



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Tessera Solar,

Complainant,

CASE No. C1010015

vs.

BNSF Railway Company

Defendant.

**DECLARATION OF DENISE GAUTHIER
BNSF RAILWAY COMPANY**

December 8, 2010

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DECLARATION

OF

Denise Gauthier

Regional Manager – Field Safety Support
BNSF Railway Company

1. My name is Denise Gauthier. I am Regional Manager – Field Safety Support for BNSF Railway Company (“BNSF”).
2. What has been referred to as the "Hector Road Crossing" does not intersect with Hector Road. It is a private Maintenance-of-Way ("MOW") Crossing that connects the northerly and southerly MOW roads that run parallel to the mainline tracks within the BNSF Right-of-Way (ROW").
3. The MOW Crossing and the BNSF MOW roads are all exclusively within BNSF's ROW. The MOW Crossing is located at a BNSF station and lay down area called Hector Station, which, among other things, is used to lay down materials for railroad infrastructure and operations, and for setting on and off track supervisor equipment to inspect the tracks.
4. Whereas most of the BNSF ROW is 100 feet wide from the center line of the tracks, the station and lay down area where the MOW Crossing is situated is 200 feet wide from the center line of the tracks, to accommodate materials, infrastructure, and operations.

5. The location of the MOW Crossing is situated where the track supervisors' territories split, is based on the location of the BNSF station and laydown area, and is not associated with Hector Road or any public or private roadway.

7. Stations have multiple functions, some of which include the staging and operation of maintenance of way vehicles, the staging of equipment for surfacing gangs and tie gangs, and the setting out of cars with hot wheels for maintenance. Cars with hot wheels are placed on set out tracks such as those located at Hector Station.

8. Detectors are located along on the rail line to detect hot wheels on railcars. This information is transmitted to the train. Set out tracks are located throughout the rail line, at distances from the detection locations that permit the train to stop and detach the car with the hot wheels. The detached car is placed on set out tracks to await maintenance.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of December 2010 at Springfield, Missouri.



Denise Gauthier