

Exhibit No. ___ (KH-27)
Docket TR-100098
Witness: Kathy Hunter

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CITY OF FIFE,

Petitioner,

v.

UNION PACIFIC RAILROAD,

Respondent.

DOCKET TR-100098

EXHIBIT TO REBUTTAL TESTIMONY OF

Kathy Hunter

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

*Series of Six News Articles Reporting Resulting Injuries to Pedestrians
Who Crossed Railroad Tracks Illegally*

January 19, 2011

Pedestrian Loses Leg

CLEVELAND, September 16, 2010

A pedestrian's right leg was amputated at mid-thigh as he became trapped climbing between cars of a Burlington Northern Santa Fe freight train in Galesburg, Ill.

The train was being operated by remote control at the time of the accident on August 28. The victim, Anthony Jones, is a resident of an extended care facility for people with disabilities in the Galesburg area, according to Eric Holland, an attorney with the law firm Rathmann & Holland, LLC. According to police reports obtained by the BLE, officers found the victim's right leg 50 feet to the south of where his body finally came to a rest. Police also discovered toes from his right foot 75 feet north of the body.

Witnesses said the freight train had come to a halt and blocked the intersection of Mulberry and Chambers Streets in Galesburg. Jones climbed between the cars but, apparently, part of his clothing became snagged on the train and he could not free himself. According to police reports, a witness saw Jones running between the cars as the train was backing up. The witness then said Jones was pulled under the train at least twice before it came to a halt.

The train was being operated by two remote control operators at the time of the accident. The train was 5,476 feet long and consisted of 104 cars. The front remote control operator moved the train north out of the yard and then turned over control to the rear remote control operator. After turning over control of the train's south movement to rear operator, the front operator was flagged down by a pedestrian and told of the man trapped between the cars. The train was then stopped and they noticed the victim alongside the tracks.

Police reports estimate that Jones became trapped where the track crossed Chambers Street. His body was found 535 feet from this reference point, while his severed right leg was found an additional 50 feet south of the body. *The remote control was clearly a contributing factor in the accident, Holland said. Holland said a locomotive engineer behind the throttle would have sounded the train's horn before backing up into the yard, which may have given the victim enough of a warning to get away from the train before the movement started.* In addition, Holland said valuable seconds were lost when the front remote control operator signaled to the rear operator to stop the train. The time lost in communicating between the two remote control operators may have meant the difference between Mr. Jones keeping his leg and having it amputated.

According to his records, Holland said BNSF had been warned about pedestrians climbing through stopped trains at that grade crossing several times in the past. Holland finally noted the fact that the remote control train was moving through a public highway-rail grade crossing at the time of the accident, which contradicts management claims that remote technology would be confined to yard areas only. The Brotherhood of Locomotive Engineers has conducted a series of informational demonstrations throughout the United States this summer in an effort to draw public attention to possible dangers associated with the use of remote control locomotives operated by unqualified personnel.

Train-Spotting at the University of Memphis

Memphis Flyer – The Daily Buzz
THURSDAY, AUGUST 30, 2007

POSTED BY JOHN BRANSTON ON THU, AUG 30, 2007 AT 4:00 AM

With school officially back in session, University of Memphis students are once again racing speeding locomotives and climbing stopped ones. According to the university paper, *The Daily Helmsman*, campus police had to be dispatched to the train tracks near Southern after reports of students crawling under a stationary train. Though it's against a city ordinance, students have a history of climbing over and under stationary trains blocking their path to campus buildings.

In 2005, a 42-year-old woman was killed while climbing through a train stopped at Southern and Willett.

A city ordinance says that trains cannot be stopped on tracks for more than five minutes, but it is not enforceable. Read Mary Cashiola's "In The Bluff" column on this issue.

Boy injured in train mishap

Elko Daily Free Press, WINNEMUCCA

A 13-year-old boy on his way to school was seriously injured Thursday morning when the parked train he was attempting to crawl under suddenly moved.

The eighth-grader was airlifted to Reno with serious injuries to his leg. Winnemucca Police Chief Bob Davidson called the accident a "senseless tragedy." Although the investigation is in the preliminary stage, Davidson said it appears the boy and a group of classmates attempted to take a shortcut over the railroad tracks where a train was parked. As the boy made his way under a railroad car with his bike in tow, the train suddenly started moving, Davidson said. Davidson said he was told by Union Pacific personnel that their dispatch contacted the train's personnel and had them stop the train.

The railroad tracks run parallel to the junior high school and students can be seen crossing the tracks every day as they go to and from school. There is an approved crossing about a half-mile away, which requires the students to walk or ride the half-mile to the crossing and then back a half-mile to get to school. Many simply cross the tracks. In the past, the school and Union Pacific have presented safety information to the students, which stressed the dangers of crossing the tracks.

Dave Jensen, assistant superintendent of the Humboldt County School District said Union Pacific has not been to the junior high school in a couple of years to do the presentation. However, he said the school reminds students to stay off the tracks. "This is a tremendous tragedy," he said. "Our thoughts and prayers go out to the family and the students who were with him and we wish them the best."

Capt. Rick Waldie said this was his first investigation involving a person and a train that wasn't a fatality. "When it's a train versus a person, things don't turn out well," Waldie said and later added, "This was totally avoidable."

"This is a dangerous, dangerous crossing," Davidson said of the path the students take across the railroad tracks. Davidson said it was his hope the Winnemucca police, Nevada Department of Transportation, the school district, the city and others could get together and come up with a solution.

Man killed in train accident identified

Birmingham News
Tuesday, May 19, 2009

The man killed earlier today when he was run over by an AmTrak train in downtown Birmingham has been identified as 40-year-old Randall Sandford. He was pronounced dead at 12:16 p.m., said Jefferson County Chief Deputy Coroner Pat Curry.

Investigators said it appears the man was trying to climb through the train -- between the last two cars -- while the train was stopped to switch tracks in the 2100 block of Morris Avenue. He was crushed when the train started moving again. The man was taken to UAB Hospital where he was pronounced dead. Authorities said he is believed to be an employee at UAB.

Train Drags Eric Lindsey, 57, of St. Joseph, Missouri, 6 Miles to His Death

Associated Content at Yahoo
Elle, Yahoo! Contributor Network
Jan 25, 2010

On January 24, 2010 at approximately 11:30 pm, Eric Lindsey, a Union Pacific Train killed a 57-year old man from St. Joseph, Missouri, after dragging him 6 miles to his death. The train, composed of 58 cars, was parked in the railroad yard near Lake Street and Alabama Street in St. Joseph, Buchanan County Missouri, when it is believed the man climbed between two cars. As he was climbing over the couplings between the tanker cars, the train started moving and caused him to fall. The conductor and the engineer think he was somehow caught in the couplings between the cars.

Eric Lindsey was dragged for about 6 miles as the train moved along the tracks to their destination. An alarm finally sounded telling the conductor there was something wrong. The conductor stopped the train and the crew performed a walking inspection of the 58 cars, which disclosed the nature of the alarm. Lindsey was found between the 47th and 48th cars of the train. Eric Lindsey was pronounced dead at the scene.

Troop H of Missouri Highway Patrol interviewed the family of the victim and said it was not believed that Eric was trying to ride the train.

Pedestrian Hit by Train at 65th, Penrose Streets

First Coast News - 2010
JACKSONVILLE, Fla.

The Jacksonville Sheriff's Office says a woman lost both legs after being run over by a train Thursday afternoon. It happened around 3:40 p.m. Thursday near the intersection of Oakwood and 65th Streets, according to JSO.

Witnesses said the train was stopped as the woman crawled under it with her bicycle, but the train began to move as she was under it, cutting off her legs.

JSO said the front of the train was too far ahead for the conductor to see the woman trying to crawl underneath the train. The victim was taken to Shands in critical condition. A family friend told First Coast News at 9:30 p.m. Thursday the victim remains in critical care. The question on many minds is why the woman was crawling under the train.

Neighbors say it's actually common in the area because the trains block the streets for so long. "She was probably trying to beat the train because around here we have these trains coming they last a long time," explained Karen Carden, who says the victim was probably just trying to get home. Carden said the trains are a nuisance, sometimes blocking the road for over an hour. She said they're also a danger, especially to children. "Even the children trying to get home from school and stuff," she said, "they'd do that." "They try to go under them a lot and they'll try to crawl over them," said 13-year-old Jeff Boone. Boone said although he sees other children do it, he's careful not to play near the trains. The railroad crossings have warning signs, such as flashing lights and bars, but neighbors say the accidents will continue as long as the trains sit on the tracks.