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3 BEFORE THE WASHINGTON UTILITIES AND  
4 TRANSPORTATION COMMISSION  
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7 BNSF RAILWAY COMPANY, ) DOCKET NO. TR-090121  
8 Petitioner, )  
9 vs. ) PRELIMINARY WITNESS AND  
10 SNOHOMISH COUNTY, ) EXHIBITS LIST  
11 Respondent. )  
12

13  
14 WITNESSES

15 Petitioner BNSF Railway Company discloses the following list of possible witness:

- 16 1. **Rick Wagner**, Project Engineer and/or **Megan McIntyre**, Construction  
17 Roadmaster.  
BNSF Railway Company

18 Mr. Wagner and/or Ms. McIntyre is expected to testify regarding the basis for the  
19 petition to close the Logen Road crossing, i.e., why a public crossing in the middle of an  
20 active siding track would create an exceptionally hazardous situation. Mr. Wagner may testify  
21 why warning devices will not adequately address or remedy the dangers such that BNSF could  
safely use the siding track while leaving the Logen Road crossing open to vehicular and  
pedestrian travel. Mr. Wagner will also testify regarding BNSF's plan to make improvements  
to adjacent crossings to help mitigate any effect on motor vehicle traffic.

- 22 2. **Danniel MacDonald**, Manager Engineering and/or **Megan McIntyre**,  
23 Construction Roadmaster.  
BNSF Railway Company

24 Mr. MacDonald and/or Ms. McIntyre may testify regarding the necessity of closing the  
25 Logen Road crossing from an engineering and railroad operations standpoint. Mr. MacDonald  
26 will also explain why siding tracks are necessary to reduce train congestion up and down the  
27 impacted I-5 rail corridor, and the necessity of the Stanwood siding track to allow freight  
trains to meet and pass, and to allow trains to bypass the new Amtrak station when passenger  
trains are approaching or at the station.

1           3.     **David Agee**, Manager Field Safety  
2                     BNSF Railway Company

3           Mr. Agee's testimony will focus on his first hand observations at railroad crossings as  
4           a former locomotive engineer/ conductor, the Operation Lifesaver message he delivers to the  
5           community, and the reason why crossing consolidations promote public safety. Mr. Agee is  
6           not testifying on behalf of or as an agent of Operation Lifesaver, however, he may illustrate  
7           his testimony with one or more Operation Lifesaver PowerPoint slides, which BNSF expects  
8           to receive and produce during the week of March 9, 2009.

9           4.     **Kevin Jeffers**, P.E., Capital Projects Manager  
10                    Washington State Department Of Transportation, State Rail and Marine Office

11           Mr. Jeffers will testify about Amtrak's long-term plan to increase train traffic on the  
12           line, plans for the Stanwood Amtrak station, and the necessity to extend the existing siding  
13           track so that freight trains can bypass passenger trains at the station, as well as help prevent  
14           rail congestion along the impacted I-5 rail corridor.

15           5.     **Kathy Hunter** and/or **Paul Curl**, WUTC Staff  
16                    Washington Utilities and Transportation Commission

17           Ms. Hunter and/or Mr. Curl may testify regarding considerations of safety versus  
18           public convenience/necessity.

19           6.     **Gary Norris**, P.E., P.T.O.E., Senior Engineer  
20                    Garry Struthers Associates, Inc.  
21                    3150 Richards Road, Suite 200  
22                    Bellevue, WA 98005

23           Mr. Norris is expected to testify about the traffic related impacts of the proposed  
24           crossing closure, specifically, that the closure will not have a substantial impact on traffic  
25           volumes in the area or emergency response times. Mr. Norris will also testify that suitable  
26           alternative crossings exist nearby. Mr. Norris may supplement his testimony with one or more  
27           graphics illustrating Logen Road and nearby roadways, speed limits, and traffic volumes.  
28           BNSF expects to receive and produce this/these graphic(s) during the week of March 9, 2009.

29           7.     **Foster Peterson**, Partner and Railroad Consultant  
30                    Full Service Railroad Consulting, Inc.  
31                    4426 Hugh Howell Road, Suite B-339  
32                    Tucker, GA 30084

33           Mr. Peterson may testify regarding train operations and safety, grade crossing  
34           accidents relating to railroad operations, the circumstances under which pedestrians and  
35           motorists disregard warning devices, the exceptionally hazardous configuration of a crossing  
36           in the middle of a siding track, and the potential consequences of a train/vehicle or  
37           train/pedestrian collision. Mr. Peterson may also explain why no warning devices will  
38           sufficiently address the dangers that would exist at the Logen Road crossing once the siding  
39           track is constructed and in use.



1 DATED this 6<sup>th</sup> day of March, 2009.

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3 Montgomery Scarp MacDougall, PLLC

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6 Bradley P. Scarp, WA. Bar No. 21453  
7 Kelsey E. Endres, WA Bar No. 39409  
8 Attorneys for BNSF Railway Company  
9 1218 Third Ave., Ste. 2700  
10 Seattle, WA 08101

11 CERTIFICATE OF SERVICE

12 I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery  
13 Scarp MacDougall, PLLC, whose address is 1218 Third Avenue, Suite 2700, Seattle, Washington, 98101.

14 I hereby certify that the original and 11 copies of *BNSF's Preliminary Witness and Exhibits List* has been  
15 sent by FedEx to Carole J. Washburn at WUTC and a PDF and work perfect version sent by electronic mail. I also  
16 certify that true and complete copies have been sent via electronic mail and U.S. Mail to the following interested  
17 parties:

18 Justin W. Kasting  
19 Matthew A Otten  
20 Prosecuting Attorney, Civil Division  
21 Robert J. Drewel Building, 7<sup>th</sup> Floor  
22 M/S 504  
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Jonathan Thompson  
Assistant Attorney General  
1400 S. Evergreen Park Dr. S.W.  
PO Box 40128  
Olympia, WA 98504-0128

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

25 DATED this 6<sup>th</sup> day of March, 2009 at Seattle, Washington.

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Lisa Miller, Paralegal