

JOINT FORCE HEADQUARTERS
DIVISION OF FACILITIES ENGINEERING
NORTH DAKOTA NATIONAL GUARD
PO BOX 5511, BISMARCK, ND 58506-5511

January 19, 2010

Annette Marie Bendish
Attorney at Law
North Dakota Public Service Commission
600 E. Boulevard Ave., Dept 408
Bismarck, ND 58505

RECEIVED
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PUBLIC SERVICE COMMISSION

Subject: Fraine Barracks Railway Crossing

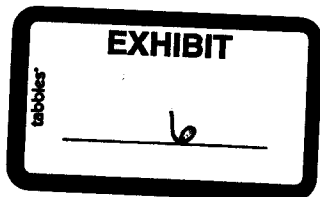
Dear Ms. Bendish.:

The Office of the Adjutant General is submitting the following information in response to certain questions raised by BNSF in their Petition to Review the Fraine Barracks Crossing.

Rear gate access control records indicate that approximately 300 North Dakota National Guard employees use the Fraine Barracks rear gate and this private crossing per day. Security requirements dictate that all employees exiting the rear gate must stop once through the gate to allow the gate to close. They stop again at the private crossing stop sign 50 feet later. All employees also stop at the private crossing stop sign prior to entering the rear gate of Fraine Barracks. Additional signage will be placed at both approaches to this crossing notifying users of the lack of train horns and the requirement to stop and look both ways prior to crossing the tracks.

Maintenance and snow removal on this roadway is conducted in a partnership between NDNG staff and the City of Bismarck. There is an MDU substation and a new city water main valve pit that are accessed from this roadway. NDNG employees also use this roadway to access Fraine Barracks. The NDNG typically conducts initial snow removal and sanding on this roadway to ensure emergency access for first responders and NDNG employees. The city conducts additional snow removal as required to provide access to the MDU substation and water main valve pit.

Emergency access was not questioned in the BNSF correspondence but is an important function provided by this crossing. This private crossing provides emergency fire response access from the nearest fire station located at Tyler Parkway and Century Avenue.



30 RR-10-26 Filed: 3/4/2010 Pages: 2
Exhibit 6 – Letter from Steven A. Tabor, NDNG,
dated 2-19-2010

Steven A. Tabor

This is critical to ensure protection of state emergency support entities such as the State Emergency Operations Area, State Radio and the North Dakota National Guard (NDNG) Joint Operations Center. Eliminating the crossing in question would increase emergency response time and pose safety concerns for these functions and the personnel that support them.

If you have any questions regarding this issue, please feel free to contact me at (701) 333-2075.

Sincerely,



Steven A. Tabor
Colonel, North Dakota National Guard
Director of Facilities Engineering