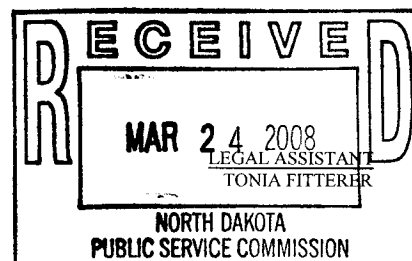


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CHARLES "CASEY" L. CHAPMAN  
CHARLES R. ISAKSON



March 21, 2008

William Binek  
Public Service Commission  
12<sup>th</sup> Floor, State Capitol  
600 East Boulevard Ave, Dept 408  
Bismarck, ND 58505-0480

**Re: Matter of the Application of David Wisdom For a Railroad Crossing Pursuant to Section 49-11-17, NDCC**

Dear Bill:

You and I have talked on a couple occasions regarding an issue with a needed railroad crossing. We have provided information to BNSF and, as of this date, they have taken no action.

Therefore, I enclose an Application under the applicable statute. If you have questions, after you receive this document, please give me a call.

Thanks.

Very truly yours,

CHAPMAN & CHAPMAN, P.C.

*Charles L. Chapman*

By: Charles "Casey" L. Chapman

tf

Enclosure

1 RR-08-131 Filed: 3/24/2008 Pages: 3  
Application of David Wisdom for a Railroad Crossing

David Wisdom

Chapman & Chapman, P.C.

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF NORTH DAKOTA

In the Matter of the Application of David Wisdom  
For a Railroad Crossing Pursuant to Section 49-11-17, NDCC

David Wisdom, the applicant herein, states on oath, as follows:

1. Applicant owns land on both sides of, and contiguous to, the Burlington Northern and Santa Fe Railway Co (herein "BNSF") railroad right-of-way in Sections 1 and 2, Township 138 North, Range 83 West, Morton County, North Dakota. The railroad right-of-way separates the lands of the applicant, in a generally east-to-west traverse, with the result that the applicant does not have access, across the railroad right-of-way, between his land located south of the right-of-way and his land located north of the right-of-way.

2. Applicant does not have access to an adequate crossing, by which the applicant can cross the railroad right-of-way separating the applicant's lands. The nearest railroad crossing lies to the east of the applicant's land but is not accessible to the applicant, either by public road or by recorded easement.

3. Applicant has communicated with BNSF regarding his request for the placement of an adequate railroad crossing. Initially, the applicant verbally communicated with BNSF and met with BNSF representatives at the site of the requested railroad crossing; at the time of the meeting with the BNSF representatives, the applicant designated a reasonable place for the railroad crossing. The place, which the applicant designated for the railroad crossing, was marked by existing dirtwork, and the applicant, who owns equipment capable of moving dirt, expressed his willingness to help with his equipment in the construction of the railroad crossing. At the time of this meeting between the applicant and the BNSF representatives, the BNSF representatives suggested an alternate location for the railroad crossing, slightly to the west of the applicant's designated place for the crossing; applicant stated no objection to the alternate crossing location.

4. Following these initial communications with BNSF, the applicant continued to seek permission from BNSF for placement of the railroad crossing. The applicant made several verbal contacts with BNSF, in an attempt both to gain BNSF's commitment to a location for the railroad crossing and to confirm the process of placing the railroad crossing. Although the applicant has been able to talk to various representatives of BNSF at various times and has, through his own attorney, communicated with the BNSF attorney on several occasions, the applicant has been unable to secure any commitment from BNSF to a location for the railroad crossing, sufficient to allow the applicant to complete requested BNSF paperwork.

5. Thereafter, the applicant, by and through his attorney, wrote to BNSF and, with plat maps and aerial photographs, pointed out the options for placement of the railroad crossing, as designated

