

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

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BENTON COUNTY,

Petitioner,

v.

BNSF RAILWAY COMPANY,

Respondent.

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) DOCKET NO. TR-100572

) **PREPARED TESTIMONY OF**  
) **MEGAN McINTYRE, BNSF**  
) **MANAGER PUBLIC PROJECTS**

**1. Please state your full name and job title.**

Megan McIntyre, Manager Public Projects, BNSF Railway Company.

**2. Please describe your position with BNSF Railway Company (BNSF).**

I have been employed by BNSF Railway Company (BNSF), or one of its predecessors, for approximately seven years. During my employment, I have worked as a Management Trainee, Assistant Roadmaster, Project Engineer, Construction Roadmaster, Manager Budgets and Manager Public Projects out of BNSF's Seattle, Washington terminal. In general, my duties as Manager Public Projects include negotiating with government agencies in Washington, Idaho, Montana, and British Columbia, including design, property, budget and cost-sharing.

I am also involved in projects involving proposed grade crossing closures and openings, which can and often do involve considering the factors that effect which warning

devices or modifications are proper at a given crossing. When considering crossing openings and closures, part of what I have to be familiar with includes the train traffic, train speed limit(s), types of commodities being shipped on trains traveling across the subject crossing, the level and type of current and future vehicular traffic at the crossing, existing or proposed warning devices, crossing geometry, and history of incidents at the crossing, if any.

**3. Are you familiar with Benton County's petition to open a public railroad crossing across the Agrium Industry spur track, and if so what is the extent of your knowledge or involvement with that project?**

I am. 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. I am involved in evaluating crossing safety for openings and closures at public crossings. Because this project involves a potential new public crossing, I have been thoroughly involved.

**4. How often do trains currently use the Agrium Spur track?**

BNSF currently runs one Road Switcher train to (and from) the Agrium facility per day, Monday through Friday. The Agrium plant manager, Josh Reagan, also confirmed to me that Agrium receives one train per day.

**5. Are you familiar with the train speed limit for BNSF train traffic on the Agrium spur track?**

I am. The federal train speed limit is 10 miles per hour. This is FRA Class 1 track.

**6. Is BNSF in favor of Benton County's proposal to establish a new public crossing across the Agrium spur track? Why or why not?**

No. As a matter of corporate policy, BNSF generally does not support construction of new at-grade crossings because of safety concerns. BNSF favors closure/consolidation or grade separation.

**7. Does BNSF have any concerns about the County's petition or analysis?**

Yes. BNSF has concerns that neither the petition nor County's prepared testimony appear to consider or address increased traffic volume on Piert Road in the event that nearby industrial development increases. BNSF also concerns about whether Benton County has

considered the type of commodities that may be shipped to Agrium, including any hazardous material, Benton County's apparent underestimation of the volume of train traffic per week, and the County's apparent reliance on its perception of trains traveling slower than the federal speed limit for the tracks. It must always be expected that a train will be traveling as fast as the federal speed limit allows (again, here, 10 m.p.h.). BNSF railroad opposes Benton County's petition.

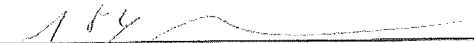
**8. In the event that the WUTC grants Benton County's petition, are there any conditions that BNSF believes should be attached?**

BNSF believes that the WUTC should deny Benton County's petition for a new public crossing. But in the event that the WUTC grants the petition, the WUTC should allocate all construction and future maintenance-related costs to Benton County as there is no benefit or value to BNSF. Second, Benton County should be required to closely monitor the crossing after construction and re-evaluate the level of protection at the crossing if there are increases in vehicle or train traffic, or if there are incidents (near misses) or accidents at the crossing. The WUTC can exercise its authority to retain jurisdiction over the subject matter of and the parties to the proceedings to effectuate the terms of its Order, and also require Benton County to file annual notices of compliance to report current traffic counts. Third, in the event that traffic reaches a level that requires active warning devices, Benton County should be required to install active devices recommended by a diagnostic team consisting of BNSF and WUTC representatives, at its own expense, or else the crossing shall be closed.

DECLARATION

I, Megan McIntyre, declare under penalty of perjury under the laws of the State of Washington that the foregoing PREPARED TESTIMONY OF MEGAN McINTYRE is true and correct to the best of my knowledge.

DATED this 29th day of November, 2010.

  
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MEGAN McINTYRE