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UTILITIES AND TRANSPORTATION COMMISSION  
STATE OF WASHINGTON

THE CITY OF WOODINVILLE, a political )  
subdivision of the State of Washington, )  
  
Petitioner, )  
  
v. )  
  
EASTSIDE COMMUNITY RAIL; and )  
BALLARD TERMINAL RAIL, )  
  
Respondents, )

DOCKETS: TR-143902 and TR-143903  
  
DECLARATION OF THOMAS E. HANSEN  
IN SUPPORT OF PETITIONER'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT ON  
REMAINING UNRESOLVED ISSUE

THOMAS E. HANSEN, declares as follows:

1. I am the Director of Public Works for the City of Woodinville, Washington.
2. I filed with the commission on November 18, 2014, petitions asking the commission to approve the modification of highway-rail grade crossing warning signals at State Route 202 in the City of Woodinville, USDOT Crossing No. 091797E, Docket TR-143902 petition and USDOT Crossing No. 092050F, Docket TR-143903.

1           3.       Modification of the highway-rail grade crossings are to be made in conjunction  
2 with a new project that will widen the roadway at USDOT Crossing # 091797E to 4 lanes with  
3 wider sidewalks and bike lanes on both sides of the roadway. A traffic signal at 131st Ave NE  
4 will have preemption. At USDOT Crossing # 092050F the new project will widen the roadway  
5 to 4 lanes with wider sidewalks and bike lanes on both sides of the roadway. At the grade  
6 crossing there will be 5 lanes due to the addition of a westbound right turn lane.  
7

8           4.       The new project received a federally funded SAFETÉ-LU Grant from the FHWA  
9 through a competitive process in 2007 in the amount of \$1,368,755.00. The grant is administered  
10 through the Washington State Department of Transportation (WSDOT) Northwest Region Local  
11 Programs Group to the City. The FHWA grant is funding 19.3% of the total currently estimated  
12 project cost of \$7,079,000.  
13

14           5.       On or about December 29, 2014, the commission received a letter on behalf of  
15 Eastside Community Rail (“ECR”) and Ballard Terminal Railroad Company (“BTRC”) opposing  
16 the petitions.

17           6.       Issues between the City of Woodinville and ECR/BTRC involving the length of  
18 new rail crossing arms, crossing panel material, and maintenance costs prevented the parties  
19 from reaching agreement  
20

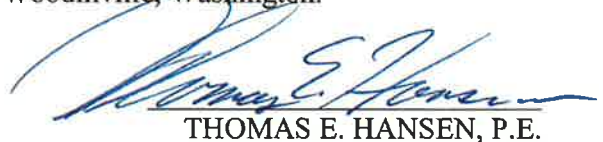
21           7       On August 4, 2015 at a mediation held at WUTC offices the parties reached an  
22 accord on a revised WSDOT approved channelization plan with reduced length in the rail  
23 crossing arms. Agreement was also reach on use of asphalt instead of concrete crossing panels  
24 for the East Crossing, with the City agreeing to maintain the asphalt for 25 years. The City is  
25 installing concrete panels on the West Crossing to match what is already there. The parties could  
26 not reach agreement on maintenance responsibility for the crossing arms, which the parties

1 agreed would be resolved through a summary judgment involving legal brief supported by  
2 declarations of fact, unless any contested material issues of fact needed to be resolved by a  
3 contested hearing.

4           8.       This declaration is made in support of the City's position set forth in the Brief of  
5 the City of Woodinville. Due to the FHWA partial funding of the project, the railroad  
6 (ECR/BTRC) is 100% responsible for ongoing maintenance of the crossing arms along with the  
7 other devices located in the railroad right of way. The City's position is supported by the FHWA  
8 policy and state statutes cited by Woodinville legal counsel in the City's Brief. Additionally, the  
9 crossing arms are of primary benefit to the railroad, allowing its trains to safely cross the  
10 highway without interference by motorized vehicles on the highway.  
11

12  
13           I declare under penalty of perjury under the laws of the State of Washington that the  
14 foregoing is true and correct.

15           DATED THIS 3<sup>RD</sup> day of September 2015, in Woodinville, Washington.

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17   
18 THOMAS E. HANSEN, P.E.