

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 WESTERN
VALLEY FARMS, LLC,

Intervenors.

DOCKET NO: TR-070696

DECLARATION OF MEGAN
McINTYRE

I, Megan McIntyre, am over 18 years of age, competent to testify, and hereby declare as follows under penalty of perjury of the laws of the State of Washington:

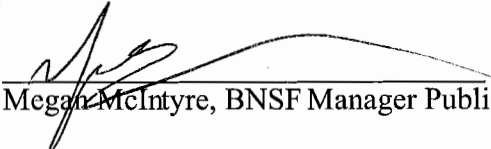
1. I have been employed by BNSF Railway Company (BNSF), or one of its predecessors, for approximately four years, and am currently Manager Public Projects. As Manager Public Projects, I have been involved in Hickox public crossing closure project since July 2007.

2. Representatives of the parties to the private crossing agreement (BNSF, City of Mount Vernon, Skagit County, and Skagit County Rural Fire District No. 3) for Hickox Road held an on-site diagnostic meeting pursuant to the Commission's Final Order. The on-site

meeting took place on Tuesday, December 2, 2008. Also present were representatives of the WUTC and WSDOT. Various safety-related items were discussed and the issue of cul-de-sacs at both sides of the private crossing was addressed during that initial meeting of the diagnostic team.

3. I swear this Declaration on personal knowledge.

DATED this 4th day of December, 2008, at Seattle, Washington.


Megan McIntyre, BNSF Manager Public Projects

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 the *Declaration of Megan McIntyre* has been sent by FedEx to The Executive Secretary at WUTC and PDF and Work Perfecte versions 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

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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 5th day of December, 2008 at Seattle, Washington.



Lisa Miller, Paralegal