

PAGE-DOT# 093032L

NO PUBLIC ACCESS ON EITHER SIDE OF PRIVATE CROSSING. THE ONLY ACCESS TO CROSSING IS BY WALKING 2500' TO THE CROSSING OR BY FARM VEHICLE. FIELD TO FIELD CROSSING, NO CROSSBUCKS, NO DOT NUMBER, CROSSING HAS WHISTLE POSTS, CROSSING BOLTS PERTRUDING 3-4 INCHES OUT OF CROSSING PLANKS, CROSSING IN POOR CONDITION. PRIVATE CROSSING APPEARS TO HAVE MINIMAL USE BY LANDOWNER, NEIL MUNNO. CROSSING NOT MAINTAINED BY PUBLIC AUTHORITY ON EITHER SIDE OF THE CROSSING.

NOTE**

IN INTERVIEWING THE LANDOWNER, NEIL MUNNO, I ASKED IF HE HAD CONTACTED THE PSC OR BNSF REGARDING THE SAFETY OF THE CROSSING #093032L. MR. MUNNO'S RESPONSE WAS "NO".

ERIE-DOT# 093009S

NO PUBLIC ACCESS ON EITHER SIDE OF PRIVATE CROSSING. THE PRIVATE CROSSING IS NOT MAINTAINED BY PUBLIC AUTHORITY ON EITHER SIDE OF THE CROSSING. THE ONLY ACCESS IS BY WALKING 3000' TO PRIVATE CROSSING. CROSSING IS IN POOR CONDITION, BALLAST NOT EVEN WITH CROSSING. NO CROSSBUCKS, NO DOT NUMBER, CROSSING HAS WHISTLE POSTS. THE PRIVATE CROSSING APPEARS TO HAVE "NO" VISIBLE USE THIS YEAR.

CRARY (DOYON)- DOT# 086644R

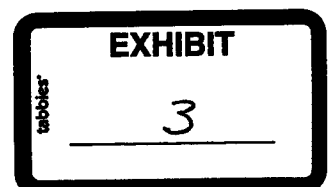
THE PRIVATE CROSSING IS NOT MAINTAINED BY PUBLIC AUTHORITY ON EITHER SIDE OF THE CROSSING. THE PRIVATE CROSSING HAS WHISTLE POSTS, NO CROSSBUCKS, NO DOT NUMBER. THE PRIVATE CROSSING HAS SEASONAL USE BY ADJACENT LANDOWNER ON NORTH SIDE OF CROSSING.

HEIMDAHL-DOT 093533R

OUR UTU MEMBERSHIP LOOKED AT THIS CROSSING. THE PRIVATE CROSSING IS NOT MAINTAINED BY PUBLIC AUTHORITY ON EITHER

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Exhibit 3 - Written testimony of Marc Halvorson and
Photos

Marc Halvorson

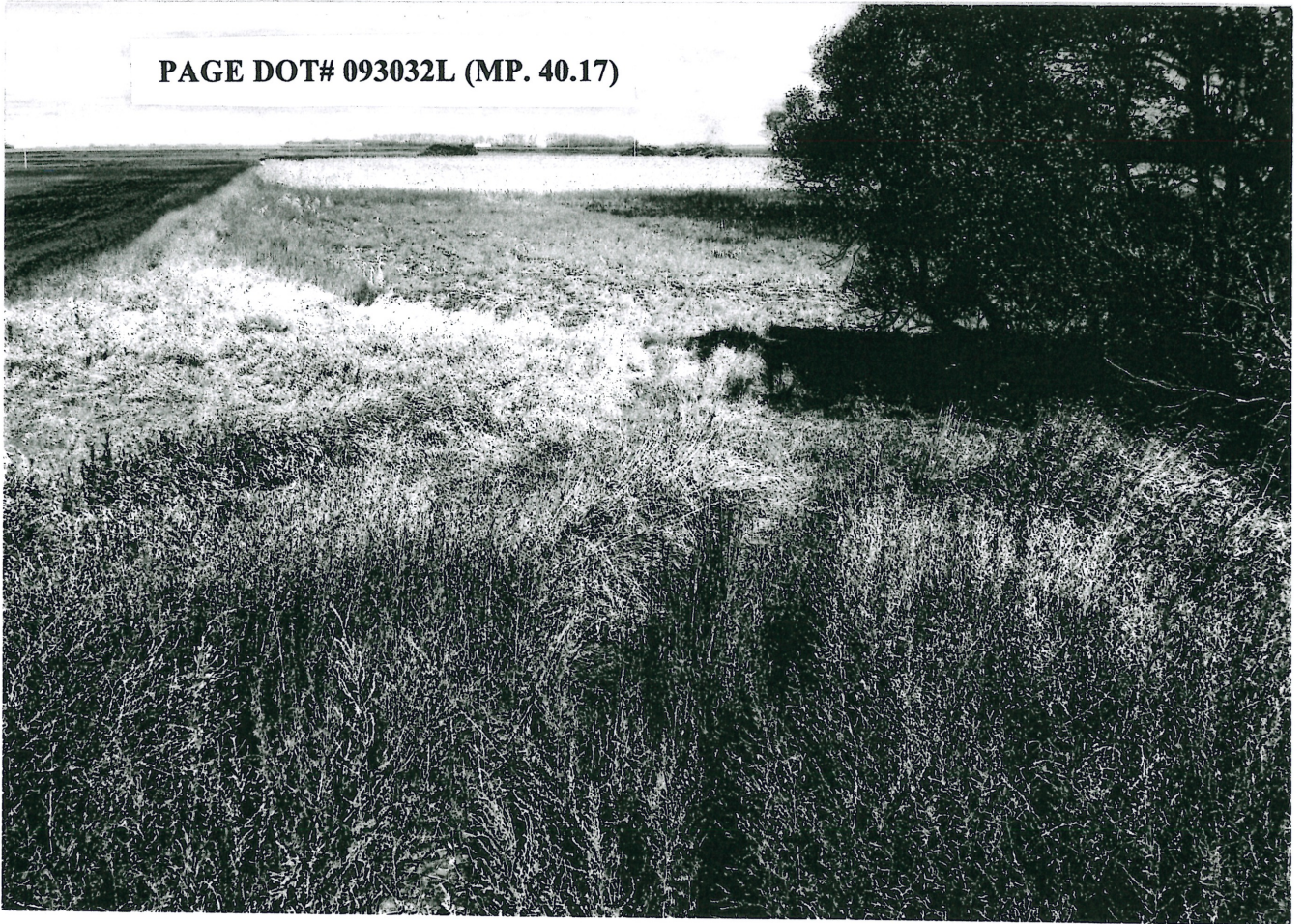


SIDE OF THE CROSSING. THE CROSSING HAS CROSSBUCKS AND WHISTLE POSTS AND APPEARS TO HAVE MINIMAL USE THROUGHOUT THE YEAR.

WILLISTON-DOT#081545B

THE CROSSING IS USED BY THE CITY AS THEIR WATER TREATMENT PLANT AND IS MAINTAINED BY A PUBLIC AUTHORITY. THE UTU HAS NO ISSUE WITH THIS CROSSING (DOT#081545B) IF THE PSC DETERMINED THIS CROSSING A PUBLIC CROSSING UNDER 49-11-00.1 AND SPECIFICALLY 49-10.1-21.

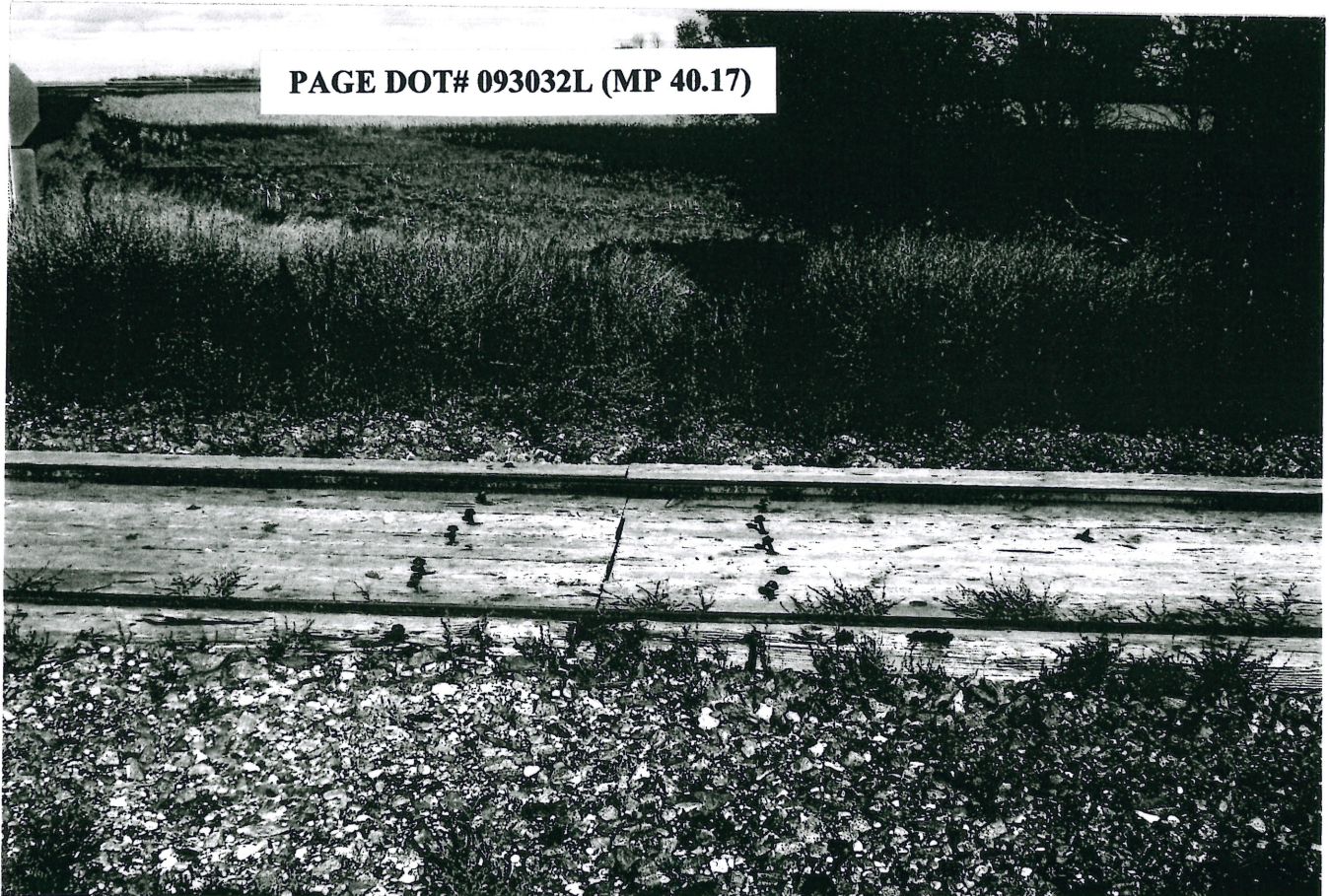
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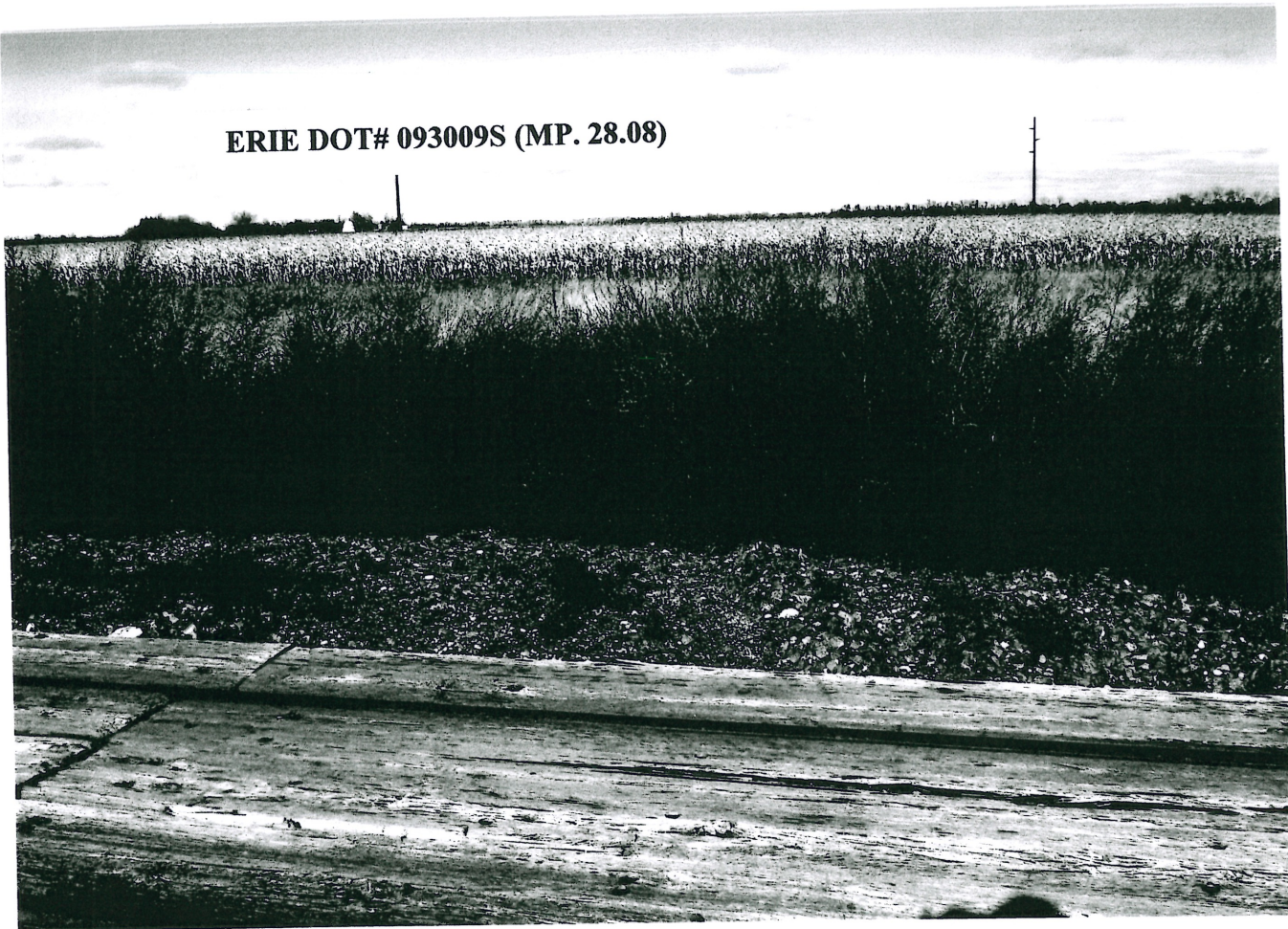
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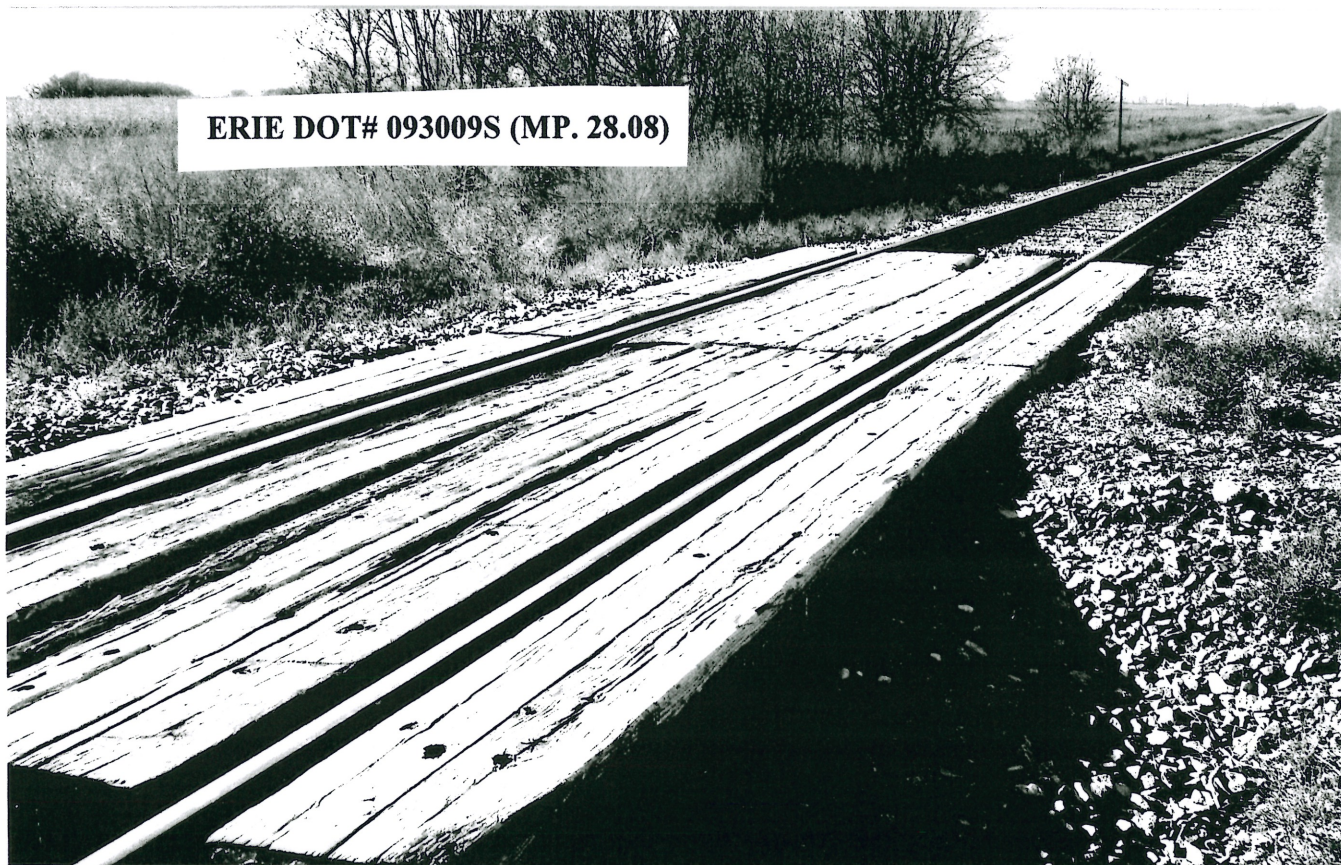
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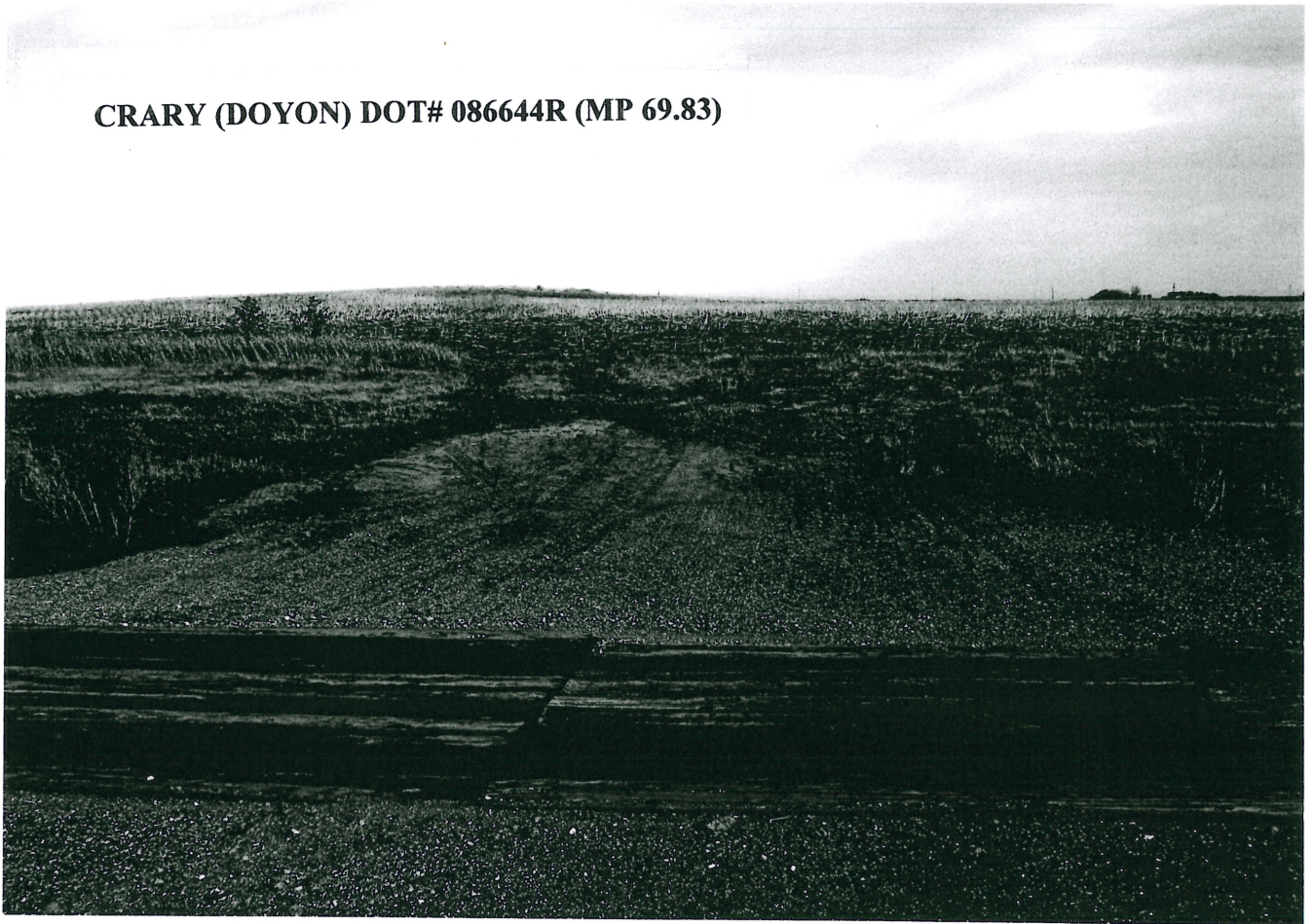
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