

Exhibit No. ___ (KH-21T)
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

REBUTTAL TESTIMONY OF
KATHY HUNTER
STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

January 19, 2011

EXHIBIT LIST

- Exhibit No. ____ (KH-22) UTC Staff Data Request Nos. 1-3 and Union Pacific's Responses Thereto
- Exhibit No. ____ (KH-23) Union Pacific Spreadsheet Regarding Train Moves in Fife
- Exhibit No. ____ (KH-24) UTC Staff Analysis of Union Pacific Spreadsheet (KH-23)
- Exhibit No. ____ (KH-25) Google Map of Public Facilities in Relationship to the Railroad Tracks and 54th Avenue East
- Exhibit No. ____ (KH-26) Operation Lifesaver Public Education Slides – Visual 33 and Visual 34
- Exhibit No. ____ (KH-27) Series of Six News Articles Reporting Resulting Injuries to Pedestrians Who Crossed Railroad Tracks Illegally
- Exhibit No. ____ (KH-28) Examples of Signs Installed Along Fenced Areas in the Columbia Gorge and I-5 Corridor to Deter Trespassing

1 **Q. Please state your name and business address.**

2 A. My name is Kathy Hunter and my business address is 1300 South Evergreen Park
3 Drive Southwest, Olympia, Washington 98504-7250.

4
5 **Q. Where do you work?**

6 A. I work for the Washington Utilities and Transportation Commission (UTC).

7
8 **Q. What is your current title?**

9 A. I am the Deputy Assistant Director, Transportation Safety.

10

11 **Q. Have you previously submitted testimony in this proceeding?**

12 A. Yes. On September 3, 2010, I filed testimony on behalf of UTC staff in this docket.

13

14 **Q. What is the purpose of your rebuttal testimony filed in this docket?**

15 A. My purpose is to change the recommendation contained in my original testimony as
16 filed on September 3, 2010.

17

18 **Q. What was the recommendation in your original testimony?**

19 A. My recommendation was to approve the modifications sought by the City of Fife
20 (City), as filed in its petition in this docket. Those modifications would allow a
21 pedestrian at-grade crossing at the intersection of 54th Avenue East in Fife and the
22 Union Pacific Railroad tracks.

23

1 **Q. What is your recommendation at this time?**

2 A. I recommend the UTC deny the City's petition. I do not support a pedestrian at-
3 grade crossing at this location.

4
5 **Q. Please tell us why you have changed your recommendation.**

6 A. My decision to change my recommendation is based on testimony filed by others in
7 this docket and other information that I did not have when I filed my original
8 testimony.

9
10 **Q. Describe what it is about the testimony filed by others in this docket that
11 changed your recommendation.**

12 A. See testimony of Pete Nielsen, Senior Manager Terminal Operations for Union
13 Pacific Railroad (UP), filed on September 3, 2010, beginning at page 2, line 6. In his
14 testimony, Mr. Nielsen describes operations conducted at the Fife railroad yard. Mr.
15 Nielsen states that, for four trains each day, UP employees set out cars at the Fife
16 yard. Mr. Nielsen further states that this maneuver often involves stopping the train
17 on the tracks at the 54th Avenue East crossing. Until I read Mr. Nielsen's testimony,
18 I was not aware that trains regularly stopped on the tracks at this crossing.

19
20 **Q. You also testified that you have received additional information that you did not
21 have when you filed your original testimony. Please describe that information.**

22 A. In September, 2010, UTC staff sent data requests to Union Pacific asking for more
23 information about its train operations. The company responded on September 30,

1 2010. See Exhibit No. ____ (KH-22) for the first three questions from UTC staff and
2 the answers from UP. In its response to UTC Staff Data Request No. 2, UP states
3 that the 54th Avenue East crossing is 2,827 feet from the east end of the UP Fife
4 yard. In response to UTC Staff Data Request No. 3, UP provided data on 120 trains
5 that traveled to the UP Fife yard during an approximately one-month period that
6 spans August and September 2010. According to UP's analysis of the data, of these
7 120 trains, 96 of them would have stopped over the crossing for an undetermined
8 period of time.

9
10 **Q. Did UP provide any additional information regarding the train movements at**
11 **the Fife yard?**

12 A. Yes, it did. See Exhibit No. ____ (KH-23), which is a three-page spreadsheet
13 provided by UP in response to our data request.

14
15 **Q. Did UTC staff conduct an independent analysis of the information provided by**
16 **UP to determine if trains would have stopped over the crossing?**

17 A. Yes. Paul Curl, UTC Staff Policy Specialist for Transportation Safety, completed an
18 analysis of this data at my request. See Exhibit No. ____ (KH-24).

19
20 **Q. What did staff find?**

21 A. For the approximate one-month period covered by the data, staff analyzed 74 train
22 movements. Of those 74 trains, 15 of them likely blocked the 54th Avenue East

1 grade crossing for more than ten minutes between 7:00 a.m. and 8:00 p.m., a time
2 period that staff believes is high risk to pedestrians.

3
4 **Q. Why do you consider those hours high risk?**

5 A. There are a number of public facilities just north of the 54th Avenue East crossing.
6 These include a junior high school, city park, museum, multi-purpose pathway,
7 playground, and athletic fields. See Exhibit No. ____ (KH-25), which shows the
8 facilities in relationship to the railroad tracks and 54th Avenue East. I believe that
9 any of these facilities has the potential to cause residents south of the tracks to want
10 to cross the railroad tracks, even if they have to crawl or climb through a stopped
11 train to do so. School begins at 7:40 a.m., so we began the high-risk time period at
12 7:00 a.m. We ended the high-risk time period at 8:00 p.m., a time when pedestrians
13 would likely have already headed home.

14
15 **Q. Why is crawling or climbing through a stopped train a dangerous activity?**

16 A. When a train is stopped, a pedestrian may think it is safe to crawl or climb through
17 the train, between two cars, to get to the other side. If the train is stopped
18 temporarily, however, as is the case with these trains, it is ready to move at any
19 moment. And when it does, it will do so with a quick jerk, and movement begins
20 immediately. See Exhibit No. ____ (KH-26), which are two slides that Operation
21 Lifesaver uses to educate the public about these types of behaviors. There are
22 documented cases where a pedestrian was crawling through a stopped train and the
23 jerk of the train beginning its movement caused the pedestrian to fall. The

1 movement of the train caught the pedestrian before he or she could get out of the
2 way, resulting in serious injury or death. See Exhibit No. ___ (KH-27), which is a
3 series of six news articles that report the results of such behavior. In three cases, the
4 pedestrian was killed. In the other three cases, the pedestrian was seriously injured,
5 with two of those pedestrians losing one or both legs.

6
7 **Q. What is Operation Lifesaver?**

8 A. Operation Lifesaver is an international non-profit organization providing public
9 education programs to prevent collisions, injuries and fatalities on and around
10 railroad tracks and highway-rail grade crossings. The UTC supports and participates
11 in the Operation Lifesaver program in Washington. In fact, I am the UTC
12 representative on the Operation Lifesaver Board and also a certified presenter.

13
14 **Q. In your original testimony of September 3, 2010, on page 15, line 6, you**
15 **recommended an at-grade pedestrian crossing. You stated, “there is a clear and**
16 **pressing need to provide a safe and legal way to move pedestrians from the**
17 **south side of the tracks to the north side and back again. . . .” You further**
18 **stated that pedestrians at this location will “take the most direct route across**
19 **the tracks and currently, that route is both illegal and extremely hazardous.”**
20 **Given this testimony, how did the results of staff’s analysis influence your**
21 **decision to change your recommendation, and now recommend the UTC deny**
22 **the City’s petition for a pedestrian at-grade crossing?**

1 A. In any instance where there are as many as 15 high-risk train movements that
2 provide a possible encounter between a train and a pedestrian in any given month, an
3 at-grade crossing is ill-advised. The potential for serious injury or even death to a
4 pedestrian is too great. While it is true that a safe and legal way to move pedestrians
5 over the tracks at this location would be ideal, I believe it is just not possible to do so
6 with an at-grade crossing given the new information regarding train movements over
7 the crossing.

8

9 **Q. Do you have an opinion on the best solution to the pedestrian problem at this**
10 **location?**

11 A. The absolute best solution would be a pedestrian over-crossing, so that pedestrians
12 did not have to actually cross the tracks at-grade. My understanding is that the City
13 plans to construct a pedestrian over-crossing at or near this location at some point in
14 the future.

15

16 **Q. Absent an over-crossing, are there any measures that can be taken to improve**
17 **safety at this location if the City's petition in this docket is denied?**

18 A. I have several ideas:

19 1. Operation Lifesaver currently makes presentations to the incoming 8th grade
20 students at Columbia Junior High School. I recommend that the
21 presentations continue on an annual basis.

22 2. Warning signs could be installed on the fence along the tracks, to discourage
23 pedestrians from climbing the fence. See Exhibit No. ___ (KH-28), which

1 are examples of signs installed along fenced areas in the Columbia River
2 Gorge and the I-5 corridor to deter trespassing.

3 3. Operation Lifesaver could formulate an education campaign targeted to the
4 homeowners in the residential area south of the crossing. The campaign
5 could involve working with the home owners association to get the
6 educational safety message to residents.

7 4. Operation Lifesaver can staff a booth or trailer at the annual Harvest Festival
8 held at the city park each October. Participation in the festival could involve
9 Operation Lifesaver oral presentations, allowing participants to “drive the
10 train” using the train simulator, handing out educational materials, and
11 responding one-on-one to questions from participants.

12 5. I also recommend increased law enforcement presence near the crossing, by
13 both city police and Union Pacific railroad police.
14

15 **Q. What is your recommendation at this time?**

16 A. I recommend the UTC deny the petition for an at-grade pedestrian crossing at this
17 location.
18

19 **Q. Does this conclude your rebuttal testimony?**

20 A. Yes, it does.