVER FAILED TO SLOW DOWN AND ENTERED THE CORNER AT 45 MPH. VEH #1 LOST CONTROL AND WENT INTO AN UNCONTROL SLIDE. HE SLID SIDEWAYS ACROSS THE CENTER LINE INTO THE S/BLANE THEN BACK INTO THE N/B LANE WHERE HE STRUCK THE GUARD RAIL.

THE DRIVER, STEINER, ADMITTED TO DRINKING BEFORE AND AFTER THE ACCIDENT. HIS IMPAIRMENT LEVEL WAS UNKNOWN AT TIME OF ACCIDENT.

GUARDRAIL DAMAGE INCLUDED 3 BROKEN POSTS AND 15 FEET OF DENTED RAIL.

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT (RCW 9A 01 01)

INVESTIGATING OFFICER'S SIGNATURE

WEST
UNIT OR DIST DET

03-01-00
DATED

CASHMERE, WA
PLACE SIGNED

APPROVED BY

[Signature]

DATE

030100

BADGE OR ID # 1136

LEA # WA0040000

TIME POLICE DISPATCHED 1825 TIME POLICE ARRIVED 1820



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591971

93350
22 231082

REPORT NO. 0836969

2000-3219

RD 6

1 Roadside Concrete Barrier

INTERSTATE <input type="checkbox"/>	CITY STREET <input type="checkbox"/>	FIRE RESULTED <input type="checkbox"/>
STATE ROUTE <input type="checkbox"/>	OTHER <input type="checkbox"/>	STOLEN VEHICLE <input type="checkbox"/>
COUNTY RD <input checked="" type="checkbox"/>	PRIVATE WAY <input type="checkbox"/>	HIT & RUN <input type="checkbox"/>

M M D D Y Y Y Y TIME (2400) COUNTY # MILES CITY #
 04 27 2000 2150 04 2 N E IN
 S W OF 0680

ON (PRIMARY TRAFFIC WAY) INTERSECTION NON-INTERSECTION
 CHUMSTICK HWY BLOCK NO.
 MILE POST 2

DISTANCE OF (REFERENCE OR CROSS STREET)
 25 MILES N E
 FEET S W EAGLE CREEK RD

ON DUTY DAMAGE THRESHOLD MET PHONE

NELMS

DAVID

1020 VASSER

WENATCHEE WA 98801

NELMSIDE 270 DP WA M 03-17-1973

ON DUTY 2 4 1 2 1 NATURE OF INJURIES

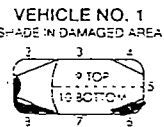
BSTEJU WA 1FMDU34X2NUD01735

VEH. YEAR 1992 MAKE FORD MODEL Expl. STYLE UTIL TOWED BY CASADE

REGISTERED OWNER INFO. SAME

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY # NONE

VEHICLE LEGALLY STANDING YES NO CITATION # CCC 010290 CHARGE D.U.I.



DAMAGE THRESHOLD MET PHONE

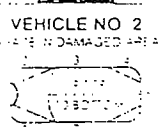
EXHIBIT 3, P.1

ON DUTY NATURE OF INJURIES

VEH. YEAR MAKE MODEL STYLE TOWED BY

REGISTERED OWNER INFO.

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY #
 VEHICLE LEGALLY STANDING YES NO CITATION # CHARGE



0836969



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591972

CORRECTION

REPORT NO.

0836969

2000-3219

NELMS DESTINY

ADDRESS & PHONE #

1020 Vasser Wenatchee WA 98801

F

1 4 2 4 1 2 7

NATURE OF INJURIES

Minor Head Neck

ADDRESS & PHONE #

1 4 2 4 1 2 7

NATURE OF INJURIES

ADDRESS & PHONE #

1 4 2 4 1 2 7

NATURE OF INJURIES

ADDRESS & PHONE #

1 4 2 4 1 2 7

NATURE OF INJURIES

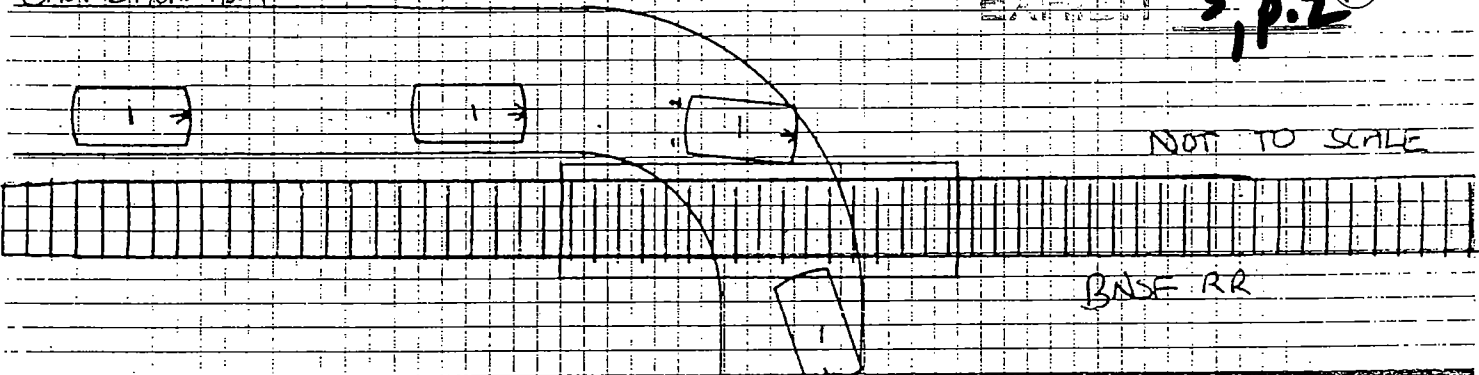
DIAGRAM

INDICATE NORTH BY ARROW

Chumstick Hwy

EXIT

3, p.2



Vehicle was S/B on Chumstick Hwy. Vehicle approached Railroad underpass near MP 2. This curve to right is posted with 25 MPH speed cautionary signs. Vehicle was traveling too fast, crossed center line and struck concrete barrier. Vehicle bounced off barrier and ended up 120 feet down barrier on opposite end of curve.

Driver, Nelms, complained of brake failure but was aware brakes were deficient 1 week prior to collision. Nelms Arrested for D.U.I. BAC Results .112. 4 year old Destiny Nelms Transported to Hospital, possible injury.

CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT (RCW 9A 72 085)

Investigating Officer's Signature: [Signature]

Unit or Dist Det: Atrol

Dated: 4-28-2000

Place Signed: Leavenworth

Approved By:

[Signature]

1073

DATE 04/30/00

1099

WA 0040000

2150

2155



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1531971

93350

REPORT NO. 0654625



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INTERSTATE <input type="checkbox"/>	CITY STREET <input type="checkbox"/>	FIRE RESULTED <input type="checkbox"/>
STATE ROUTE <input type="checkbox"/>	OTHER <input type="checkbox"/>	STOLEN VEHICLE <input type="checkbox"/>
COUNTY RD <input checked="" type="checkbox"/>	PRIVATE WAY <input type="checkbox"/>	HIT & RUN <input type="checkbox"/>

01-4304

RD-6

01 Ditch

M M D D Y Y Y Y TIME (2400) COUNTY # MILES CITY #

05-26-2001 1515 04 1.8 N S E W IN OF 0680

ON (PRIMARY TRAFFIC WAY) INTERSECTION NON-INTERSECTION

CHUMSTICK HWY BLOCK NO. MILE POST 1.8

DISTANCE OF (REFERENCE OR CROSS STREET)

1.8 MILES N E S W SR-2

DAMAGE THRESHOLD MET PHONE 548-7417

HOLLINGSWORTH

JOSHUA R

425 1/2 COTTAGE AVE

CASHMERE WA 98815

WA M

ON DUTY 1 2 1 6 NATURE OF INJURIES Facial Cuts and Bruising

50

5

VEH. YEAR 77 MAKE BUICK MODEL SKY STYLE ZDR TOWED BY CASCADE TOW

REGISTERED OWNER INFO JOSHUA HOLLINGSWORTH

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY # STATE FARM

VEHICLE LEGALLY STANDING YES NO CITATION # CHARGE

DAMAGE THRESHOLD MET PHONE

17

18

19

ON DUTY NATURE OF INJURIES EXHIBIT 4, p. 1

22

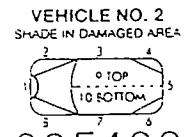
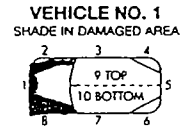
23

VEH. YEAR MAKE MODEL STYLE TOWED BY

REGISTERED OWNER INFO

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY #

VEHICLE LEGALLY STANDING YES NO CITATION # CHARGE



0654625

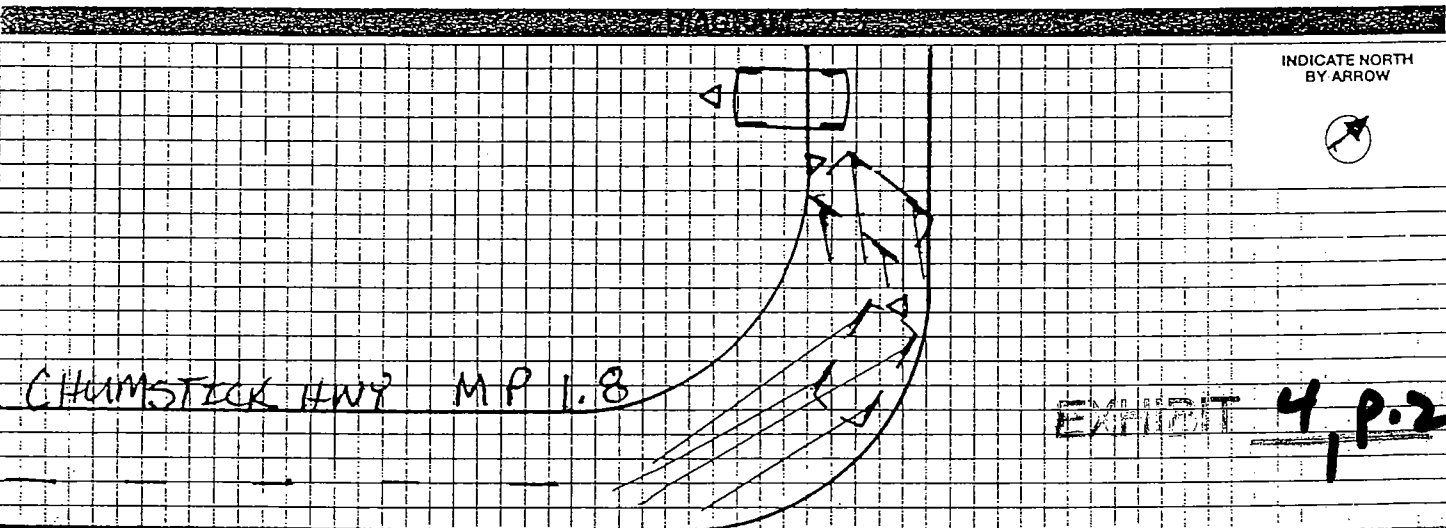
STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591972

CORRECTION REPORT NO. 310747 0654625
01-4304

ADDRESS & PHONE #		
NATURE OF INJURIES		
ADDRESS & PHONE #		
NATURE OF INJURIES		
ADDRESS & PHONE #		
NATURE OF INJURIES		
ADDRESS & PHONE #		
NATURE OF INJURIES		



VEHICLE #1, TRAVELING NORTH BOUND ON CHUMSTICK HWY, @ MILE POST 1.8 FAILED TO NEGOTIATE THE ROADWAY CURVE AND SKID INTO GUARD RAIL, CAUSING HIS VEHICLE TO COLLIDE WITH GUARD RAIL AND SKID ACROSS SOUTH BOUND LANE, INTO SOUTH BOUND DITCH. DRIVER, HOLLIN WORTH SUSTAINED FATAL CUTS AND BELLUISING.

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT (RCW 9A 72 035)

INVESTIGATING OFFICER'S SIGNATURE: [Signature] UNIT OR DIST DET: LEVENWORTH Co-16-01 DATED: 06-17-2001 PLACE SIGNED: Levenworth, W

APPROVED BY: [Signature] #112 DATE: 06-17-2001



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591971

93350, 114

REPORT NO. 0927509



2001 11 028
6
02

INTERSTATE CITY STREET
STATE ROUTE OTHER
COUNTY RD PRIVATE WAY

FIRE RESULTED
STOLEN VEHICLE
HIT & RUN

M M D D Y Y Y Y TIME (2400) COUNTY # MILES N S E W IN OF CITY #
11 26 2001 1150 04 1.80 0680

ON (PRIMARY TRAFFIC WAY) INTERSECTION NON-INTERSECTION
CHUMSTICK HIGHWAY BLOCK NO. MILE POST 1.80

DISTANCE 1.83 OF (REFERENCE OR CROSS STREET)
150.00 MILES N E OF FREUND CANYON
FEET S W

UNCLASIFIED DAMAGE THRESHOLD MET PHONE 509-548-9619

EKSTEN
LACINDA
17490 CHUMSTICK HIGHWAY
LEAVENWORTH WA 98826

EKSTEL 6419 LM WAF 06-14-1959
ON DUTY NATURE OF INJURIES SHORE SHOULDER/NECK

IDBDOB WA 16.1LT5462LY248905

VEH. YEAR 1990 MAKE CHEV MODEL COR STYLE 4DR TOWED BY LEAVENWORTH AUTO

REGISTERED OWNER INFO. SAME

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY # FARMERS 79153212732

VEHICLE LEGALLY STANDING YES NO CITATION # KC02668 CHARGE SPEED TO FAST

DAMAGE THRESHOLD MET PHONE 509-548-3900

PALMER

RANDALL EXHIBIT 5, p1

9225 DERBY CANYON

PRESHASTIN WA 98847

PALMER R542.07 WA M 03-27-1946

ON DUTY NATURE OF INJURIES NONE

A77956A WA 1FTEF14N7SLA26550

6638MP WA

VEH. YEAR 1987 MAKE USAVE MODEL UTIL STYLE UTIL TOWED BY N/A

REGISTERED OWNER INFO. R.R. PALMER SAME AS UNIT #2

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY # AMERICAN STATES INC. 0C08438457

VEHICLE LEGALLY STANDING YES NO CITATION # N/A CHARGE N/A

OFFICER'S NAME (PRINT) V. J. ... AGENCY 0927509

STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591972

63 | 4 |
CORRECTION REPORT NO. 0927509
2001 | 11028



ADDITIONAL PERSONS INVOLVED, PASSENGERS AND OR WITNESSES

ADDRESS & PHONE #
PASSENGER WITNESS UNIT ALIAS RESIDE EYES HAIR NATURE OF INJURIES

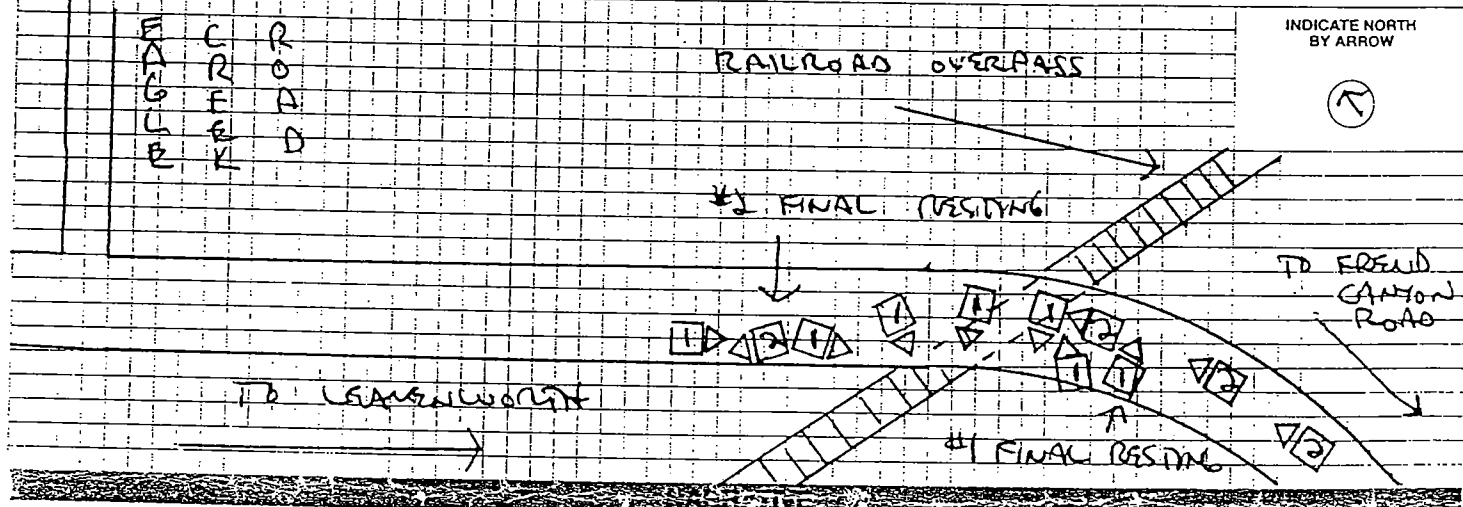
NAME (LAST, FIRST, MIDDLE)
ADDRESS & PHONE #
PASSENGER WITNESS UNIT ALIAS RESIDE EYES HAIR NATURE OF INJURIES

ADDRESS & PHONE #
PASSENGER WITNESS UNIT ALIAS RESIDE EYES HAIR NATURE OF INJURIES

ADDRESS & PHONE #
PASSENGER WITNESS UNIT ALIAS RESIDE EYES HAIR NATURE OF INJURIES

ADDRESS & PHONE #
PASSENGER WITNESS UNIT ALIAS RESIDE EYES HAIR NATURE OF INJURIES

DIAGRAM



ROADWAY HAD DECKER ON IT. WET TO THE TOUCH, NO ICE OR FROST. #1 GOING TO FAST INTO CORNER. RECOMMENDED SPEED WAS 25 MPH (POSTED). #1 LOST CONTROL, WENT SIDEWAYS & WAS STRUCK BY #2. #1 THEN SPUN AROUND & HIT SIDEWALL. #2 AT FAULT, WET ROADWAY & SPEEDING. #1 TO RIGHT CORNER.

EXHIBIT 5, p. 2

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. RCW 9A 72 065

INVESTIGATING OFFICER'S SIGNATURE: [Signature] WEST 11-27-01 LEAVENWORTH, WASHINGTON
APPROVED BY: [Signature] #1034 DATE: 11-28-01 PLACE SIGNED

BADGE NO. 1025 WA0040000 1154 1200

93350



STATE OF WASHINGTON POLICE TRAFFIC COLLISION REPORT



1591971

REPORT NO. 1697578

CASE # 04 C 1 3 3 6 5

LOCAL AGENCY CODING WA 00 40 00 00

TOTAL # OF UNITS 01 OBJECT STRUCK POWER POLE

INTERSTATE CITY STREET FIRE RESULTED STOLEN VEHICLE HIT & RUN STATE ROUTE OTHER COUNTY RD PRIVATE WAY

DATE OF COLLISION 11-06-2004 TIME (2400) 0156 COUNTY # 04 MILES 2.00 CITY # 0680

ON (PRIMARY TRAFFIC WAY) INTERSECTION NON-INTERSECTION CHUMSTICK HWY BLOCK NO. MILE POST

DISTANCE 1.83 MILES OF (REFERENCE OR CROSS STREET) 1500 FEET FIRST RR OVERPASS

UNIT 01 MOTOR VEHICLE DAMAGE THRESHOLD MET PHONE 509-548-4209

LAST NAME MAHUGH

FIRST NAME JESSICA MIDDLE INITIAL L

STREET NEW ADDRESS 510 CONE ST

CITY LEAVENWORTH ST WA ZIP 98826

DRIVERS LICENSE MAHUGH JL302PW STATE WA SEX F DOB 10-16-1970

ON DUTY STATUS AIRBAG 9 RESTR 4 EJECT 1 HELMET USE INJURY CLASS 1 NATURE OF INJURIES

LICENSE PLATE 862 NFX STATE WA VIN 1G3E213C0L4313344

TRAILER PLATE STATE TRAILER PLATE STATE

VEH. YEAR 1990 MAKE OLDS MODEL TOR STYLE 4-DR TOWED BY UPPER VALLEY

REGISTERED OWNER INFO. SAME AS OWNER OF

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY # USAA / # 00448 54 32C7102

VEHICLE LEGALLY STANDING CHARGE SPEED TOP/1ST COMPETITION

UNIT 02 MOTOR VEHICLE PEDESTRIAN PROPERTY OWNER DAMAGE THRESHOLD MET PHONE

LAST NAME FIRST NAME MIDDLE INITIAL

STREET NEW ADDRESS CITY ST ZIP

DRIVERS LICENSE STATE SEX DOB

ON DUTY STATUS AIRBAG RESTR EJECT HELMET USE INJURY CLASS NATURE OF INJURIES

LICENSE PLATE STATE VIN

TRAILER PLATE STATE TRAILER PLATE STATE

VEH. YEAR MAKE MODEL STYLE TOWED BY

REGISTERED OWNER INFO.

LIABILITY INSURANCE IN EFFECT INSURANCE CO & POLICY # CITATION # CHARGE

OFFICER'S NAME (PRINT) BADGE OR ID # AGENCY

1697578

C MAHUGH

1740

CLELAND COUNTY

04 01 34 03 12 14 1 97 09 02



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



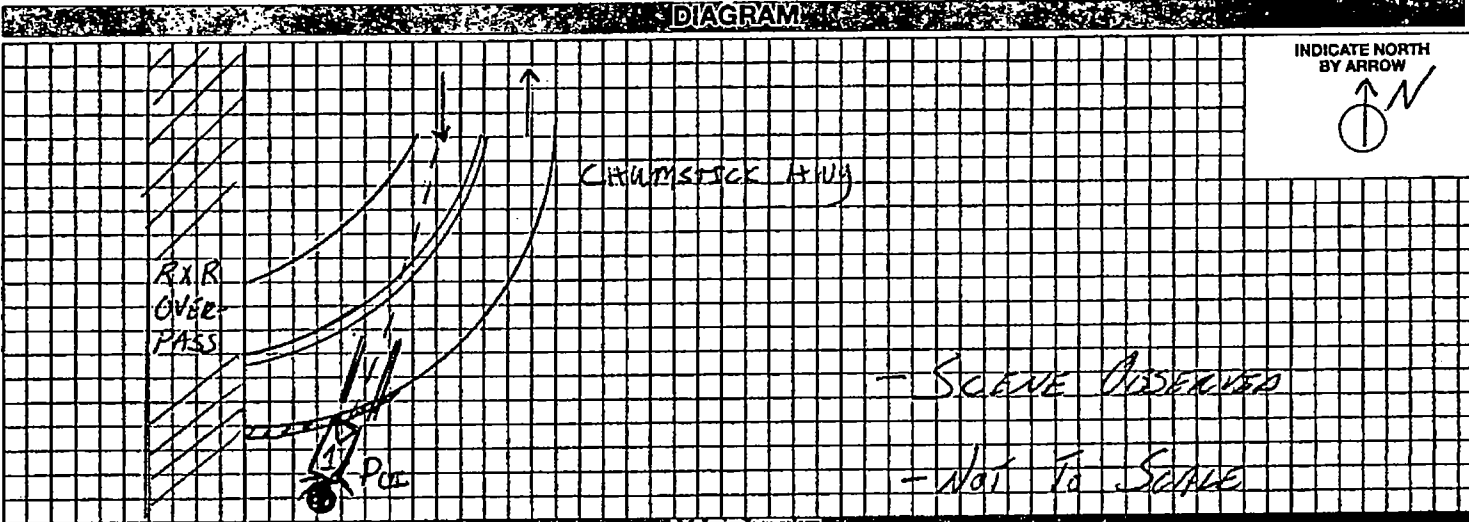
1591972

CORRECTION

REPORT NO. 1697578

CASE # 04C13365

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)											
NAME (LAST, FIRST, MIDDLE-INITIAL)											
ADDRESS & PHONE #											
PASSENGER <input type="checkbox"/>		WITNESS <input type="checkbox"/>		UNIT #		SEAT POS.		AIRBAG		RESTR.	
EJECT		HELMET USE		INJURY CLASS		NATURE OF INJURIES					
NAME (LAST, FIRST, MIDDLE-INITIAL)											
ADDRESS & PHONE #											
PASSENGER <input type="checkbox"/>		WITNESS <input type="checkbox"/>		UNIT #		SEAT POS.		AIRBAG		RESTR.	
EJECT		HELMET USE		INJURY CLASS		NATURE OF INJURIES					
NAME (LAST, FIRST, MIDDLE-INITIAL)											
ADDRESS & PHONE #											
PASSENGER <input type="checkbox"/>		WITNESS <input type="checkbox"/>		UNIT #		SEAT POS.		AIRBAG		RESTR.	
EJECT		HELMET USE		INJURY CLASS		NATURE OF INJURIES					
NAME (LAST, FIRST, MIDDLE-INITIAL)											
ADDRESS & PHONE #											
PASSENGER <input type="checkbox"/>		WITNESS <input type="checkbox"/>		UNIT #		SEAT POS.		AIRBAG		RESTR.	
EJECT		HELMET USE		INJURY CLASS		NATURE OF INJURIES					



NARRATIVE

UNIT 01 LEFT ITS SOUTHBOUND LANE CROSSED DOUBLE YELLOW WENT OVER JERSEY BARRIER AND HIT POWER POLE. SEE REPORT FOR FURTHER. REFERENCE CASE # 04C13365

EXHIBIT 6, p.2

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. (RCW 9A.72.085)

INVESTIGATING OFFICER'S SIGNATURE: [Signature]
 UNIT OR DIST. DET: 1240
 DATED: 11-6-2004
 PLACE SIGNED: CA 6650

APPROVED BY: _____
 DATE: _____

BADGE OR ID #: _____
 ORI #: _____
 TIME POLICE DISPATCHED: _____
 TIME POLICE ARRIVED: _____



STATE OF WASHINGTON POLICE TRAFFIC COLLISION REPORT



1591971

REPORT NO. 1697441

CASE # 05-01300

LOCAL AGENCY CODING RD-6

TOTAL # OF UNITS 01 OBJECT STRUCK GUARDED RAIL (COUNTY)

INTERSTATE, CITY STREET, STATE ROUTE, OTHER, COUNTY RD, PRIVATE WAY, FIRE RESULTED, STOLEN VEHICLE, HIT & RUN

DATE OF COLLISION 07-06-2005 TIME (2400) 0300 COUNTY # MILES 1.85 N, S, E, W, IN, OF 0680

ON (PRIMARY TRAFFIC WAY) INTERSECTION, NON-INTERSECTION CAUMSTICK HWY. BLOCK NO. MILE POST 1.85

DISTANCE 1.88 MILES 2.25 FEET OF REFERENCE OR CROSS STREET EAGLE CREEK RD

UNIT 01 MOTOR VEHICLE, PEDAL CYCLE, DAMAGE THRESHOLD MET, PHONE 509-548-6814

LAST NAME CAMPBELL

FIRST NAME SKYLER MIDDLE INITIAL M

STREET NEW ADDRESS 116 W. PLEASANT

CITY CASHMERE ST WA ZIP 98815

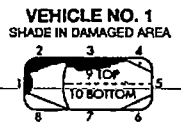
DRIVERS LICENSE CAMPB SM168P7 STATE WA SEX M DOB MIDDYWAY 10-27-1984

ON DUTY, STATUS, AIRBAG, RESTR, EJECT, HELMET USE, INJURY CLASS, NATURE OF INJURIES

LICENSE PLATE 963KJD STATE WA VIN 1HGCPS536RA0123148

TRAILER PLATE, STATE, TRAILER PLATE, STATE

VEH. YEAR 1994 MAKE HONDA MODEL ACCORD STYLE 4D TOWED BY CASCADE TOWING REGISTERED OWNER INFO Campbell, Skyler Miles 116 E. Pleasant, Cashmere, WA 98815



UNIT 02 MOTOR VEHICLE, PEDAL CYCLE, PEDESTRIAN, PROPERTY OWNER, DAMAGE THRESHOLD MET, PHONE 509-667-6415

LAST NAME CHELAN COUNTY ROAD DEPT.

FIRST NAME MIDDLE INITIAL

STREET NEW ADDRESS 350 ORONDO AVE

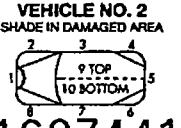
CITY WENATCHEE ST WA ZIP 98801

DRIVERS LICENSE STATE SEX DOB MIDDYWAY

ON DUTY, STATUS, AIRBAG, RESTR, EJECT, HELMET USE, INJURY CLASS, NATURE OF INJURIES

LICENSE PLATE, STATE, VIN, TRAILER PLATE, STATE

VEH. YEAR, MAKE, MODEL, STYLE, TOWED BY REGISTERED OWNER INFO EXPIRED 7.1.01



OFFICER'S NAME (PRINT) JASON REINFELD BADGE OR ID # 1217 AGENCY CHELAN COUNTY S.O.

Vertical column of numbers 04, 16, 01, 04, 02, 07, 11, 23, 62, 9, 09, 02, 09, 02, 02



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591972

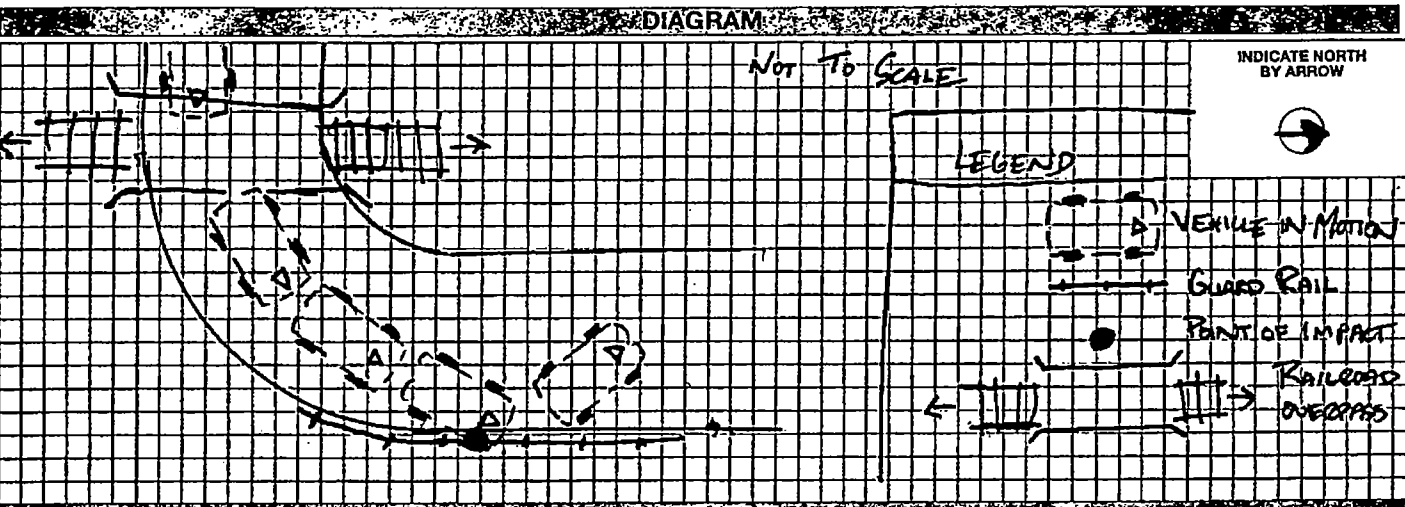
CORRECTION

REPORT NO. 169744

CASE # 05-01300

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)

NAME (LAST, FIRST, MIDDLE INITIAL)	ADDRESS & PHONE #	SEX	DOB (MM/DD/YYYY)	PASSENGER <input type="checkbox"/>	WITNESS <input type="checkbox"/>	UNIT #	SEAT POS.	AIRBAG	RESTR.	EJECT	HELMET USE	INJURY GLASS	NATURE OF INJURIES
NAME (LAST, FIRST, MIDDLE INITIAL)	ADDRESS & PHONE #	SEX	DOB (MM/DD/YYYY)	PASSENGER <input type="checkbox"/>	WITNESS <input type="checkbox"/>	UNIT #	SEAT POS.	AIRBAG	RESTR.	EJECT	HELMET USE	INJURY GLASS	NATURE OF INJURIES
NAME (LAST, FIRST, MIDDLE INITIAL)	ADDRESS & PHONE #	SEX	DOB (MM/DD/YYYY)	PASSENGER <input type="checkbox"/>	WITNESS <input type="checkbox"/>	UNIT #	SEAT POS.	AIRBAG	RESTR.	EJECT	HELMET USE	INJURY GLASS	NATURE OF INJURIES
NAME (LAST, FIRST, MIDDLE INITIAL)	ADDRESS & PHONE #	SEX	DOB (MM/DD/YYYY)	PASSENGER <input type="checkbox"/>	WITNESS <input type="checkbox"/>	UNIT #	SEAT POS.	AIRBAG	RESTR.	EJECT	HELMET USE	INJURY GLASS	NATURE OF INJURIES



NARRATIVE

Vehicle was travelling north-bound on Elumstrak Hwy. The vehicle took the sharp corner at 40 MPH. The vehicle struck the guard rail, bending the metal and splintering one of the wood posts in half. It bounced back into the roadway and continued north without stopping. The driver abandoned his damaged vehicle approximately 0.25 miles away and did not report the collision.

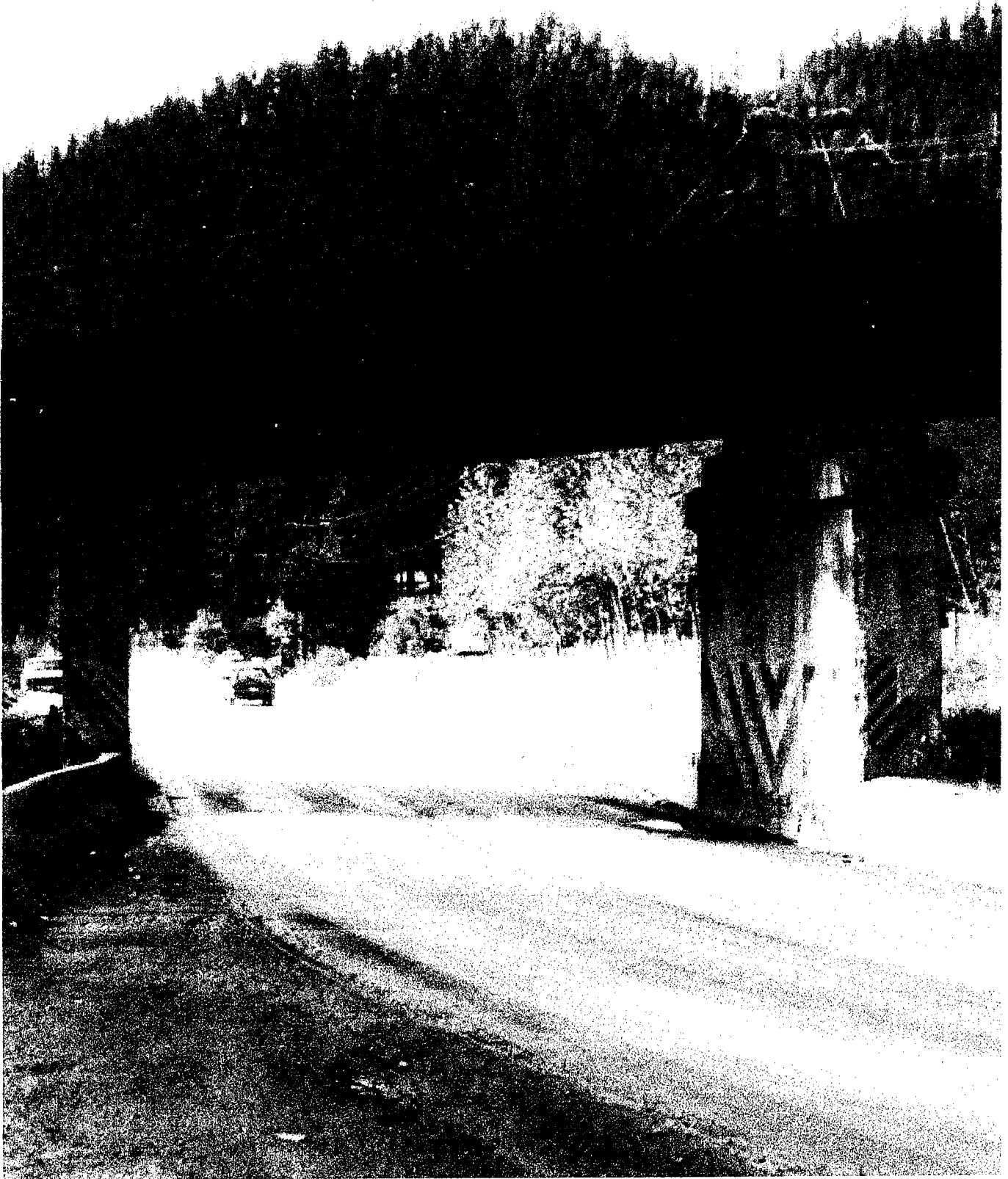
7, p.2

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. (RCW 9A.72.085)

Investigating Officer's Signature: Joseph Rainford UNIT OR DIST. DET: Leavenworth DATED: 02-06-05 PLACE SIGNED: Leavenworth CCSO

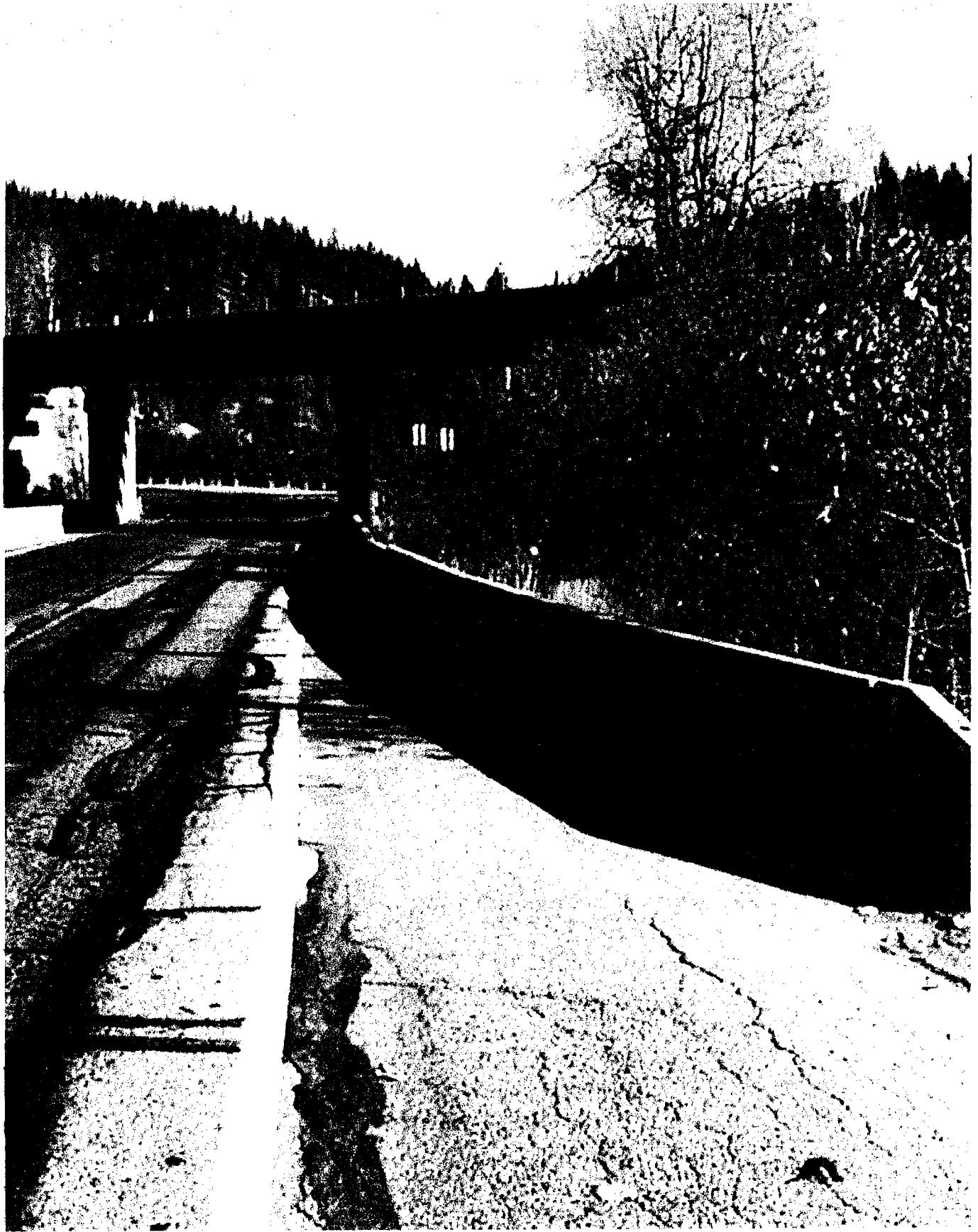
APPROVED BY: Sgt. MDA DATE: 2-10-05

BADGE OR ID: 1217 OET: WA0040000 TIME HOUR: 0431 TIME MIN: 0437



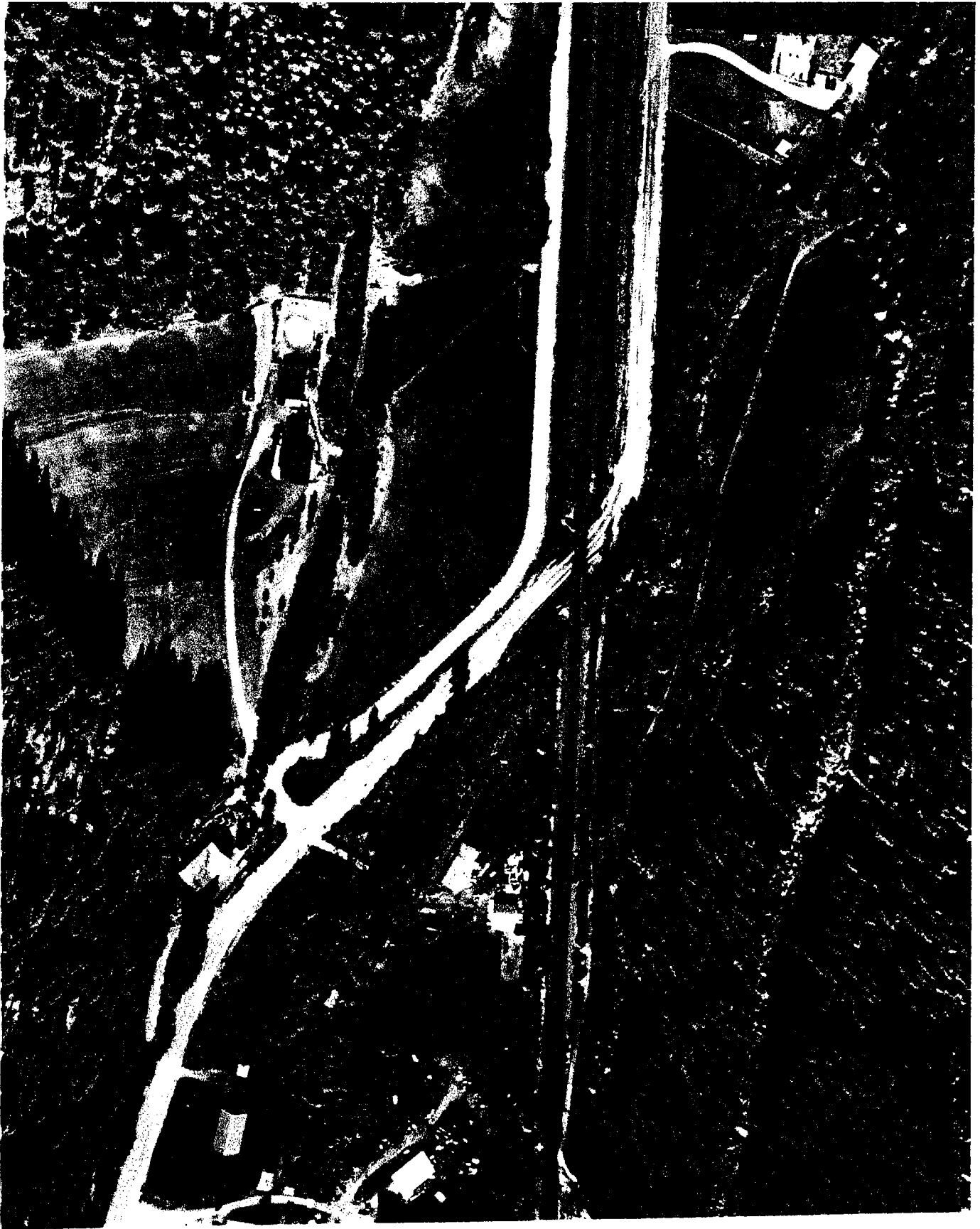
BNSF crossing looking south, note Chumstick Cr. on left

EXHIBIT 8



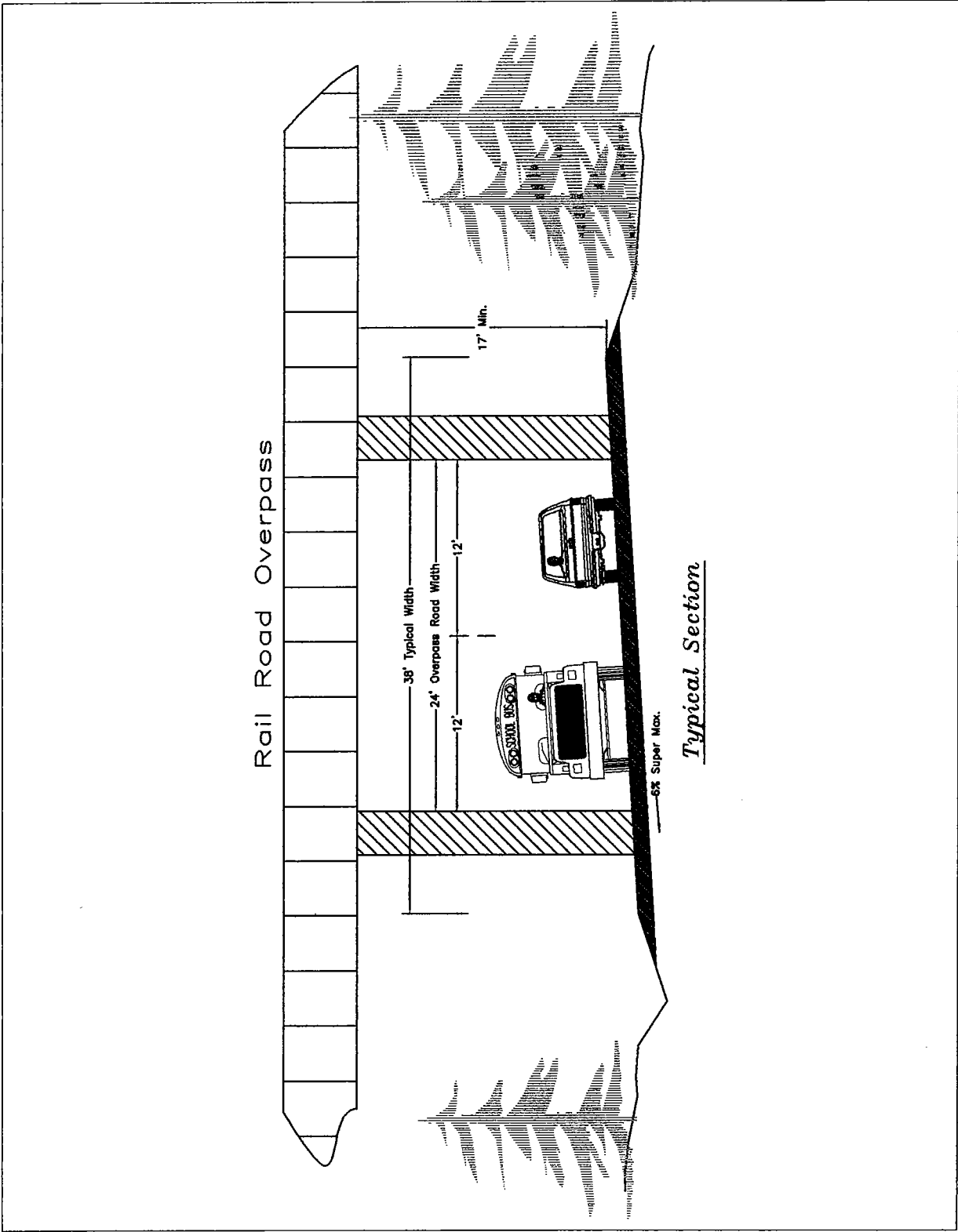
BNSF crossing looking North, Note Chumstick Cr. on right

EXHIBIT 9



Aerial view of BNSF/Chumstick Highway underpass

EXHIBIT 10



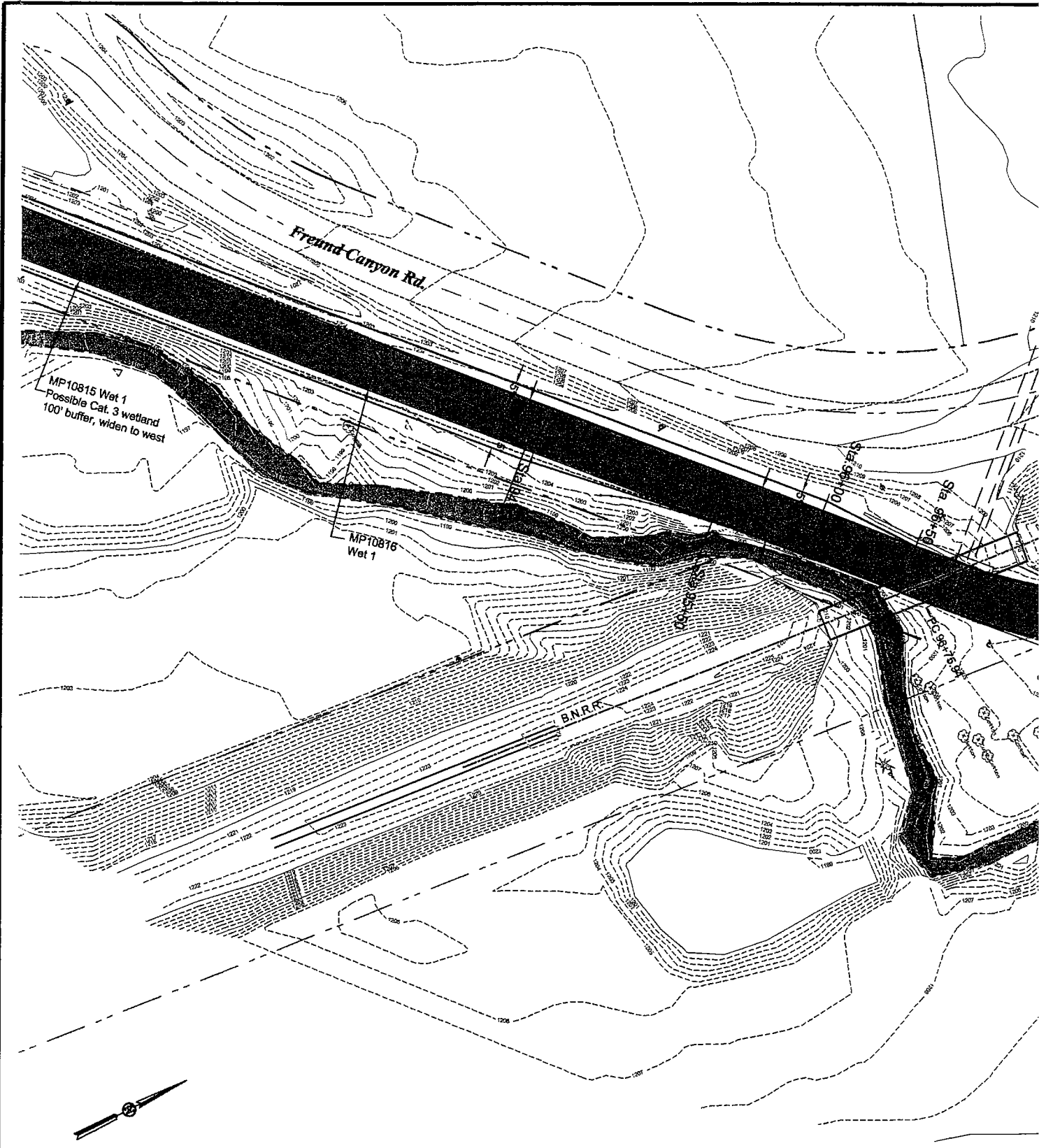


EXHIBIT 12

Design Team:
 G. Owen PE, M. Selo PLS, P. Cox PE
 I. Uchytill, S. Fiedch
 Drawn by: M. Selo PLS.

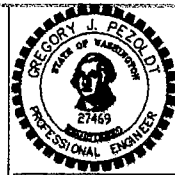
Survey Crew: 2001
 C. McClathen T. Welfey
 M. Bicker P. Cutler

Plot Date: 8/13/2002

REVISIONS		
Date:	Description:	Made by:

As-Built Date: by:

Design Worksheet



Gregory J. Pezoldt, PE
 Director / County Engineer

EXPIRES 12-01-2001

Date

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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Chelan County,)
)
Petitioner,)
)
vs.)
)
The Burlington Northern Santa Fe,)
Railway Company,)
)
Respondent.)
_____)

DOCKET NO. TR-
CERTIFICATE OF SERVICE
WUTC CROSSING NO. 2A1673.50U
USDOT CROSSING NO. 084493W

I hereby certify that I have this day served Chelan County's Petition for Alteration and Relocation of a Highway-Rail Under-Crossing upon all parties to this proceeding, by mail, properly addressed with first class postage prepaid and return receipt requested.

Original and twelve copies of the petition and the original and one copy of the certificate of service for filing to:

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250

One copy of the petition and certificate of service to:

Daniel T. MacDonald, Manager of Engineering
BNSF Railway Company
2454 Occidental Ave., South, Suite 1A
Seattle, WA 98134

Dated at Wenatchee, Washington this 7th day of September, 2006.

SUE LEISHMAN

Legal Assistant to Louis N. Chernak
(Printed Name and Title)
