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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY,  
Petitioner

v.

YAKIMA COUNTY,  
Respondent

YAKAMA NATION,  
Intervenor.

DOCKET NO.: TR-140382

AND

DOCKET NO.: TR-140383

PREFILED TESTIMONY OF ROY  
DICK

**SUMMARY**

Roy Dick is an Elder at the Satus Longhouse located on Drainbank Road. Mr. Dick provides testimony based on his status as a Satus Longhouse Elder and his experience in the Satus Longhouse community throughout his life. Mr. Dick’s testimony establishes that the use of the Barnhart Road railroad crossing is part of a traditional route Longhouse members and others use for funeral processions. Mr. Dick also offers testimony on the tendency for flooding along alternative road accesses if the Barnhart Road railroad crossing is closed.

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**TESTIMONY**

Q: Please state your name for the record.

A: My name is Roy Dick.

Q: And where do you work Mr. Dick?

A: I work for the Tribal radio station.

Q: Are you an enrolled member of the Yakama Nation

A: Yes.

Q: Are you a member of the Satus Longhouse?

A: Yes.

Q: What is your status as a member of the Satus Longhouse?

A: I am an Elder of the Satus Longhouse.

Q: Can you explain what it means to be an Elder at the Satus Longhouse?

A: An Elder explains all the unwritten laws, customs, and traditions members of the Longhouse live by, and we oversee Longhouse ceremonies.

Q: How long have you been a member of the Satus Longhouse?

A: I have been a member of the Satus Longhouse for about 43 years. In the years when I lived away from the Longhouse and did not regularly attend services, I worked in Seattle for 5 years and lived in Oregon for 4 years.

Q: Is the railroad crossing at Barnhart Road significant in any way to the Satus Longhouse community?

A: Yes.

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Q: Can you explain why the railroad crossing at Barnhart Road is significant?

A: One reason is that the members of the Longhouse traditionally use the Barnhart Road railroad crossing for funeral processions to the nearby cemetery.

Q: Do you mean the cemetery located northwest of the Satus Longhouse near Plank Road?

A: Yes.

Q: Can you explain any other reasons why the Barnhart Road crossing is significant to the Longhouse Community?

A: Yes. It is also a crossing used by many Satus Longhouse members for easiest access to the Satus Longhouse.

Q: How would it impact the Satus Longhouse community if BNSF is allowed to close the railroad crossing at Barnhart Road?

A: Closing the Barnhart Road railroad crossing would effectively destroy a traditional funeral procession route that is culturally significant to the members of Satus Longhouse and all who mourn the passing of our members there. It would also make it more difficult to access the Satus Longhouse because most Longhouse members use the Barnhart Road railroad crossing to come to the Longhouse.

Q: Are there any other reasons why closing the railroad crossing at Barnhart Road would make accessing the Satus Longhouse more difficult?

A: Yes.

Q: Can you explain those reasons?

A: The roads on the alternative routes to the Longhouse sometimes flood over.

1 Q: Being an Elder of the Satus Longhouse, are you familiar with the community surrounding  
2 the Longhouse?

3 A: Yes.

4  
5 Q: Can you tell me how you believe closing the Barnhart Road railroad crossing might  
6 impact the community around the Satus Longhouse?

7 A: There are now families living within that area that depend on access over the Barnhart  
8 Road railroad crossing to access State route 22. I believe that the crossing is vital to those  
9 families.

10 Q: Any other impacts you can think of to the community if the Barnhart Road railroad  
11 crossing is closed?

12 A: Yes. This railroad crossing has been there for as long as I can remember. The area is  
13 mainly agricultural, and I often times see farmers use the Barnhart Road railroad crossing. I  
14 believe the farmers will have to find other railroad crossings to use or use State Route 22 for  
15 longer trips with their farm equipment, which increases risk to them and other drivers.  
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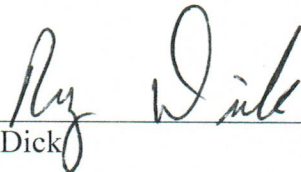
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1 Q: What do you hope is done with the railroad crossing at Barnhart Road?

2 A: I hope the railroad crossing at Barnhart Road is kept open. I know it is important for me  
3 as an Elder of the Satus Longhouse and for the members who worship at the Longhouse. It is  
4 important for funeral processions and for general access to the Longhouse. And I know the  
5 Barnhart Road railroad crossing is important for the surrounding community.


6  
7 I, Roy Dick, declare under penalty of perjury under the laws of the State of Washington  
8 that the foregoing PREFILED TESTIMONY OF ROY DICK is true and correct to the best of  
9 my knowledge and belief.

10 Signed at Toppenish, Washington, this 10 day of February, 2015.

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14 Roy Dick

15 DATED this 10<sup>th</sup> day of February, 2015

16  
17 Galanda Broadman, PLLC

18  
19   
20 R. Joseph Sexton, WSBA #38063  
21 Galanda Broadman PLLC  
22 Attorneys for Intervenor Yakama Nation  
23 8606 35<sup>th</sup> Ave NE, Suite L1  
24 P.O. Box 15146  
25 Seattle, WA 98115  
(206) 557-7509

**CERTIFICATE OF SERVICE**

I, R. Joseph Sexton, declare as follows:

1. I am now and at all times herein mentioned a legal and permanent resident of the United States and the State of Washington, over the age of eighteen years, not a party to the above-entitled matter, and competent to testify as a witness.

2. I am employed with the law firm of Galanda Broadman PLLC, 8606 35<sup>th</sup> Ave. NE, Suite L1, Seattle, WA 98115.

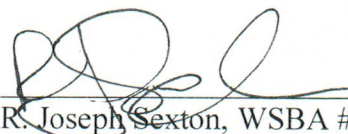
3. I submitted the foregoing document for filing with the Washington Utilities and Transportation Commission via United States Postal Service or a courier service for hand delivery to Steven King, Executive Director and Secretary of the Washington Utilities and Transportation Commission, and through the Commission's Web Portal. I also submitted an electronic PDF version as well as hard copies via United States Postal Service to the following parties and representatives:

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<p>1 Counsel for Petitioner, BNSF Railway Tom Montgomery 2 Montgomery Scarp MacDougall, PLLC 1218 Third Avenue, Ste 2700 3 Seattle, WA 98101 4 5</p>	<p>Representative for Petitioner, BNSF Railway Richard Wagner Manager Public Projects BNSF Railway 2454 Occidental Avenue S. Suite 2D Seattle, WA 98134</p>
<p>6 Counsel for Respondent, Yakima County Kenneth W. Harper 7 Menke Jackson Beyer, LLP 807 North 39th Avenue 8 Yakima, WA 98902 9 10</p>	<p>Representative for Respondent, Yakima County Gary Ekstedt Yakima County Dept of Public Services County Engineer / Assistant Director 128 N. 2<sup>nd</sup> Street, Room 408 (Courthouse) Yakima, WA 98901-2639</p>

11  
12 The foregoing statement is made under penalty of perjury and under the laws of the State  
13 of Washington and is true and correct.

14 Signed at Yakima, Washington, this 11th day of February, 2015.

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18 R. Joseph Sexton, WSBA #38063