

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CITY OF WENATCHEE,)
)
 Petitioner,)
)
 vs.)
)
 BURLINGTON NORTHERN SANTE FE)
 RAILWAY,)
)
 Respondent.)

DOCKET TR-220540
 REBUTTAL TESTIMONY OF RYAN
 HARMON

Please state you name and job title.

My name is Ryan Harmon. I am a Project Engineer for the City of Wenatchee
 Department of Public Works.

**Have you reviewed the pre-filed testimony prepared by Alex Funderburg Jr. in support
 of BNSF's opposition of the proposed modifications at the 9th Street rail crossing?**

Yes. I would like to respond to this testimony.

What comments do you have in response to the testimony of Alex Funderburg Jr.?

Mr. Funderburg made the statement that the "proposed four-gate roadway system
 design is not necessary or required under Federal Railroad Administration regulations,
 including 49 CFR Subtitle B, Chapter II, Part 222". I acknowledge that Appendix A of this

1 chapter lists both a “Four-Quadrant Gate System” and “Gates With Medians or
2 Channelization Devices” as Approved Supplementary Safety Measures (SSMs).

3 Appendix B – Alternative Safety Measures, states that “If there are unique
4 circumstances pertaining to a specific crossing or number of crossings which prevent SSMs
5 from being fully compliant with all of the SSM requirements listed in appendix A, those SSM
6 requirements may be adjusted or revised. In that case, the SSM, as modified by the public
7 authority, will be treated as an ASM under this appendix B, and not as a SSM under appendix
8 A.” It further states “If one or more of the requirements associated with an SSM as listed in
9 Appendix A is revised or deleted, data or analysis supporting the revision or deletion must be
10 provided to FRA for review.”

11
12 To date, the City has not been made aware of an FRA review of the change proposed by
13 BNSF and as such does not feel comfortable making the design change.

14 DECLARATION

15 I, Ryan Harmon, declare under penalty of perjury under the laws of the state of
16 Washington that the foregoing Pre-filed Testimony of Ryan Harmon is true and correct to the
17 best of my knowledge and belief.

18 DATED this ____ day of _____, 2023, at Wenatchee, Washington.

19
20
21 _____
RYAN HARMON

Quadrant Gate System” and “Gates With Medians or Channelization Devices” as Approved Supplementary Safety Measures (SSMs).

Appendix B – Alternative Safety Measures, states that “If there are unique circumstances pertaining to a specific crossing or number of crossings which prevent SSMs from being fully compliant with all of the SSM requirements listed in appendix A, those SSM requirements may be adjusted or revised. In that case, the SSM, as modified by the public authority, will be treated as an ASM under this appendix B, and not as a SSM under appendix A.” It further states “If one or more of the requirements associated with an SSM as listed in Appendix A is revised or deleted, data or analysis supporting the revision or deletion must be provided to FRA for review.”

To date, the City has not been made aware of an FRA review of the change proposed by BNSF and as such does not feel comfortable making the design change.

DECLARATION

I, Ryan Harmon, declare under penalty of perjury under the laws of the state of Washington that the foregoing Pre-filed Testimony of Ryan Harmon is true and correct to the best of my knowledge and belief.

DATED this 03/30/2023 | 3:18 PM PDT _____ day of _____, 2023, at Wenatchee, Washington.

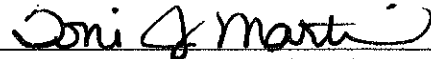
DocuSigned by:
Ryan Harmon
A057E55A22B5480

RYAN HARMON

Docket TR-220540
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached Declaration of Ryan Harmon upon the persons and entities by electronic service as listed below.

DATED at Wenatchee, Washington, this 30th day of March, 2023.



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