

Exhibit No. ____ (KH-5)
Docket TR-100572
Witness: Kathy Hunter

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BENTON COUNTY,

Petitioner,

v.

BNSF RAILWAY COMPANY,

Respondent.

DOCKET TR-100572

EXHIBIT TO TESTIMONY OF

Kathy Hunter

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

*WUTC Safety Diagnostic Meeting Minutes
October 18, 2010 (Updated October 22, 2010)*

November 29, 2010



Safety Diagnostic Meeting
Proposed BNSF Piert Road Crossing in Benton County
TR-100572
October 18, 2010 @ 11 a.m.

Updated October 22, 2010

Participants:

BNSF Railway

Megan McIntyre, Public Projects Manager
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Benton County

Malcolm Bowie, PE
E-mail: Malcolm.Bowie@co.benton.wa.us
Telephone: (509) 786-5611

Travis Marden, J-U-B Engineers, Inc.

E-mail: tam@jub.com
Telephone: (509) 783-2144

Utilities and Transportation Commission (UTC)

Paul Curl
E-mail: pcurl@utc.wa.gov
Telephone: (360) 664-1231

Kathy Hunter

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Telephone: (360) 664-1257

Background:

This meeting was mutually convened by parties at the Kennewick offices of J-U-B Engineers, Inc. in Docket TR-100572. In its petition in this docket, Benton County seeks to establish a new public, at-grade highway railroad crossing as part of its Piert Road extension project. The new crossing would be over track owned by Agrium and operated by BNSF.

Discussion:

Megan shared that BNSF generally does not support construction of new at-grade crossings as a matter of corporate policy. BNSF policies support closure/consolidation and grade separation but also considers a trade of closing one at-grade public crossing to open one new at-grade public crossing or closing two private crossings to open one new at-grade public crossing. As part of this project, the county is proposing to close one nearby private crossing where BNSF is the operator (one other private crossing and one public crossing will also be closed as part of the project but they are both on tracks where UPRR is the operator).

Malcolm, Travis, and Paul all indicated that they had made a diligent search of all BNSF public crossings in Benton County but had found no likely candidates for closure.

Megan said that she would contact BNSF's closure team to see if there are any other private crossings that it has identified that might be candidates for closure in Benton County.

Megan asked if any federal funds will be used for the project. BNSF prefers that federal funds are involved in crossing projects because it decreases future liability for the railroad and road authority. Malcolm and Travis said that no federal funds will be used in this project.

Paul and Kathy shared that, based on their research and known characteristics about the proposed crossing (e.g. number of trains, train speed, estimated vehicle traffic, sight distance); UTC staff is in support of the county's proposal for a passively protected crossing, with conditions. One of the conditions mentioned was requiring the county to closely monitor the crossing after construction and re-evaluating the level of protection at the crossing if there are significant changes in vehicle or train traffic, or if there are incidents (near misses) or accidents at the crossing.

The attendees then visited the location of the proposed crossing. If a passively protected crossing is ultimately approved, the following recommendations were discussed:

- MUTCD approved cross-buck configuration with a Yield sign (see attachment for specifics).
- "Do Not Stop on Tracks" signs R8-8.
- Establish truck parking area (if necessary) near the Agrium guard shack which would allow trucks to pull off the roadway and wait for clearance to enter the facility without queuing over the tracks.
- Additional illumination at the crossing if residual illumination from the Agrium facility is not adequate.

Follow-up:

Megan:

- Contact BNSF closure team to see if they are aware of another private crossing closure opportunity in Benton County.

- ◆ Megan sent an e-mail to stakeholders on October 20, 2010.

I found a possible private crossing closure in the area of the proposed Piert Road crossing. Here is the information.

LS 47 MP 226.329

Contact Tony Zilar

Was looked at being closed in 2007 but there is currently no alternate access. We could look at adding a driveway along the SW side of the tracks and eliminating the crossing. This is just NW of the proposed Piert Road crossing in Kennewick, WA. We could look at BNSF and the County possibly funding an access road. I will talk with my representative for private crossing closures and see if he has any more information. There is currently no permit for this crossing.

- ◆ E-mail from Rick Flink, BNSF to stakeholders on October 21, 2010.

Thank you for the heads up on this Megan. I will look into this and see what we can get done.

Rick

Rick Flink | BNSF Railway | Regional Manager, Field Safety Support | *
Richard.Flink@bnsf.com | (406-862-6564 (o)| 509-990-5604 (c)|

- Talk with BNSF attorneys to determine their position on the proposed crossing and provide the County and UTC staff an update before the status conference on Friday.

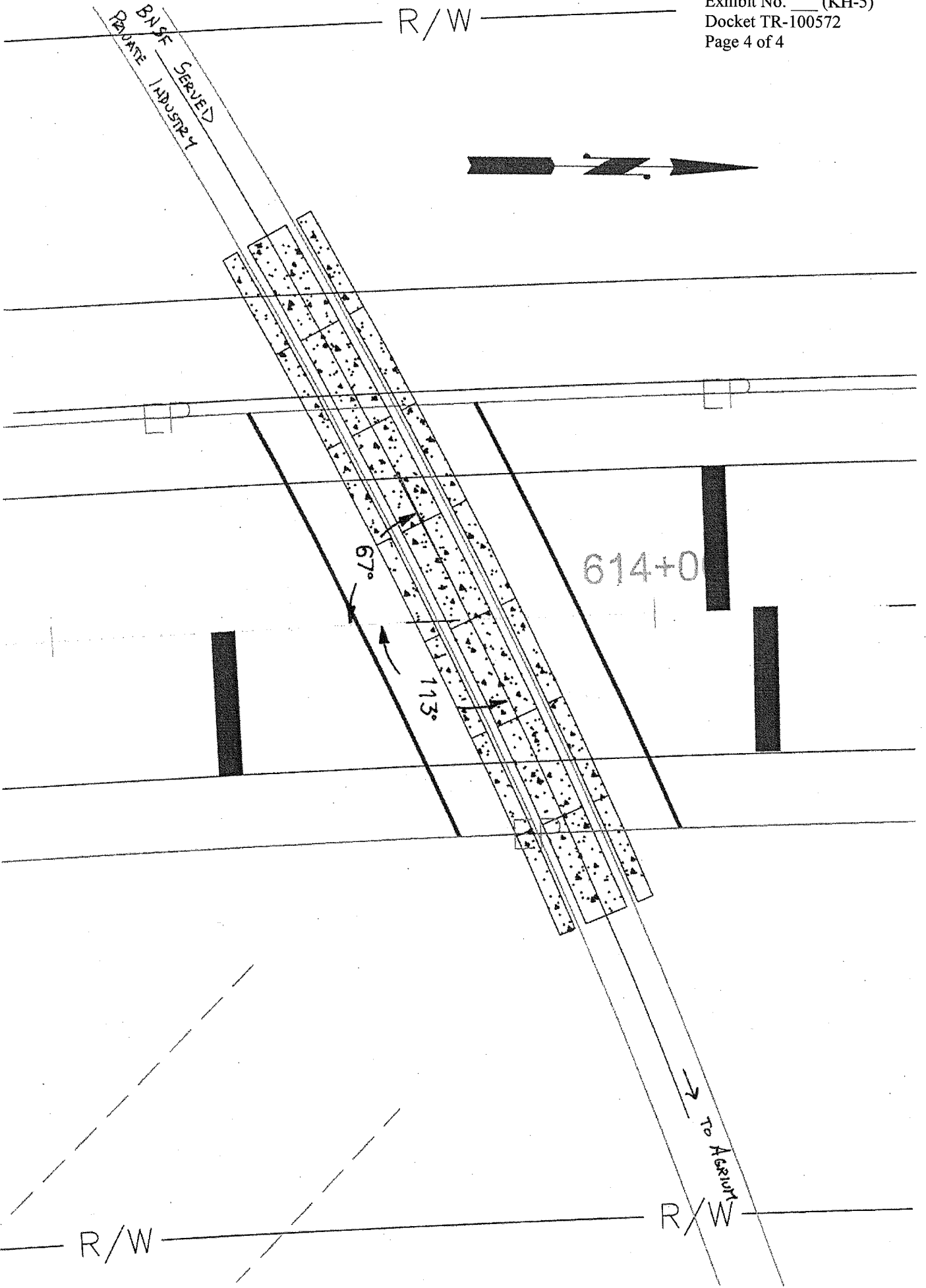
County:

- Provide skew dimension for the crossing. (Done October 19, 2010)

UTC:

- Prepare and circulate notes from the meeting. (Done October 19, 2010)
Malcolm Bowie replied via e-mail on October 20, 2010, that the notes were fine.

As attendees make progress on their assignments, please forward information to all participants.



Pleat Road Extension

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