

ATTACHMENT "A"

DOCKETS: TR-143902 & TR-143903

1. DECLARATION OF JAMES R. FORGETTE IN SUPPORT OF DEFENDANTS MOTION FOR PARTIAL SUMMARY JUDGEMENT ON REMAINING UNRESOLVED ISSUE

JAMES R. FORGETTE, declares as follows:

1. I am the Trainmaster and Operations Manager of Ballard Terminal Railroad.
2. Meeker Southern Railroad in Puyallup, Washington is a subsidiary of Ballard Terminal Railroad.
3. Meeker Southern Railroad has a grade crossing on Shaw Road in Puyallup, circa 2010.
4. The Shaw Road grade crossing was built during the extension of Shaw Road to Pioneer Avenue, and required 50 foot long gate arms. The entire project was approved by the WUTC.
5. By virtue of a 2007 agreement between Meeker Southern and the City of Puyallup, the costs of construction and maintenance for this crossing, the signals, gates, and all related equipment are borne by the City, not by the Railroad. This agreement is attached for the UTC's convenience.
6. Since completion of the roadway extension and grade crossing circa 2010, Meeker Southern has performed all necessary maintenance and repairs to the crossing signals and gates through their contractors, Northwest Signal Maintenance, LLC, and Midvale Electric, Inc.
7. The extraordinarily long gate arms are highly susceptible to wind damage, and in fact have been replaced several times by Meeker Southern Railroad's contractor at City expense.
8. The new grade crossing and its gates benefits the City of Puyallup and the public, but provides no substantial benefit to the Railroad. In fact, it added to our safety and maintenance burdens.

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

DATED THIS 1st Day of October, 2015, in Seattle, Washington


James R. Forgette