

1 include negotiating all contract agreements for projects with Washington State cities and counties,
2 including design, property, budget and cost-sharing. I am also involved in projects involving
3 crossing closures, whether it be complete closure or grade separations to eliminate highly
4 dangerous, unnecessary or redundant crossings.

5
6 **3. Are you familiar with Chelan County's petition to reconfigure the railroad**
7 **bridge over the Chumstick Highway and, if so, what is the extent of your knowledge or**
8 **involvement with that project?**

9 Yes. I am in charge of crossing safety, closures and upgrades for city and county projects.
10 This project potentially involves reconfiguration of an underpass crossing, involves county
11 funding and would benefit Chelan County. I have been involved as BNSF's liaison in this matter
12 since 2006.

13
14 **4. Chelan County stated that in 2002, BNSF gave the county an estimate of \$1,750,000**
15 **for a shoo-fly and an altered and relocated bridge over the Chumstick Highway. Is this an**
16 **accurate figure? Why or why not?**

17 Based on my experience working on other projects, I do not believe the dollar amount is
18 accurate. At this location, it would be necessary to put in a lot of dirt fill, to make a berm and build
19 a shoo-fly (temporary track bypassing construction zone). The temporary track (shoo-fly) alone is
20 going to be a much higher cost than their figure, however, it is still too early to tell for certain what
21 the actual cost of the project would be because there are no definite construction plans or drawings
22 for the project. BNSF has seen only some design concepts, but the costs cannot be estimated from
23 that.

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1 **5. In the *Initial Order Denying Petition to Dismiss for Lack of Jurisdiction*, Judge Mace**
2 **noted that “Now that the Commission has resolved the jurisdictional issues over allocating**
3 **costs, Chelan will have an opportunity to identify its own proposed costs.” To your**
4 **knowledge, has the County identified its own proposed costs?**

5 To the best of my knowledge, the County has never identified its own proposed costs.
6

7 **6. If the Commission orders BNSF to pay to replace the trestle, do you foresee any**
8 **potential repercussions or financial consequences to the railroad, beyond this immediate**
9 **project?**

10 Yes. Every town, county, city or state wishing to update a grade crossing, even though
11 there is nothing structurally wrong with the railroad bridge, could ask their tribunals to make
12 BNSF to pay for such projects. It is an understatement to say this could have huge financial
13 implications to BNSF, if it is forced to pay for reconstruction projects that the railroad neither
14 wants nor needs.
15

16 **7. If the Commission grants the County’s petition and a new trestle is constructed,**
17 **would there be an effect on trains running along the mainline track at and near the trestle?**

18 Currently, there are 22 freight trains and 3 passenger trains that run along this track every
19 day. These trains would either be prevented from using the track during construction (which is the
20 major track route from Seattle to the midwest and east coast), or an alternate route would have to
21 be temporarily built to bypass the bridge during construction. Either way, it figures to be a
22 disruption to BNSF’s operations.
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1 8. If the Commission grants Chelan County's petition, how does BNSF want the WUTC
2 to apportion the costs of this project between Chelan County and BNSF pursuant to RCW
3 81.53?

4 Reconfiguring this bridge has no immediately ascertainable benefit to BNSF. To the best
5 of my knowledge, the bridge has no structural defects that require replacement or redesign. The
6 WUTC, if it grants Chelan's petition, should not apportion any of the cost to BNSF.

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11 DECLARATION

12 I, John Li, declare under penalty of perjury under the laws of the State of Washington
13 that the foregoing PREPARED TESTIMONY OF JOHN LI is true and correct to the best of
14 my knowledge and belief.

15 DATED this 28th day of March, 2008.

16
17 
18 _____
19 JOHN LI

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MONTGOMERY SCARP MACDOUGALL, PLLC
1218 Third Avenue, Suite 2700
Seattle, Washington 98101
Telephone (206) 625-1801
Facsimile (206) 625-1807

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 5 copies of PREFILED TESTIMONY OF JOHN LI has been sent by FedEx to Carole J. Washburn at WUTC and a PDF version 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:

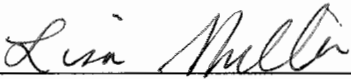
Judge Patricia Clark
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Louis N. Chernak
Chelan County Prosecuting Attorney's Office
401 Washington Street, 5th Floor
P.O. Box 2596
Wenatchee, WA 98807

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this 28th day of March, 2008 at Seattle, Washington.



Lisa Miller, Paralegal