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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CITY OF WENATCHEE

Petitioner,

DOCKET No. TR-220540

v.

BNSF RAILWAY COMPANY,

Respondent.

**PREFILED TESTIMONY OF
ALEX D. FUNDERBURG, JR.**

Please state your name.

My name is Alex D. Funderburg, Jr.

Please state your employer and job title.

My employer is BNSF Railway Company. I am a Manager of Public Projects at BNSF Railway.

Please state your responsibilities in that position.

I manage and coordinate public projects involving BNSF right-of-way in Washington, Oregon, and British Columbia.

In this role for BNSF, is the City of Wenatchee within your geographical area of responsibility?

Yes.

1 **What is your educational background?**

2 I have a degree in Environmental Design with an emphasis on Urban Planning from the
3 University of Colorado.

4 **Are you familiar with the 9th Street Crossing that is the subject of this action?**

5 Yes, I am familiar with the 9th Street crossing. In my role as Manager of Public Projects,
6 this crossing is within my territory.

7 **Are you familiar with the City of Wenatchee's proposed modifications at the 9th Street rail
8 crossing?**

9 Yes.

10 **What is your understanding of the primary modifications proposed by the City of
11 Wenatchee at the 9th Street rail crossing?**

12 The City of Wenatchee is proposing four-quadrant pedestrian gates, a four-quadrant
13 roadway gate system (entrance/exit gates), and a wider crossing surface. This additional railroad
14 infrastructure has been proposed in order to accommodate the City's roadway/sidewalk project.

15 **Is the City's design of the proposed modifications at the 9th Street rail crossing necessary to
16 meet federal quiet zone requirements?**

17 No. The City's proposed four- gate roadway system design is not necessary or required
18 under Federal Railroad Administration regulations, including 49 CFR Subtitle B, Chapter II,
19 Part 222, including Appendix A (Approved Supplementary Safety Measures). *See Exhibit A.* A
20 four-gate system is redundant, not necessary to meet quiet zone requirements, and would
21 unnecessarily increase costs. A three-gate system at this location is preferable and optimal. In
22 addition, the sidewalk should be placed behind the roadway signal mast and gate arm and
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1 separate pedestrian gates should be installed for the sidewalk. The City has proposed to
2 construct an approximately 115-foot median stretching from the gate arm south on 9th Street.
3 The closest public driveway is approximately 120 feet from the crossing. *See Exhibit B.* The
4 proposed median's length and the location of the driveway more than meets the requirements to
5 serve as a supplementary safety measure on the south side of the crossing, thus negating the need
6 for the exit gate.

7
8 **In Section 10 of its Petition in this action, the City of Wenatchee provides an estimate of**
9 **\$687,600 for railroad work as part of the approximate cost of installation and related work**
10 **at the 9th Street rail crossing. Is that currently accurate?**

11 No, such estimates were created earlier in time. The cost to BNSF for such work for the
12 City's proposed modifications would be higher due in part to increased labor costs, increased
13 material costs, and inflation.

14
15 **In Section 11 of its Petition in this action, the City of Wenatchee provides an estimate of**
16 **\$45,600 for annual inspection/maintenance fees for this crossing. Is that currently**
17 **accurate?**

18 No, such estimates were created earlier in time. The cost to BNSF for annual inspection
19 and maintenance fees for the City's proposed modifications at this crossing would be higher, due
20 in part to increased labor costs, increased material costs, and inflation. The annual maintenance
21 costs would be reduced by a three-gate system.

22
23 **Is BNSF willing to work with the City on implementing an alternate design for**
24 **modifications to the 9th Street Crossing?**

1 Yes. BNSF remains willing to work cooperatively with the City on implementing a
2 three-gate system across 9th Street and a four-gate pedestrian system protecting the sidewalks.
3

4 **BNSF Exhibits**

5 Attached hereto and incorporated herein are the following exhibits of BNSF Railway
6 Company:
7

Exhibit	Description	# of Pages
A	49 CFR Subtitle B, Chapter II, Part 222, including Appendix A (Approved Supplementary Safety Measures)	109
B	Aerial view of approximate distance from existing gate arm to commercial driveway, obtained from Google Maps on March 3, 2023	1

15
16 **DECLARATION**

17 I, Alex D. Funderburg, Jr., declare under penalty of perjury under the laws of the state of
18 Washington that the foregoing Pre-Filed Testimony of Alex D. Funderburg, Jr. is true and correct
19 to the best of my knowledge and belief.
20

21 DATED this 3rd day of March, 2023, at Tacoma, Washington.
22
23

24 s/ Alex D. Funderburg, Jr.
25 ALEX D. FUNDERBURG, JR
26

1 **CERTIFICATE OF SERVICE**

2 I hereby declare under penalty of perjury under the laws of the State of Washington that I
3 caused a true and correct copy of the foregoing to be served via the methods below on this 3rd day
4 of March, 2023 on the following counsel/party of record:

5 ***Counsel for City of Wenatchee***

6 Steve D. Smith
7 Davis, Arneil Law Firm, LLP
8 617 Washington Street
9 Wenatchee, WA 98801
10 steve@dadkp.com
11 toni@dadkp.com

- via hand delivery
- via email
- via electronic filing

12 ***Representative for Staff of the Utilities
and Transportation Commission***

13 Jeff Roberson
14 Assistant Attorney General
15 Office of the Attorney General
16 Utilities and Transportation Division
17 P.O. Box 40128
18 Olympia, WA 98504-0128
19 jeff.roberson@utc.wa.gov
20 betsy.demarco@utc.wa.gov

- via hand delivery
- via email
- via electronic filing

21 ***For Washington Utilities
and Transportation Commission***

22 Amanda Maxwell
23 Executive Director and Secretary
24 Washington Utilities and Transportation
25 Commission
26 P.O. Box 47250
Olympia, WA 98504-7250

- via hand delivery
- via email
- via electronic filing
- via U.S. Mail

Executed at Seattle, Washington, on March 3, 2023.

s/ Keri Newman

Keri Newman, Legal Practice Assistant