

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

BNSF Railway Company
Review of Private Railroad Crossings DOT #062517W and DOT #062518D
Application

STATE OF MINNESOTA)
)ss.
COUNTY OF Wright)

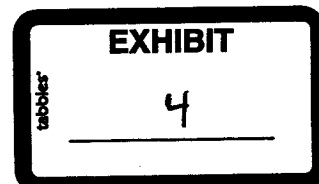
Lynn Leibfried, P.E., being first duly sworn on oath, deposes and says as follows:

1. I am a registered professional engineer; and I am employed by BNSF Railway Company as Manager Public Projects.

2. In the process of removing whistle posts at private crossings in response to the new legislation in North Dakota, two additional private railroad crossings came to our attention: DOT #062517W, which is located near Manvel, ND, at Mile Post 13.02 on Line Segment 250 and DOT #062518D, which is also near Manvel, ND, at Mile Post 13.19 on Line Segment 250.

3. Attached hereto as Exhibit 1 are photographs of DOT #062517W which depict a tree, a tree line, a change in elevation between the railroad tracks and the road with which it intersects, and a curve in the railroad tracks that may restrict the view of motorists and train crews as they approach this crossing.

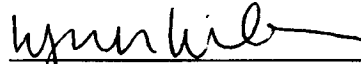
4. Attached hereto as Exhibit 2 are photographs of DOT #062518D which depict trees, vegetation, a change in elevation between the railroad tracks and the road with which it intersects and a curve in the railroad tracks that may restrict the view of motorists and train crews as they approach this crossing.



5. We are bringing these two additional private railroad crossings to the Commission's attention to ask that the Commission review them and issue an Order determining whether or not any audible devices warning of a train's approach will be sounded at either crossing.

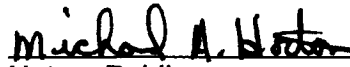
FURTHER YOUR AFFIANT SAYETH NOT.

Dated this 7 day of January, 2010.



Lynn Leibfried

Subscribed and sworn to before me this
7 day of January, 2010.



Notary Public
My Commission Expires: 1-31-10

